



City of Bellingham
City Council Regular Meeting Agenda
July 20, 2020, 7:00 PM

Mayor Seth Fleetwood
Council Members Hannah Stone, Gene Knutson, Daniel Hammill,
Pinky Vargas, Lisa Anderson, Michael Lilliquist and
Hollie Huthman

Contact: (360) 778-8200, ccmail@cob.org

www.cob.org/council

All meetings are held in the City Hall Council Chambers at
210 Lottie Street, Bellingham, WA, unless otherwise noted.
Please note the doors to City Hall unlock at 6:30 PM.

Council members will participate in this meeting remotely through an online web-based meeting platform. Per Washington State Proclamation 20-28, in-person attendance at meetings is prohibited at this time.

Council meetings are streamed live via the City's website at meetings.cob.org and on the [City's YouTube channel](#). Meetings are broadcast in high definition on BTV on Comcast channel 321, and in standard definition on Comcast channel 10. Members of the public who do not have cable or Internet access may contact the City Council office to receive phone numbers in order to listen to the meeting via telephone.

Anyone wishing to comment during the regular public comment period is invited to do so. Advanced testimony by mail, email, and telephone is accepted and strongly encouraged by sending comments to the Council Office, 210 Lottie Street, ccmail@cob.org, or (360) 778-8200. Anyone wishing to testify live can do so by joining the remote meeting at the following link: <https://www.cob.org/ccph>. This link can be used before the meeting to pre-register or during the meeting to register and immediately join the meeting to testify. Pre-registration is encouraged.

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

(253) 215-8782
(346) 248-7799
(669) 900-6833
(301) 715-8592
(312) 626-6799
(929) 205-6099

Meeting ID: 944 2836 9970

Password: 9

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

22593 1. Update on COVID-19 Response p. 6

15-Minute Public Comment Period

Mayor's Report

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

22699 1. Mayor's Reappointment of Kaylee Galloway and Alycia Hawkins to p. 7
the Community Development Advisory Board (Information)

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

Council Standing Committee Meetings:

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

Public Works and Natural Resources 1:00 PM

Michael Lilliquist, Chair

Pinky Vargas, Lisa Anderson

22700 1. Resolution Authorizing Relinquishment of Public Utility Easements p. 8
Located within the Bakerview Heights Industrial Park

| | | | |
|--------------|-----------|--|--------------|
| 22701 | 2. | Bid Award for the Samish-Maple-Ellis Multimodal Safety Improvements Project ES-0552, Bid 43B-2019 | p. 24 |
| 22703 | 3. | Request for Sewer Service at 3734 Britton Road | p. 32 |
| 22329 | 4. | Apprenticeship Program on Bellingham Public Contracts | p. 44 |
| 22704 | 5. | A Resolution Appointing a Committee to Prepare a Statement for the Local Voter's Pamphlet in Favor of the Transportation Ballot Measure | p. 55 |
| 22705 | 6. | Post Point Resource Recovery Project Update | p. 60 |

Committee Of The Whole 2:00 PM

Gene Knutson, Chair

Hannah Stone, Daniel Hammill, Pinky Vargas, Lisa Anderson, Michael Lilliquist, Hollie Huthman

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

| | | | |
|--------------|-----------|--|--------------|
| 22706 | 1. | Bellingham Police Department Achieves Re-Accreditation Through the Washington Association of Sheriffs and Police Chiefs | p. 74 |
| 22671 | 2. | A Work Session to Continue the Family Definition Discussion | p. 77 |
| 22586 | 3. | Resolution Adopting the Lake Whatcom Management Program 2020-2024 Work Plan | p. 82 |
| | 4. | Approval of Minutes | |
| | 5. | Old/New Business | |

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.

| | | | |
|--------------|-----------|---|---------------|
| 22707 | 1. | A Resolution Setting the Date and Time for a Public Hearing Before the Hearing Examiner for Consideration of a Street Vacation Petition for a Portion of Pasco Street Between Samish Way and Abbott Street in Bellingham | p. 170 |
| 22708 | 2. | A Resolution Setting the Date and Time for a Public Hearing Before the Hearing Examiner for Consideration of a Street Vacation Petition | p. 174 |

for a Portion of Queen Street Generally Between Lakeway and the Skate Park at Civic Field

| | | | |
|--------------|-----------|---|---------------|
| 22709 | 3. | Interagency Agreement Between the City of Bellingham and the University of Washington for Public Outreach Assistance Related to the City's Americans with Disabilities Act (ADA) Transition Plan | p. 178 |
| 22710 | 4. | Authorization of A/P Checks Issued July 02, 2020 | p. 183 |
| 22711 | 5. | Authorization of A/P Payments Issued July 09, 2020 | p. 184 |
| 22712 | 6. | Authorization of Payroll Labor Cost Payments For the Period Dated June 16 to June 30, 2020 | p. 185 |

Final Consideration of Ordinances

| | | | |
|--------------|-----------|--|---------------|
| 22686 | 1. | An Ordinance Expanding the Approved List of Transportation Projects that May Be Funded with the Two-Tenths of One Percent (0.002) Sales and Use Tax | p. 186 |
| 22690 | 2. | An Ordinance Authorizing Issuance of Water and Sewer Refunding and Revenue Bonds | p. 191 |
| 22691 | 3. | An Ordinance Amending the 2019-2020 Biennial Budget Increasing Appropriations and Estimated Revenues in the General Fund for COVID-19 Recovery | p. 230 |

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, August 24, 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.



City Council Agenda Bill

22593

Bill Number

Subject: **Update on COVID-19 Response**

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

Previous Council Action: **Staff Presentations on 3/23/20, 4/13/20, 4/27/20, 5/4/20, 5/18/20, 6/8/20, 6/22/20 and 7/6/20**

Fiscal Impact: **Yet to be determined**

Funding Source: **Citywide Funds**

Attachments:

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|----------------------|--------------|------------------------|---------------------------------|------------|
| Evening Presentation | 7/20/2020 | Information/Discussion | Mayor Seth Fleetwood and Guests | 30 minutes |

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Brian Heinrich, Deputy Administrator

Council Action:

| Reviewed By | Department | Date |
|--------------------------|------------|-----------|
| <i>Brian M. Heinrich</i> | Executive | 7/14/2020 |
| <i>Peter M. Ruffatto</i> | Legal | 7/14/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



City Council Agenda Bill

22699

Bill Number

Subject: **Mayor's Reappointment of Kaylee Galloway and Alycia Hawkins to the Community Development Advisory Board (Information)**

Summary Statement: The Community Development Advisory Board is authorized by Ordinance 2.46.020.

The Mayor reappoints Kaylee Galloway to her first full term, which will expire on July 17, 2023, at which time she may be reappointed.

The Mayor reappoints Alycia Hawkins to her first full term, which will expire on August 21, 2023, at which time she may be reappointed.

Previous Council Action: **N/A**

Fiscal Impact: **None**

Funding Source: **None**

Attachments:

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|--|--------------|------------------------|----------------------|-----------|
| Mayor's Report - Appointment - For Information | 7/20/2020 | Information/Discussion | Mayor Seth Fleetwood | 0 minutes |

Recommended Motion:

Council Committee:

Agenda Bill Contact:
Tracy Lewis, Mayor's Office

Council Action:

| Reviewed By | Department | Date |
|--------------------------|------------|-----------|
| <i>Brian M. Heinrich</i> | Executive | 6/30/2020 |
| <i>Peter M. Ruffatto</i> | Legal | 6/30/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



City Council Agenda Bill

22700

Bill Number

Subject: **Resolution Authorizing Relinquishment of Public Utility Easements Located within the Bakerview Heights Industrial Park**

Summary Statement: The proposed resolution authorizes the relinquishment of two public utility easements located within the Bakerview Heights Industrial Park located off Irongate Road in order to facilitate private development. The relinquishment is contingent upon the developer fulfilling certain conditions contained in the resolution to ensure replacement easements are in place for the affected sanitary sewer main and stormwater facility.

Previous Council Action: **None**

Fiscal Impact: **None**

Funding Source: **N/A**

Attachments:

1. STAFF REPORT
2. DEED AND RELINQUISHMENT OF UTILITY EASEMENTS
3. RELINQUISHMENT RESOLUTION
4. BAKERVIEW HEIGHTS INDUSTRIAL PARK MAP

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|--|--------------|-----------------|----------------------------|-----------|
| Committee Briefing - Vote Requested | 7/20/2020 | Pass Resolution | Eric Johnston, PW Director | 5 minutes |

Recommended Motion:

Council Committee:
Public Works and Natural Resources
Committee

Agenda Bill Contact:
Brent Baldwin/Lance Rexroat, PWE 778-7940

Council Action:

| Reviewed By | Department | Date |
|--------------------------|--------------|-----------|
| <i>Eric C. Johnston</i> | Public Works | 7/13/2020 |
| <i>Matthew T. Stamps</i> | Legal | 7/14/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



City of Bellingham
210 Lottie Street
Bellingham, WA 98225

STAFF REPORT

TO: CITY COUNCIL

FROM: ERIC JOHNSTON, PUBLIC WORKS DIRECTOR
MATT STAMPS, ASSISTANT CITY ATTORNEY

CC: MAYOR SETH FLEETWOOD

SUBJECT: RELINQUISHMENT AND REPLACEMENT OF PUBLIC UTILITY EASEMENTS TO
FACILITATE DEVELOPMENT OF THE BAKERVIEW HEIGHTS INDUSTRIAL PARK

DATE: JULY 7, 2020

BACKGROUND: Iron Gate Heights, LLC (the "Owner") is seeking to develop an industrial park located on Iron Gate Road (north of Bakerview Road) known as the Bakerview Heights Industrial Park. The Owner has an application pending to create lots for sale or lease through the City's specific binding site plan process contained in BMC 23.24. The binding site plan process requires the Owner to demonstrate that there are adequate public and/or private facilities to serve the proposed development.

In order to facilitate its proposed development, the Owner has worked closely with City staff, including the public works department and legal department, to develop a plan for certain sewer and stormwater facilities pursuant to which:

1. An existing public utility easement will be relinquished and replaced with a new public sewer easement that more accurately describes the existing location of the sewer main; and
2. An existing utility easement for a public stormwater facility that mitigates stormwater runoff from Iron Gate Road will be relinquished and replaced by a stormwater easement for a new private stormwater facility that will replace the public facility and provide stormwater mitigation for the entire development and the adjacent portions of Iron Gate Road.

The proposed Resolution included with this agenda item authorizes relinquishment of the existing easements upon Owner's fulfillment of certain conditions contained in Sections 1 and 2 of the Resolution. The conditions which must be met prior to relinquishment will ensure that the City has adequate easements in place for the public sewer main and private stormwater facility located on the property. In particular, the easement for the private stormwater facility will provide the City with the right to inspect the facility and ensure it is maintained to applicable standards (including the right to lien each property in the development for any costs incurred by the City).

RECOMMENDED ACTION: Staff recommends approval of the proposed Resolution, authorizing relinquishment of the existing easements upon Owner's fulfillment of the stated conditions.

AFTER RECORDING RETURN TO:

City of Bellingham
Public Works, Engineering
104 W. Magnolia Street, Suite 109
Bellingham, WA 98225

Title of Document: **DEED OF SANITARY SEWER EASEMENT AND
RELINQUISHMENT OF UTILITY EASEMENTS**

Reference Numbers: 2011100703 and 2011100704 (to be released)

Grantor: Bellingham Property Investments LLC

Grantee: City of Bellingham

Abbreviated
Legal Description: Portion of Bakerview Heights Industrial Park General Binding
Site Plan (Complete Legal Description on Pg. 8, Exhibit B)

Assessor's
Tax Parcel Nos.: Geographic ID: 380308 668082 0000

Project No: PFC2020-0012

Trakit No.: ACQ2020-0025

**THIS DEED OF SANITARY SEWER EASEMENT AND RELINQUISHMENT OF
UTILITY EASEMENTS** ("Agreement") is entered into by and between IRONGATE
HEIGHTS, LLC, a Washington State limited liability company, ("Owner") and the CITY
OF BELLINGHAM, a first class city and municipal corporation of the State of
Washington (the "City"), and

WHEREAS, the Owner owns certain real property located in Whatcom County,
Washington, commonly known as Bakerview Heights Industrial Park, Bellingham, WA
and legally described in Exhibit A hereto (the "Property"); and

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WHEREAS, the Property is subject to two separate utility easements granted to the City under Whatcom County Auditor's File Numbers 2011100703 and 2011100704 ("Existing Easements"); and

WHEREAS, the Bellingham City Council adopted Resolution 2020-____ on _____, authorizing the mayor to relinquish the Existing Easements upon Owner's fulfillment of the conditions identified in Sections 1 and 2 of the Resolution ("Conditions Precedent to Relinquishment"); and

WHEREAS, Owner has fulfilled the Conditions Precedent to Relinquishment.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

TERMS AND CONDITIONS

1. **Recitals.** The above recitals are a part of this Agreement and the Parties represent and warrant that they are true and correct.

2. **Relinquishment of Existing Easements.** The City hereby relinquishes and extinguishes the Existing Easements.

3. **Grant of Easement.** Owner hereby grants to the City a perpetual, non-exclusive easement on, across, under and within the Easement Area for inspection, operation, maintenance, repair, addition to, or replacement of sewer lines and appurtenances within the Easement Area.

4. **Owner's Continued Use of the Easement Area.** Owner may continue to use the surface of the Easement Area provided such use does not interfere with City's rights contained in this Agreement. Owner shall not place any new structures or trees in the Easement Area. Any landscaping in the Easement Area shall be of such a character as to permit ready removal and replacement when maintenance or excavation is required. Owner shall not perform any grading work or allow any other utilities to be located in the Easement Area without the prior written consent of City. Issuance of a public works permit for work within the Easement Area shall satisfy the written consent requirement of this paragraph.

5. **Maintenance and Restoration.** The City shall be solely responsible for the maintenance of all public sewer lines and appurtenances located within the Easement Area. On each occasion that the City performs work within the Easement Area, the City shall, at its own expense and to the extent reasonably practicable, restore the surface of the land to the same conditions that existed prior to such work. Notwithstanding the foregoing, the Owner shall immediately reimburse the City for any costs incurred to investigate and repair any damage to public infrastructure located in

RECORDED:

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the Easement Area caused by the actions or inactions of the Owner or its agents, invitees, or contractors, provided that Owner shall first be provided notice and a reasonable opportunity to cure.

6. **Ownership of Sewer Lines and Appurtenances.** All sewer lines and appurtenances placed within the Easement Area by Grantor or its contractors pursuant to this Agreement shall remain the property of the City.

7. **Running Covenants.** This Agreement and the easement granted herein shall be deemed a covenant running with the land and shall be binding upon and inure to the benefit of the owners of the Property and their successors and assigns.

8. **No Termination Upon Breach.** No breach of this Agreement shall entitle either Party to cancel, rescind or otherwise terminate this Agreement; provided, however, that this provision shall not limit or otherwise affect any other right or remedy which such party may have hereunder by reason of any breach of this Agreement.

9. **Notices.** Any notices required under this Agreement shall be in writing and shall be provided by certified mail or personal delivery to the Parties at the following addresses:

To Owner: Irongate Heights LLC
5751 Mt. Baker Highway
Deming, WA 98244-9530

To the City: City of Bellingham
Attn: Public Works Director
104 W. Magnolia Street
Bellingham, WA 98225

With copy to:

City of Bellingham Legal Department
Attn: City Attorney
210 Lottie Street
Bellingham, WA 98225

Notice shall be deemed received upon the earlier of three business days following deposit into the United States mail or upon actual receipt, whichever is sooner.

10. **Jurisdiction and Venue.** Any dispute arising out of or relating to this Agreement shall be governed by the laws of the state of Washington, and venue shall lie exclusively in the Superior Court for the State of Washington, Whatcom County. In any dispute under this Agreement, each Party shall bear its own attorney's fees and

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costs.

11. **Amendment.** This Agreement may be amended only by written instrument executed by all parties.

EXECUTED this _____ day of _____, 2020 by **IRONGATE HEIGHTS, LLC.**, by:

Mike Hammes, Managing Member

EXECUTED this _____ day of _____, 2020 for the **CITY OF BELLINGHAM** by:

Departmental Approval:

Mayor

Director of Public Works

Attest:

Approved as to Form:

Finance Director

Office of the City Attorney

RECORDED:

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STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that **Mike Hammes** is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the **Managing Member** of **IRONGATE HEIGHTS, LLC.**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of _____, 2020.

NOTARY PUBLIC in and for the State of Washington

My appointment expires: _____

RECORDED:

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STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that **Seth Fleetwood** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Mayor** of the **CITY OF BELLINGHAM** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of _____, 2020.

NOTARY PUBLIC in and for the State of Washington
My appointment expires: _____

RECORDED:

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EXHIBIT A BURDENED PROPERTY

SUBJECT PROPERTY LEGAL DESCRIPTION (PER AF NO. 2018-0902594)

BAKerview HEIGHTS INDUSTRIAL PARK GENERAL BINDING SITE PLAN, ACCORDING TO THE MAP THEREOF, RECORDED ON NOVEMBER 6, 2001, UNDER AUDITOR'S FILE NO. 2011100706, RECORDS OF WHATCOM COUNTY, WASHINGTON.

EXCEPT IRONGATE ROAD AS DEDICATED TO THE CITY OF BELLINGHAM

SITUATE IN WHATCOM COUNTY, WASHINGTON

TOGETHER WITH:

ALL THOSE PORTIONS OF MARS AVENUE, ROSS STREET, AND RICHARDS AVENUE, AS DEDICATED IN THE MAP OF GARDEN ADDITION TO THE TOWN OF WHATCOM AS RECORDED IN VOLUME 1 OF PLATS, PAGE 29, AS WOULD ATTACH BY OPERATION OF LAW, WHICH ABUT AND ADJOIN TO THAT PROPERTY DESCRIBED AS: BAKerview HEIGHTS INDUSTRIAL PARK GENERAL BINDING SITE PLAN, ACCORDING TO THE MAP THEREOF, RECORDED ON NOVEMBER 6, 2001, UNDER AUDITOR'S FILE NO. 2011100706, RECORDS OF WHATCOM COUNTY, WASHINGTON.

EXCEPT IRONGATE ROAD AS DEDICATED TO THE CITY OF BELLINGHAM

SITUATE IN WHATCOM COUNTY, WASHINGTON.

RECORDED:

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EXHIBIT B

RECORDED:

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EASEMENT LEGAL DESCRIPTION



Pacific Surveying & Engineering, Inc
land surveying • civil engineering • consulting • environmental
909 Squalicum Way #111, Bellingham, WA 98225
Phone 360.671.7387 Facsimile 360.671.4685 Email info@pseurvey.com

EXHIBIT 'D' SANITARY SEWER EASEMENT LEGAL DESCRIPTION

A 20 FOOT WIDE EASEMENT FOR SANITARY SEWER FACILITIES LOCATED WITHIN A PORTION OF BAKERVIEW HEIGHTS INDUSTRIAL PARK GENERAL BINDING SITE PLAN, ACCORDING TO THE MAP THEREOF, RECORDED ON NOVEMBER 6, 2001, UNDER AUDITOR'S FILE NO. 2011100706, RECORDS OF WHATCOM COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID GENERAL BINDING SITE PLAN; THENCE ALONG THE SOUTH LINE THEREOF, SOUTH 88°32'24" EAST, 30.01 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY MARGIN FOR IRON GATE ROAD AND THE **POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID SOUTH LINE AND EXTENSION THEREOF, SOUTH 88°32'24" EAST, 600.32 FEET; THENCE NORTH 58°27'43" EAST, 381.29 FEET; THENCE NORTH 35°10'23" WEST, 118.32 FEET; THENCE NORTH 09°55'36" EAST, 132.04 FEET, TO A POINT ON THE SOUTHEASTERLY MARGIN OF SAID ROAD; THENCE ALONG SAID MARGIN, SOUTH 41°53'44" WEST, 37.77 FEET; THENCE DEPARTING SAID MARGIN, SOUTH 09°55'36" WEST, 108.30 FEET; THENCE SOUTH 35°10'23" EAST, 105.31 FEET; THENCE SOUTH 58°27'43" WEST, 354.06 FEET; THENCE PARALLEL WITH AND 20.00 FEET NORTH OF THE SOUTH LINE OF SAID GENERAL BINDING SITE PLAN, NORTH 88°32'24" WEST, 307.65 FEET; THENCE NORTH 00°36'26" WEST, 126.74 FEET, TO A POINT ON THE SOUTHERLY MARGIN OF SAID ROAD; THENCE ALONG SAID MARGIN, SOUTH 78°28'38" WEST, 20.37 FEET; THENCE DEPARTING SAID MARGIN, SOUTH 00°36'26" EAST, 122.16 FEET; THENCE PARALLEL WITH AND 20.00 FEET NORTH OF THE SOUTH LINE OF SAID GENERAL BINDING SITE PLAN, NORTH 88°32'24" WEST, 265.79 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY MARGIN OF SAID ROAD AND A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE EAST, FROM WHICH THE RADIUS POINT BEARS SOUTH 80°03'37" EAST A DISTANCE OF 95.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°33'12" A DISTANCE OF 15.84 FEET TO A POINT ON A NON-TANGENT LINE; THENCE ALONG SAID LINE AND MARGIN, SOUTH 00°23'11" WEST, 4.21 FEET TO THE **POINT OF BEGINNING**.

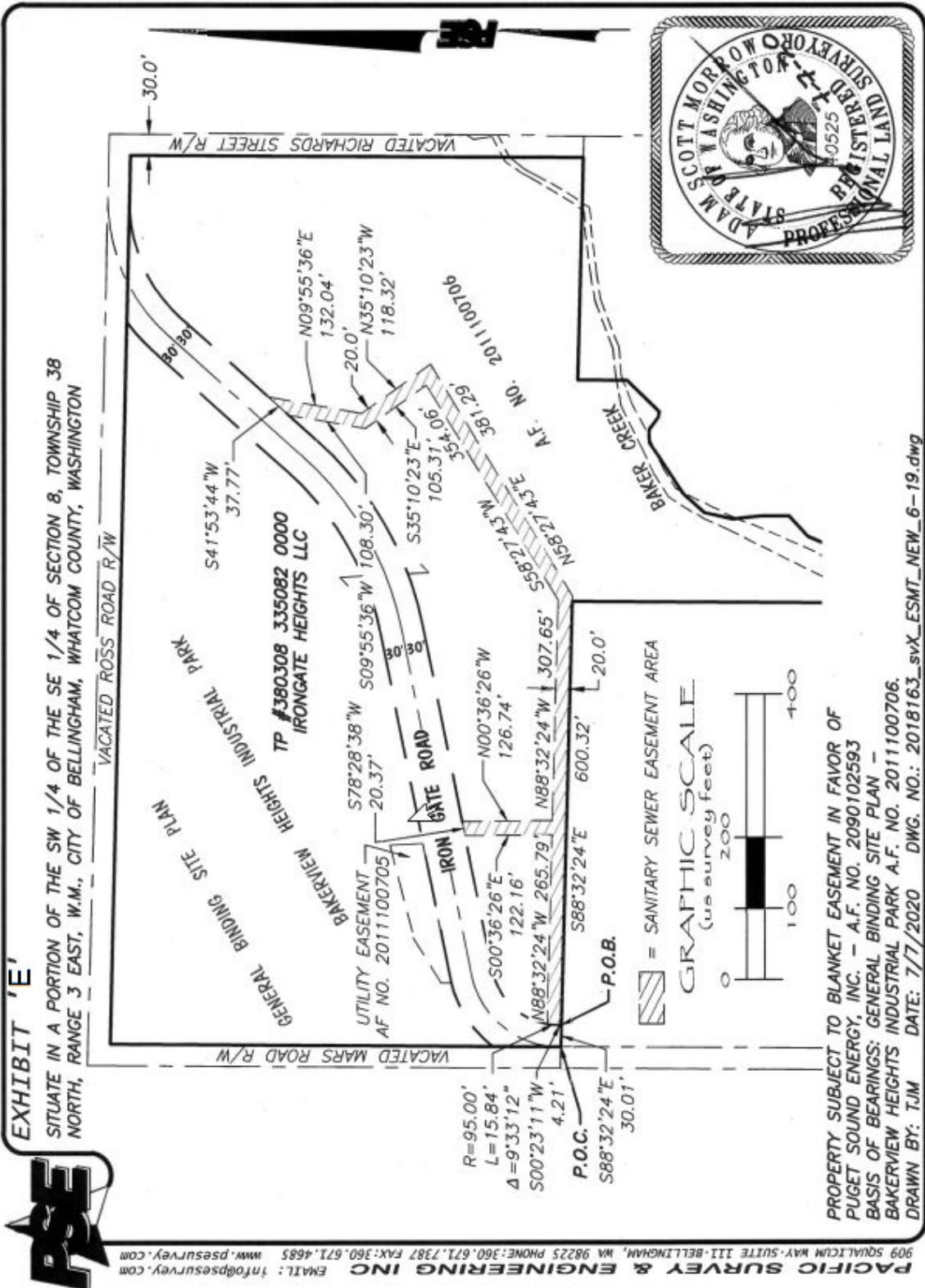
SITUATE IN THE CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON.



EXHIBIT C

RECORDED:

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RECORDED:

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RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF BELLINGHAM, WASHINGTON
AUTHORIZING THE RELINQUISHMENT OF TWO CITY UTILITY EASEMENTS
ENCUMBERING REAL PROPERTY KNOWN AS THE BAKERVIEW HEIGHTS
INDUSTRIAL PARK**

WHEREAS, Irongate Heights, LLC (“Owner”) owns certain real property in Bellingham, Washington commonly known as the Bakerview Heights Industrial Park and more particularly described in the General Binding Site Plan recorded under Whatcom County Auditor’s File No. 2011100706 (the “Subject Property”); and

WHEREAS, Owner is seeking to develop the Subject Property and has applied to the City of Bellingham (the “City”) to create individual lots for lease or sale through the specific binding site plan process provided in Chapter 23.24 of the Bellingham Municipal Code (“BMC”); and

WHEREAS, BMC 23.24.030 provides that final approval is contingent upon adequate public and/or private infrastructure being in place to serve the lots proposed within the specific binding site plan application; and

WHEREAS, the City currently owns and maintains a public stormwater facility that is located on the Subject Property partially within a public utility easement recorded under Whatcom County Auditor’s File No. 2011100704 (“Utility Easement A”), which provides stormwater mitigation for the adjacent public roadway known as Iron Gate Road (“Public Stormwater Facility”); and

WHEREAS, Owner is proposing to remove the Public Stormwater Facility and replace it with a private stormwater facility, constructed at Owner’s expense, that will provide stormwater mitigation for Iron Gate Road and each tract within the proposed specific binding site plan (the “Project”); and

WHEREAS, to facilitate Owner’s construction of the Project it will be necessary for the City to relinquish the Utility Easement A and abandon the Public Stormwater Facility in place; and

WHEREAS, City staff recommend approval of the proposed relinquishment of Utility Easement A, conditioned upon Owner fulfilling the conditions identified in Section 1 below; and

WHEREAS, the City also owns and maintains a sanitary sewer main located on the Subject Property partially within Utility Easement A and partially within a separate public utility easement recorded under Whatcom County Auditor’s File No. 2011100703 (“Utility Easement B”); and

WHEREAS; the existing public sewer main was constructed on the Subject Property partially outside Utility Easements A and B and, therefore, it is in the best interest of the City and Owner to relinquish Utility Easements A and B and replace them with a new public sewer easement that accurately describes the location of the existing sewer main which will remain in place to serve the development; and

WHEREAS, the Public Works Department has determined that Existing Public Utility Easements A and B will become surplus to the City's needs and should be relinquished upon the fulfillment of the conditions identified below in Sections 1 and 2, respectively, which will ensure that adequate replacement easements and facilities are in place to cover the existing sanitary sewer main and proposed private stormwater facility on the Subject Property.

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

Section 1. Relinquishment of Utility Easement A (AFN 2011100704). The mayor is authorized to execute and record all documents necessary to relinquish Utility Easement A upon Owner's fulfillment of all the following conditions, as determined by the Office of the City Attorney:

- a. Execution of a Construction Agreement and Performance Bond for the Project, in a form approved by the Office of the City Attorney and executed by the Mayor;
- b. Construction of the Project in accordance with the Construction Agreement and Land Disturbance Stormwater Permit #STM2019-0196;
- c. Execution and recordation of a Second Amendment to the Covenants, Conditions and Restrictions for the Bakerview Heights Industrial Park, in a form approved by the Office of the City Attorney and executed by the Mayor, for the purpose of providing the City with an easement to inspect the new Private Stormwater Facility and ensure it is maintained in accordance with the Operation and Maintenance Manual approved by the City; and
- d. Execution and recordation of a sewer easement covering the existing sewer main located on the Subject Property, in a form approved by the Office of the City Attorney and executed by the Mayor.

Section 2. Relinquishment of Utility Easement B (AFN 2011100703). The mayor is authorized to execute and record all documents necessary to relinquish Utility Easement B upon the fulfillment of the following condition, as determined by the Office of the City Attorney: Execution and recordation of a replacement sewer easement covering the existing sewer main located on the Subject Property, in a form approved by the Office of the City Attorney and executed by the Mayor.

PASSED by the Council this _____ day of _____, 2020.

Council President

APPROVED by me this _____ day of _____, 2020.

Seth Fleetwood, Mayor

ATTEST:

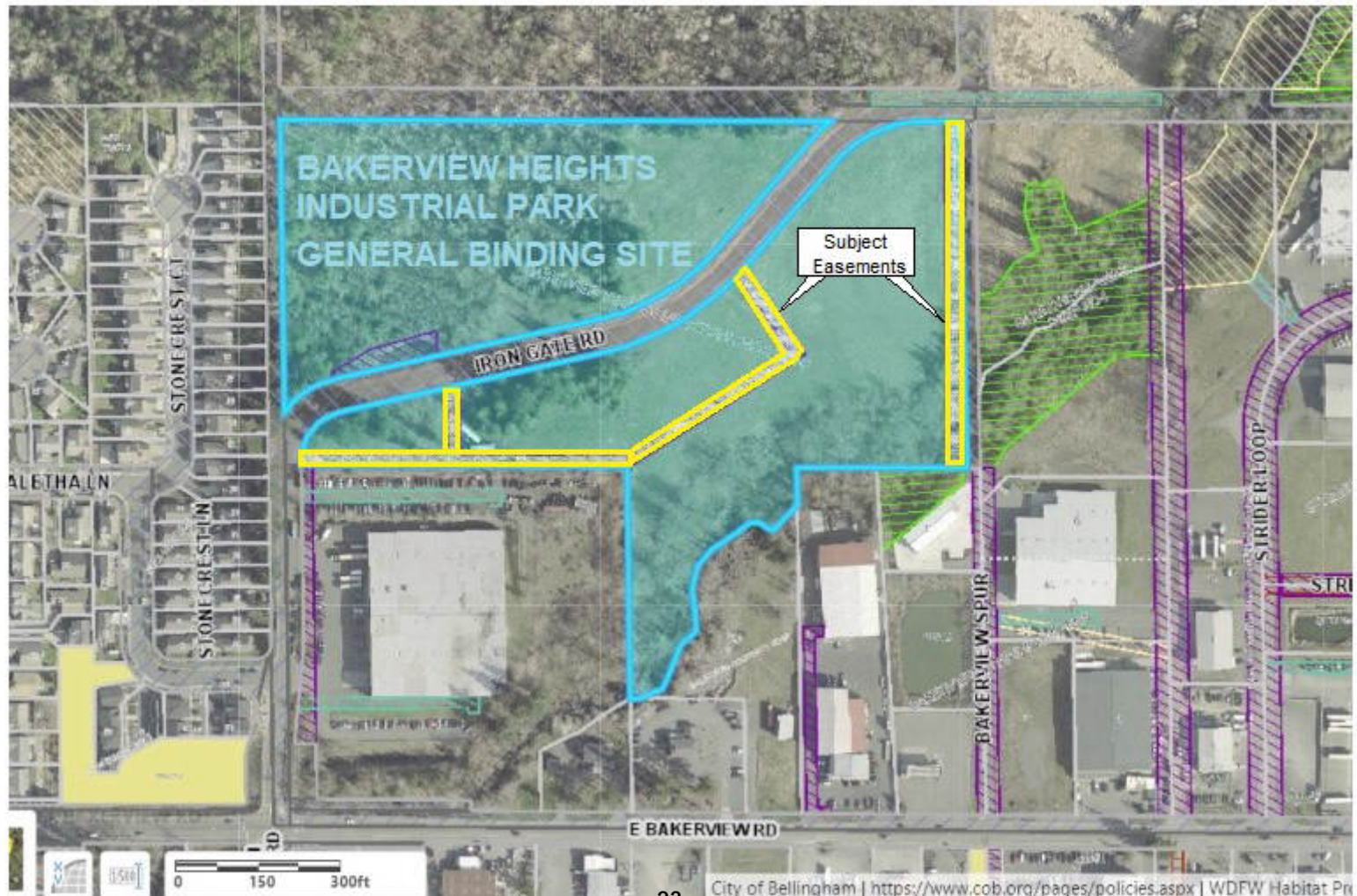
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

BAKERVILLE HEIGHTS INDUSTRIAL PARK GBSP

PROPOSED RELEASE OF EASEMENTS (BELLINGHAM PROPERTY INVESTMENTS LLC)





City Council Agenda Bill

22701

Bill Number

Subject: Bid Award for the Samish-Maple-Ellis Multimodal Safety Improvements Project ES-0552, Bid 43B-2019

Summary Statement: The Samish-Maple-Ellis project will implement transportation corridor changes necessary to achieve the goals identified in City policy. The work specifically includes reconstruction of existing curb ramps, channelization revisions, hardscape improvements and signal upgrades along the Samish-Maple-Ellis corridor from Lakeway Drive to the I-5 interchange. The changes will result in a dramatic change to the look and use of the corridor with the elimination of travel lanes in lieu of buffered bicycle lanes and enhanced pedestrian crossings on Samish Way. The City received six bids, which were publicly opened on July 8, 2020. Colacurcio Brothers Construction Company, Inc. was the responsible bidder who submitted the lowest responsive bid of \$766,323.90, including any applicable Washington State Sales or Use Tax. The engineer's estimate was \$1,163,177.65.

Previous Council Action: Approval of the 2019-2020 City Budget, Bicycle Master Plan approval, Pedestrian Master Plan approval, Samish Way Sub-Area Plan approval, and 6-Year TIP approval.

Fiscal Impact: Funding for the \$766,323.90 in construction cost, is a combination of Transportation Fund, sales tax revenue and a reimbursement grant from the State of Washington for 80% of eligible project costs. Funding authorization was included with the approved 2019-2020 Budget.

Funding Source: WSDOT Grant, Transportation Fund

Attachments:

1. STAFF REPORT
2. FAQ
3. 43B-2020 FINAL BID OPENING REPORT
4. 43B-2020 MANDATORY BIDDER RESPONSIBILITY CHECKLIST
5. ES-0552 VICINITY MAP

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|--|--------------|----------------|-----------------------------|-----------|
| Committee Briefing - Vote Requested | 7/20/2020 | Award Bid | Eric Johnston - PW Director | 5 minutes |

Recommended Motion:

Council Committee:
Public Works and Natural Resources
Committee

Agenda Bill Contact:
Freeman Anthony, 360-778-7924

| Reviewed By | Department | Date |
|-------------------------|--------------|-----------|
| <i>Eric C. Johnston</i> | Public Works | 7/13/2020 |

Council Action:

| | | |
|-----------------------------|------------|-----------|
| <i>Connie C. Allen</i> | Purchasing | 7/14/2020 |
| <i>Andrew D. Asbjornsen</i> | Finance | 7/14/2020 |
| <i>Matthew T. Stamps</i> | Legal | 7/14/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



City of Bellingham
210 Lottie Street
Bellingham, WA 98225

STAFF REPORT

TO: CITY COUNCIL
FROM: ERIC JOHNSTON, PUBLIC WORKS DIRECTOR
CC: MAYOR SETH FLEETWOOD
SUBJECT: 43B-2020 BID AWARD FOR SAMISH-MAPLE-ELLIS MULTIMODAL SAFETY IMPROVEMENTS (PROJECT ES-552)
DATE: 20 July 2020

BACKGROUND:

Samish Way is identified in the [Samish sub area plan](#), the [Bicycle master plan](#) and the [Pedestrian master plan](#) as needing changes and improvements to meet the policy goals and objectives of the City. [The Samish-Maple-Ellis Multimodal Safety Improvement project](#) will remove one vehicle lane each direction from Bill Macdonald Parkway to Chestnut street to install buffer-separated bike lanes on both sides of the corridor from Lakeway Drive south to the Samish/I-5 overpass. A new pedestrian-activated flashing crosswalk will be constructed at Bill McDonald/34th Street. Bike lane improvements will be extended on Ellis Street into downtown from Lakeway Drive to Cornwall Avenue. These improvements will connect to both existing bicycle facilities and those scheduled for construction. Additional information about the project, including questions about congestion, is described in greater detail in the attached [Samish-Maple- Ellis Frequently Asked Questions \(FAQ\)](#) document. This project is budgeted through the [Bellingham Transportation Fund](#) together with a WSDOT Pedestrian & Bicycle Safety Program grant.

EVALUATION:

The City advertised the project on June 24, 2020 and publicly opened bids on July 8, 2020. The City received six bids. Colacurcio Brothers Construction Company, Inc. was the responsible bidder who submitted the lowest responsive bid of \$766,323.90, including any applicable Washington State Sales or Use Tax. The engineer's estimate was \$1,163,177.65.

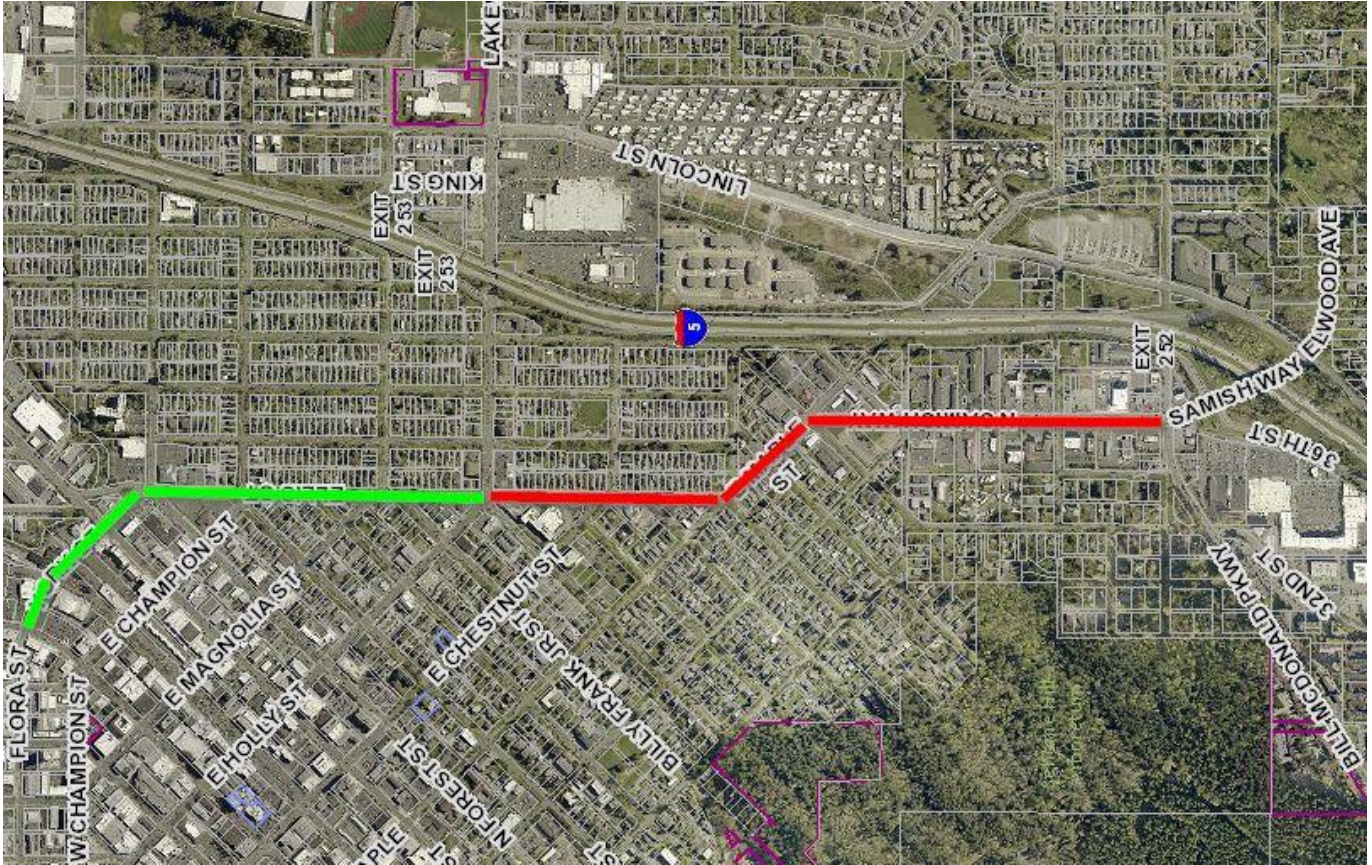
RECOMMENDATION ACTION:

Move to award bid to Colacurcio Brothers Construction Company, Inc.



Frequently Asked Questions about:

The [Samish-Maple-Ellis Multimodal Safety Improvements \(ES-0552\)](#)



What do these improvements include?

In July 2020, the 1.5-mile-long N. Samish-Maple-Ellis-York arterial corridor from the I-5/Samish interchange to Lakeway Drive (Red above) and then to Cornwall Avenue (Green above) will experience major changes, including:

- From Bill McDonald Parkway to Chestnut Street, one vehicle lane in each direction will be removed and replaced with buffer-separated bike lanes;
- From Chestnut Street to Lakeway Drive and Cornwall Avenue, vehicle lanes will be rechannelized to allow installation of marked bike lanes;
- A flashing crosswalk will be installed across Bill McDonald Parkway between the Sehome Hagen driveway and 35th Street, site of one of the busiest WTA bus stops serving WWU and Sehome High School;
- A flashing crosswalk will be installed across Ellis Street at Gladstone Street between the York Neighborhood and the Eleanor Senior Resident Apartments; and,
- Green bike boxes will be installed at some signalized intersections where safety conflicts exist and bicycle connections are needed for people riding bikes.

Why are these improvements happening now?

Here's a link to the project web page [Samish-Maple-Ellis Multimodal Safety Improvements](#), which provides documentation showing that we've been working on this project for a long time, as follows:

- In 2009, the [Samish Way Urban Village Plan](#), adopted by City Council, included major changes to the N. Samish Way corridor. This plan was re-adopted by City Council in December 2019.



Frequently Asked Questions about:

- In 2014, the [Bicycle Master Plan](#) was approved by City Council and recommended bike lanes on the south half of N. Samish Way and “Further Study Needed” on the north half of the Samish-Maple-Ellis corridor.
- The Samish-Maple-Ellis corridor is listed in Table B., page 33 of the [Multimodal Transportation Chapter](#) of the 2016 Bellingham Comprehensive Plan, as a transportation improvement needed to accommodate the type of growth and development that Bellingham is planning for over the next 20 years.
- In 2016-2017, Public Works conducted an extensive [Samish-Maple-Ellis Corridor Study](#) to examine all future (to the year 2036) development allowed in the Samish Urban Village and downtown Bellingham and the associated transportation impacts. The study recommended the removal of one vehicle lane in each direction on the Samish-Maple-Ellis corridor to allow bike lanes to be installed.
- In 2017, the study results were shared with neighborhood residents, as well as appointed and elected officials, at several public meetings with the Sehome, York, and Puget Neighborhood Associations, the [April 2017 Bellingham Transportation Commission meeting](#), and at the May 2017 City Council public hearing for the 2018-2023 [Transportation Improvement Program \(TIP\)](#). June 2017 adoption of the TIP allowed Public Works to seek state grant funding for the project.
- In August 2017, the City applied for, and in November 2017 received, a Washington Transportation Improvement Board (TIB) grant for \$250,000 to reconstruct the Samish/Maple/Otis intersection with ADA upgrades and a flashing crosswalk between Boomers Restaurant and the former Aloha Motel site, which is being redeveloped for 150 low-income apartments by the Bellingham Housing Authority (BHA).
- In May 2018, the City applied for, and in July 2019 received, a WSDOT Pedestrian & Bicycle Safety grant of \$1,007,000 in state funding. Letters of support for the Samish-Maple-Ellis Multimodal Safety Improvements were included from BHA, Whatcom Transportation Authority (WTA), Washington State Department of Transportation (WSDOT), and local businesses along the corridor.
- The Samish-Maple-Ellis project interconnects to several other major bikeway projects that the City has completed in past years or are working on in 2020 as well, such as Bill McDonald, Chestnut, Magnolia, Champion, Forest, State, and Cornwall. All of these projects were first proposed in Draft Six-Year TIPs, subject to City Council public hearings, then programmed for funding and adopted by City Council.
- All of these bicycle and pedestrian improvements are especially important given the growth and development that is occurring along N. Samish Way with more development already in the permit review pipeline. All of the project elements are also supported by WTA, which is just embarking on a long-range transit plan and anticipates providing more transit service on N. Samish Way as development in the Samish Urban Village creates a larger transit ridership base.

Won't this just create terrible traffic congestion on Samish Way?

There is already traffic congestion at the busiest intersections at the busiest times of day and this will remain true; however, this project will provide bikeway connectivity into and through several neighborhoods, Urban Villages, and across Interstate 5 from the Puget Neighborhood to the Sehome, York, Samish Urban Village, and downtown Urban Village. The Samish-Maple-Ellis corridor is a 5-lane remnant of [Historic Old Highway 99](#) that was the main automobile route connecting Bellingham to Seattle and Vancouver, B.C. before Interstate 5 was constructed in the 1960's. The land use context of motels, gas stations, and drive-in restaurants was defined by Highway 99 for fifty years, but that has been changing, as envisioned in the [Samish Way Urban Village Plan](#), which calls for higher density development, greater emphasis on walking, biking, and transit and less emphasis on auto convenience.



Frequently Asked Questions about:

Did the City consider the opinions of the public with this project?

Everything proposed in the [Samish-Maple-Ellis Multimodal Safety Improvements](#) project is consistent with the City plans listed below, all of which involved extensive public process:

- [2009 and 2019 Samish Way Urban Village Plan](#)
- [2014 Bellingham Bicycle Master Plan](#)
- [2016 Multimodal Transportation Chapter of the Bellingham Comprehensive Plan](#)
- [2016-2017 Samish-Maple-Ellis Corridor Study](#)
- [2020-2025 Bellingham Transportation Improvement Program](#)

Summer 2020 Construction

The project is fully funded, the City is working with consultants and WSDOT on preliminary engineering and design work, and construction is anticipated for August 2020, following asphalt resurfacing of Bill McDonald Parkway.

If you have questions regarding the project construction schedule, then please contact:

Freeman “Fritz” Anthony PE, Greenroads STP

City of Bellingham Public Works
104 West Magnolia Street - Suite 109
Phone: 360.778.7924 Email: fanthony@cob.org

If you have questions about the history of this project or any City transportation plans, please contact:

Chris Comeau, AICP-CTP, Transportation Planner

Bellingham Public Works Engineering
104 W. Magnolia Street, Bellingham, WA 98225
Phone: (360) 778-7946 Email: ccomeau@cob.org





CITY OF BELLINGHAM
FINAL BID OPENING REPORT

PROJECT MANAGER-FREEMAN ANTHONY
Eng Est \$1,180,000

BUYERS- AARON MCELROY,
NATE KNICAID

BID NUMBER **DATE OPENED**

**SAMISH-MAPLE-ELLIS
MULTIMODAL SAFETY
IMPROVEMENTS ES-552-REBID**

43B-2020

7/8/2020

CONTRACTOR NAME

CITY/STATE

COLACURCIO

BLAINE, WA

TOTAL BID AMOUNT

\$766,323.90

HENIFIN

BELLINGHAM, WA

TOTAL BID AMOUNT

\$771,931.50

GRANITE

EVERSON, WA

TOTAL BID AMOUNT

\$794,410.00

OCEANSIDE

BELLINGHAM, WA

TOTAL BID AMOUNT

\$806,942.00

LARRY BROWN

BELLINGHAM, WA

TOTAL BID AMOUNT

\$817,364.70



FABER

LYNDEN, WA

TOTAL BID AMOUNT

\$845,203.00

MANDATORY BIDDER RESPONSIBILITY CHECKLIST

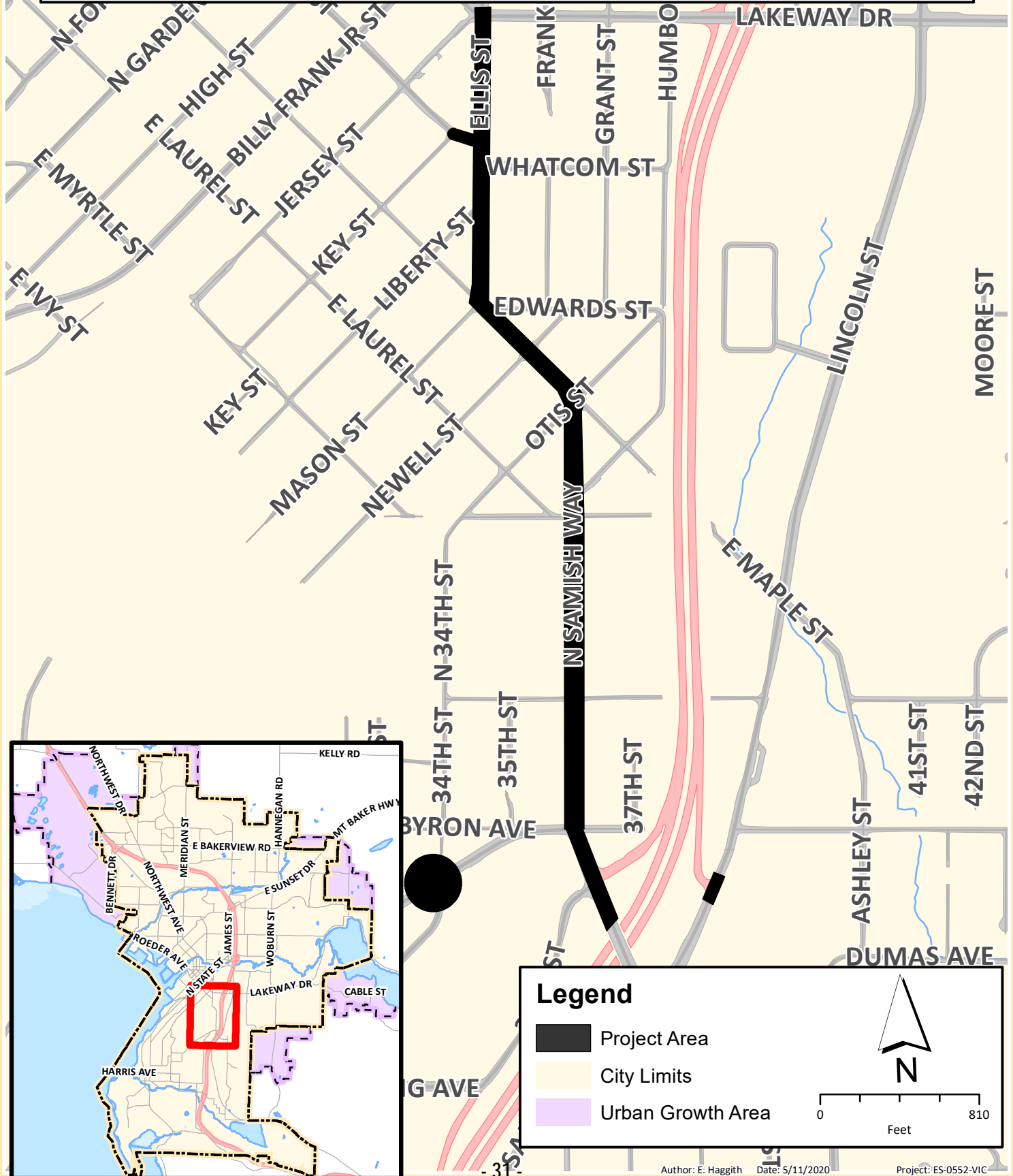
| | |
|--|---|
| Bid Number: 43B-2020 | Bid Submittal Deadline: 7/08/2020 |
| Project Name: SAMISH-MAPLE-ELLIS MULTIMODAL SAFETY IMPROVEMENTS RE-BID | Project Number: ES-0552 |
| Bidder's Business Name: COLACURCIO BROTHERS, INC. | City Business Registration Number: Active? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| CONTRACTOR REGISTRATION https://secure.lni.wa.gov/verify/ | |
| License Number: COLACBI150P8 | License Active? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Effective Date: OCT 1985 10/28/1985 | Expiration Date: OCT 2020 10/11/2021 |
| UBI/TAX REGISTRATION NUMBER https://secure.dor.wa.gov/gteunauth/ (go to Business Lookup) | |
| UBI/TAX Registration Number: 600-555-169 | Account: Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/> |
| INDUSTRIAL INSURANCE COVERAGE https://fortress.wa.gov/lni/crpsi/MainMenu.aspx | |
| Account Number: 480-361-00 | Account Current? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| EMPLOYMENT SECURITY DEPARTMENT | |
| Employment Security Department Number: 569-658-007 | |
| Has Bidder provided account number on the Bid Form? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| NOT DISQUALIFIED FROM BIDDING https://secure.lni.wa.gov/debarandstrike/ContractorDebarList.aspx | |
| Is the Bidder listed on the "Debarred Contractors List" list of the Washington State Department of Labor and Industries Website? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>Attach printout from website</i> |
| https://www.SAM.gov/ (go to Search Records) | |
| Is the bidder listed on the current debarred or suspended bidder list available on the U.S. General Services Administration's System for Award Management ("SAM") website? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>Attach printout from website</i> |
| BIDDER CERTIFICATIONS | |
| <p>1. The bidder hereby certifies under penalty of perjury under the laws of the State of Washington that, within the 3-year period immediately preceding the bid solicitation date, the bidder is not a "willful" violator, as defined in RCW 49.48.082, of any provision of RCW 49.46, 49.48, or 49.52, as determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction.</p> <p>2. The undersigned further certifies that bidder (check one):</p> <p><input type="checkbox"/> Has received training on the requirements related to public works and prevailing wage as mandated in RCW 39.04.350(1)(f) or</p> <p><input checked="" type="checkbox"/> Is exempt from such training because it has completed three or more public works projects and has had a valid business license in Washington for three or more years. ✓</p> <p>3. The undersigned further certifies that all other information provided by or on behalf of bidder on this form is true and correct.</p> | |
| Signature of Authorized Official  | Date 7/08/2020 |
| CHRIS COLACURCIO SECY / TREAS | BLAINE, WA |
| Print Name & Title | Place of Execution (City & State) |
| CITY VERIFICATION | |
|  <u>William (M), C.P.M., C.P.O., C.P.C.M.</u> | <u>7/10/20</u> |
| City Purchasing Manager or Designee | Date |
| Has bidder satisfied applicable supplemental responsibility criteria? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <i>Documentation on file</i> | |

City of Bellingham

ES-0552



Samish Maple Ellis Multimodal Safety Improvements





City Council Agenda Bill

22703

Bill Number

Subject: **Request for Sewer Service at 3734 Britton Road**

Summary Statement: The existing residence at 3734 Britton Road has been informed by the Whatcom County Health Department that the on-site septic system that serves the residence has failed and is recommending connection to the City system. The property owners are requesting to enter into a contract with the City of Bellingham for retail sewer service as allowed under Bellingham Municipal Code (BMC) Section 15.36. The BMC does not allow for connections outside City limits to be approved administratively. Accordingly, the request for service by the property owner was denied. At the same time the process for appeal to the City Council was provided to the owner. The Public Works Department supports allowing this property to connect to City sewer to protect public health and the environment.

Previous Council Action: **Ordinance 2011-05-025, Approval of Sewer Connection to 3214 Locust Avenue 9/26/2016**

Fiscal Impact: **There is no cost to the City for this action. The property will pay all appropriate monthly service rates, permit fees and connection charges and will pay all construction costs.**

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

Attachments:

1. 3734 BRITTON RD STAFF MEMO
2. 3734 BRITTON RD REQUEST FOR SEWER
3. WHATCOM COUNTY HEALTH DEPT LETTER
4. SEWER EXTENSION AGREEMENT - 3734 BRITTON RD

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|--|--------------|-----------------|---|------------|
| Committee Briefing - Vote Requested | 7/20/2020 | Vote to Approve | Eric Johnston, Public Works Director | 10 minutes |

Recommended Motion:

Council Committee:
Public Works and Natural Resources
Committee

Agenda Bill Contact:
Brent Baldwin 778-7940

| Reviewed By | Department | Date |
|-------------------------|--------------|-----------|
| <i>Eric C. Johnston</i> | Public Works | 6/30/2020 |

Council Action:

| | | |
|--------------------------|-----------|-----------|
| <i>Alan A. Marriner</i> | Legal | 7/13/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



STAFF REPORT

TO: CITY COUNCIL
FROM: ERIC JOHNSTON, INTERIM PUBLIC WORKS DIRECTOR
CC: MAYOR SETH FLEETWOOD
SUBJECT: SEWER REQUEST FOR 3734 BRITTON ROAD
DATE: JULY 6, 2020

BACKGROUND & PROPERTY INFORMATION:

The property located at 3734 Britton Road is fully developed with an existing single-family residence constructed in 1935. It is served with water from Water District #7, is within the City of Bellingham's urban growth area and is in the Lake Whatcom watershed. There are existing sewer mains located in Britton Road and Hillsdale Road, both abutting the property.

On May 13, 2020, the Whatcom County Health Department discovered that the septic system constructed for the residence had failed. The County has ordered the property owner to correct the issue and lists connecting to the City of Bellingham sanitary sewer system as its preferred choice.

Code Reference

There are two Bellingham Municipal Code sections that provide guidance to requests for retail utility service outside city limits.

15.36.010 - Policies for Expansion or Extension of City Water and/or Sewer Service Outside Corporate Limits

The City Council adopts the following policies regarding the extension or expansion of water and/or sewer service outside the City's corporate limits:

A. *Historically, the City has contracted to provide retail water and/or sewer service directly to some customers outside the City's corporate limits. The City does not intend to terminate any such water or sewer service that is in existence as of this Ordinance's effective date. For purposes of this Ordinance, "in existence" means the property is currently receiving service and/or has a fully signed, valid, and recorded utility service zone agreement. However, the City will not modify, expand, or extend this existing direct retail water and/or sewer service except as provided in subsections B. and C. below and BMC 15.36.040.*

B. *The City will provide new direct retail water and/or sewer service to areas within the City's Urban Growth Area only after the area's annex to the City. The City will not modify, extend, or expand direct retail water and/or sewer service in the City's Urban Growth Area without annexation unless the City Council determines that such modification, extension, or expansion is necessary to protect basic public health and safety and the environment.*

C. *The city will not modify, extend, or expand direct retail water and/or sewer service outside the city's urban growth area unless the city council determines that such modification, extension, or expansion is necessary to protect basic public health and safety and the environment, and the modification, extension, or expansion will not permit urban development.*

D. If the public health and safety and the environment exception in subsection (B) or (C) of this section is met, the city will provide water and/or sewer service to the property from a city-owned main under the following conditions:

1. The property abuts a city water and/or sewer main, or the property owner can provide proof of legal access to the city main through an adjacent property or right-of-way;

2. For water service, the property owner demonstrates to public works that a line of less than four-inch diameter from the city water main can provide a minimum of 30 psi at normal peak flow to the property line of the requested service without aid of boosters or pumps, and the water meter is placed at the edge of the public right-of-way or at a location approved by public works;

3. For sewer service, the property owner demonstrates to public works that sewage from the property can be safely discharged to the city sewer main;

4. The property owner executes and records a city-approved agreement to use the city water and/or sewer service for the existing use of the property and not for a new or expanded use, and to not protest annexation or subdivide the property prior to annexation; and

5. If both water and sewer service are requested under subsection (B) or (C) of this section, each requested service independently meets the public health and safety and the environment exception.

15.36.030 - Requests for Contracts for Direct Retail Service or Wholesale Service - Procedure

All requests for retail or wholesale water and/or sewer service outside the City corporate limits shall be made to the Director of Public Works and shall include a fee as set by City Council Resolution. The Director shall review each request for compliance with the City's policies regarding the modification, extension, or expansion of water and/or sewer service as stated in BMC 15.36.010. If the Director determines that the request does not comply with the policies, the Director shall notify the applicant that the request is denied. If the applicant requests that the denial be reviewed by the City Council, such request along with the Director of Public Works recommendation shall be forwarded to the City Council for review.

If the Director determines that the request meets the City's policies regarding the modification, extension, or expansion of water and/or sewer service as stated in the BMC 15.36.010 or the applicant requests City Council review of the Director's denial of the request, the request along with the Director's recommendation shall be presented to City Council for review. As part of its review of the request, City Council may request that the Public Works Department prepare a feasibility report regarding the provision of water and/or sewer service based on system related criteria and/or that the Planning and Community Development Department prepare an impact report with recommendations addressing those criteria set out in BMC 15.36.040.

Following further consideration of the matter by the City Council, the City Attorney shall be advised as to whether or not a contract for water and/or sewer service should be prepared and what terms should be included in the contract for services. In making its determination, the City Council shall consider the recommendation of the administrative departments, the policies set out in BMC 15.36.010, and the criteria set out in BMC 15.36.040 as well as any other applicable statutes, ordinances, or policies and procedures of the City.

City Council shall consider a motion to authorize the Mayor to execute a contract for the modification, extension, or expansion of water and/or sewer service only after the formal contract has been prepared and presented to the City Council for review.

EVALUATION AND STAFF ANALYSIS:

BMC 15.36.010 (A) and (B) provide clear direction that the City will not modify, expand or extend retail water or sewer service outside city limits, but within the city's urban growth area, unless the property either annexes to the City or the City Council determines that such modification, extension, or expansion is necessary to protect basic public health and safety and the environment. The Whatcom County Health Department has determined that the existing septic system has failed and must be replaced, so the extension is necessary to protect basic public health and safety and the environment.

Additionally, the relevant criteria in BMC 15.36.010(D) are met. The property abuts a City sewer main, and the sewage from the property can safely discharge to that sewer main. Also, the property owner will execute and record a city-approved agreement to use the city sewer service for the existing use of the property and not for a new or expanded use, and to not protest annexation or subdivide the property prior to annexation. Therefore, per BMC 15.36.030, the Director of Public Works has determined that this request for service complies with the City's policies regarding the modification, extension or expansion of sewer service in the City's urban growth area as stated in the code.

BMC 15.36.030 further states, "*City Council shall consider a motion to authorize the Mayor to execute a contract for the modification, extension, or expansion of water and/or sewer service only after the formal contract has been prepared and presented to the City Council for review.*" Attached as "Exhibit A", please find a draft Agreement to Extend Sewer Service. This contract lists all requirements for connecting to the City's sewer system as well as limiting any future use of the sewer to the existing single-family dwelling.

RECOMMENDATION ACTION:

Approve a motion to authorize the Mayor to execute a contract to provide retail sewer service to 3734 Britton Road.

Attachments:

3734 Britton Rd Request for Sewer from Resident

3734 Britton Rd Health Department email 5.14.20

3734 Britton Rd Sewer Extension Agreement – Draft

Eric Johnston,
Public Works Director
2221 Pacific St.
Bellingham, WA 98229

Dear Sir:

I live at 3734 Britton Road, just outside of the Bellingham City limits and within the Urban Growth Area. My septic system has failed and I am seeking permission to connect to the city sewer system.

My property lies within the Lake Whatcom Watershed. Two creeks flow across the lower elevations of my property, from the north and west, through my four ponds, continuing south toward the lake. I am concerned that sewage from my failed drain field is in close proximity to these waterways and is not being properly filtered through the soil. My drain field has visible soft areas and puddles of sewage at the surface. Rains exacerbate the problem by causing these puddles to flow outward.

Meanwhile, my property abuts the Bellingham city sewer main that runs along Britton Road. This sewer main is stubbed out into my driveway, which runs just south and down hill of my drain field. My house sits at the high point of my property. A new sewer line would lay in a natural decline from the house to the sewer main and would not cross or run alongside of any of the aforementioned natural waterways on the property. The connection would only be for my property in its current configuration as I am restricted from division under the existing rules for the Lake Whatcom Watershed.

Connecting to the city sewer system would resolve the immediate health issue of exposure to sewage in my yard and also, hopefully, improve the quality of the ground water that is flowing to our lake.

Thank you for your consideration.

Sincerely,

Darcy Ahlbom

ahlbomdj@gmail.com
360.961.5138

From: AMeijer@co.whatcom.wa.us,
To: pwpermits@cob.org,
Cc: tpullar@aol.com,
Subject: RE: 3734 Britton rd
Date: Thu, May 14, 2020 11:15 am

Attachments:

Good Morning,

Yesterday the Whatcom County Health Department verified that the onsite sewage system (OSS) at 3734 Britton Road is failing. Whatcom County Code requires the property owner to repair the OSS failure by connecting to sewer, if available.

Can you please confirm whether there is a COB sewer connection within 200 feet of this property?

Thank you,

Arend Meijer

Environmental Health Specialist

Whatcom County Health Department

509 Girard Street, Bellingham, WA 98225

Direct: (360) 778-6035

ameijer@co.whatcom.wa.us

www.whatcomcounty.us/health

www.facebook.com/WhatcomCountyHealth

My incoming and outgoing email communication is subject to public disclosure laws.

AFTER RECORDING RETURN DOCUMENT TO:

City of Bellingham - Public Works
104 W. Magnolia Street, Suite 109
Bellingham, WA 98225

↑ *Reserved for Recording Purposes Only* ↑

DOCUMENT TITLE: Agreement to Extend Sewer Service

REFERENCE NUMBER OF RELATED DOCUMENT:

GRANTOR(S): City of Bellingham

GRANTEE(S): Darcy Ahlbom

ABBREVIATED LEGAL DESCRIPTION:

SW SW SE-EXC E 5 ACRES THEREOF-EXC PTN DAF-BEG AT INTERS E LI OF BRITTON RD WI S LI OF HILLSDALE RD-
TH E ALG HILLSDALE RD 153 FT-TH S PAR TO BRITTON RD 112 FT-TH W 153 FT TO PT ON BRITTON RD 112 FT S OF
POB-TH N TO POB-EXC BRITTON RD-HILLSDALE RD-THAT PTN

ADDITIONAL LEGAL DESCRIPTION ON PAGES 1 - 2 OF DOCUMENT.

ASSESSOR'S TAX/PARCEL NUMBER(S): 3803152860320000

**AGREEMENT TO EXTEND SEWER SERVICE
TO PROPERTY WITHIN THE BELLINGHAM URBAN GROWTH AREA**

The **CITY OF BELLINGHAM**, a first class city of the State of Washington (the "City"), and ("Owner"), in consideration of the mutual covenants set forth herein, agree as follows:

1. PURPOSE: The Bellingham City Council has approved one direct retail sewer connection for the Property (defined below) under Bellingham Municipal Code (BMC) 15.36.010(B) because the septic system for the existing residence has failed, and the connection is necessary to protect basic public health and safety and the environment. The approval is subject to certain conditions, and this Agreement is entered into to describe those conditions.

2. PROPERTY SERVED: The Property to be serviced, which is the subject of this Agreement, is located outside City limits but within the Bellingham Urban Growth Area and is described as follows (the "Property"):

Street Address: 3734 Britton Road

Parcel Number: 3803152860320000

Legal Description: SW SW SE-EXC E 5 ACRES THEREOF-EXC PTN DAF-BEG AT INTERS E LI OF BRITTON RD WI S LI OF HILLSDALE RD-TH E ALG HILLSDALE RD 153 FT-TH S PAR TO BRITTON RD 112 FT-TH W 153 FT TO PT ON BRITTON RD 112 FT S OF POB-TH N TO POB-EXC BRITTON RD-HILLSDALE RD-THAT PTN

3. AGREEMENT RUNS WITH THE LAND: This Agreement touches and concerns, and is a covenant running with, the land. This Agreement is binding on Owner and its heirs and successors in interest in the Property.

4. ANNEXATION: Owner understands that the City's agreement to provide sewer service to the Property is conditioned upon Owner's agreement to support annexation of the Property into the City of Bellingham in the manner provided herein. Owner understands that (i) the actual area of annexation may vary in size and location, (ii) the property owners in the annexation area may be required to assume a share of the City's indebtedness, and (iii) the City may adopt a comprehensive plan and other land use controls for the area annexed. With full knowledge and understanding of these consequences of annexation, Owner agrees to all of the following:

4.1 Owner authorizes the City to use and rely upon Owner's signature below as the substantial equivalent of Owner's signature on the annexation petition and to include the value of the Property in meeting any value requirement and that, for purposes of RCW 35.21.005, the date of Owner's signature shall be the date of filing of said annexation petition.

4.2 Owner agrees that, upon request by the City, Owner will sign any and all notices, petitions and other documents leading to the annexation of the Property into the City of Bellingham. Without limiting the City's remedies, this obligation may be enforced through specific performance.

4.3 Owner appoints the Mayor of the City of Bellingham as Owner's irrevocable attorney-in-fact to execute on Owner's behalf any and all notices, petitions and other documents leading to the annexation of the Property into the City of Bellingham in the event that Owner fails or refuses to do so upon request by the City.

4.4 Owner agrees not to subdivide the Property prior to annexation.

5. GOVERNING LAW: Owner acknowledges and agrees that service to the property shall be subject to all federal, state, and local laws and regulations, including ordinances and policies of the City of Bellingham, relating to the provision of utility service by a municipal provider. Compliance with such laws, regulations, ordinances, and policies, including but not limited to the City's industrial pretreatment program (BMC 15.14), as applicable, is a contract condition of service. Rates for utility service outside of the City Limits are set by ordinance.

6. TERM; MODIFICATION; TERMINATION:

6.1 This agreement shall be in effect until it is modified or terminated as provided herein.

6.2 This agreement may only be modified by written agreement of the parties at any time with approval of the Bellingham City Council; such modifications are effective on City Council approval.

6.3 This agreement may be terminated upon:

6.3.1 Annexation of the Property into the City; PROVIDED that any provision in this agreement requiring a waiver of rights to protest the formation of an LID shall continue in effect until Owner duly executes a separate agreement to that effect pursuant to RCW 35.43.182.

6.3.2 Termination of service for any reason, including in accordance with City ordinances then in effect.

6.3.3 Abandonment of service, as defined by City ordinances then in effect.

6.3.4 Breach of any provision of this agreement.

7. QUANTITIES OF SERVICE:

7.1 The City agrees to provide the following service:

One Residential Sanitary Sewer Service Connection to serve the one existing Single Family Residence at 3734 Britton Road.

The property is already provided water service by Water District #7.

7.2 Use of utility service in excess of, or for any purpose other than as listed in Section 7.1, shall constitute a breach of this agreement, permitting the City to terminate it forthwith.

8. FEES: Prior to being granted service, Owner agrees to pay all applicable fees and charges.

9. QUALITY OF SERVICE:

9.1 The City agrees to provide utility service per Section 7 to Owner in such quality as is extended to other customers in the immediate geographical area, except as might be modified by constraints imposed by geography, and available equipment and facilities.

9.2 The City shall use reasonable diligence to provide regular and uninterrupted service to Owner, but shall not be liable for damages, breach of contract or otherwise for failure, suspension, or diminution of service occasioned by or in consequence of any breakdown of transmission facilities, or policies or ordinances enacted by the City Council or any cause beyond the control of the City administration, including but not limited to acts of God or of the public enemy, fires, floods, earthquakes or other catastrophes, strikes or failure.

10. MISCELLANEOUS PROVISIONS:

10.1 *Further Acts.* Following this agreement's execution, the parties shall, at the request of the other party, and without further consideration, execute and deliver such other documents and take such other action(s) as may be reasonably required to carry out the intent of the parties contemplated by this agreement.

10.2 *Non-Waiver.* No failure by any of the parties to insist upon the strict performance of any covenant, duty, term, 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, duty, term or condition. No waiver shall affect or alter this agreement, and each and every covenant, duty, term and condition of this agreement shall continue in full force and effect.

10.3 *Captions.* The captions of this Agreement are for convenience and reference only and in no way define, limit, or describe the scope or intent of this Agreement.

10.4 *Severability.* In case any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

EXECUTED, this the _____ day of _____, 2016, for **OWNER** by:

EXECUTED, this the _____ day of _____, 2016, for the **CITY OF BELLINGHAM** by:

Departmental Approval:

Mayor

Public Works Director

Attest:

Approved as to Form:

Finance Director

Office of the City Attorney

**ACKNOWLEDGEMENT
OWNER**

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

I CERTIFY that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that [he/she] signed this instrument and acknowledged it to be [his/her] free and voluntary act for the uses and purposes mentioned in this instrument.

SIGNED AND SWORN to before me this ____ day of _____, 2013, by _____.

NOTARY PUBLIC for the State of Washington.
My appointment expires: _____.

ACKNOWLEDGEMENT
CITY OF BELLINGHAM

STATE OF WASHINGTON)
COUNTY OF WHATCOM) ss

I CERTIFY that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Mayor** of the **CITY OF BELLINGHAM** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED

SIGNATURE OF NOTARY PUBLIC

Name Printed

TITLE

MY APPOINTMENT EXPIRES



City Council Agenda Bill

22329

Bill Number

Subject: **Apprenticeship Program on Bellingham Public Contracts**

Summary Statement: On June 3, 2019, the Bellingham City Council Public Works & Natural Resources Committee held a Work Session and received input from industry representatives regarding apprenticeship requirements on public contracts. In the fall of 2019, Whatcom County adopted Ordinance #2019-079 requiring participation in an approved apprenticeship program on County projects meeting certain thresholds. City Council Committee Members expressed an interest to consider an apprenticeship program similar to Whatcom County's program. The next step is for the Council to request, by motion, the administration to develop an apprenticeship ordinance for consideration.

Previous Council Action: **Council Committee Work Session on June 3, 2019**

Fiscal Impact: **Adding requirements to contracts increases the cost of public projects. The fiscal impact to City projects will be unknown until a proposed policy is drafted.**

Funding Source: **All Funds**

Attachments: 1. APPRENTICESHIP PROGRAM STAFF MEMO
2. APPRENTICESHIP PROGRAM - WHATCOM COUNTY ORDINANCE 2019-079

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|---|--------------|-------------------|---|-----------|
| Committee Briefing - Direction Requested | 7/20/2020 | Provide Direction | Eric Johnston, Public Works Director | 5 minutes |

Recommended Motion:

Council Committee:
Public Works and Natural Resources
Committee

Agenda Bill Contact:
Eric Johnston, Public Works Director - 360-778-7710

Council Action:

| Reviewed By | Department | Date |
|--------------------------|--------------|-----------|
| <i>Eric C. Johnston</i> | Public Works | 7/13/2020 |
| <i>Matthew T. Stamps</i> | Legal | 7/14/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



MEMORANDUM

TO: BELLINGHAM CITY COUNCIL
FROM: ERIC JOHNSTON, PUBLIC WORKS DIRECTOR
CC: MAYOR SETH FLEETWOOD
SUBJECT: APPRENTICESHIP PROGRAM REQUIREMENTS ON PUBLIC PROJECTS
DATE: JULY 20, 2020

On June 3, 2019 the Bellingham City Council Public Works & Natural Resources Committee held a work session and received input from industry representatives regarding apprenticeship requirements on public contracts. Representatives from organized labor groups and associations of contractors shared opinions and perspectives on needs, benefits and effectiveness of various programs. The agenda materials and video of the proceedings can be found here: [PWNR committee](#)

In the Fall of 2019, Whatcom County adopted ordinance #2019-079 requiring participation in an approved apprenticeship program on county projects meeting certain thresholds. A copy of the ordinance is attached for reference or can be viewed at this link: [Whatcom County Ordinance 2019-079](#)

In early 2020, City Council Public Works & Natural Resources committee members expressed an interest to consider an apprenticeship program like Whatcom County's program. The COVID outbreak disrupted much of the planned work and required focus on essential services and new priorities. Development of an apprenticeship program is not currently on the work plan for City staff.

The next step is for the Council to request, by motion, the administration to develop a draft apprenticeship program ordinance for consideration by the Council and community. If so requested, a staff team from the Public Works, Parks, Legal and Finance would develop a proposed ordinance and analyze potential benefits and impacts. As part of this analysis staff would solicit input from affected industry representatives on the specific draft ordinance. Staffing resources and added costs to City projects would also be considered.

RECOMMENDED ACTION:

A motion requesting the administration prepare draft apprenticeship program ordinance for consideration by the Council and community.



Whatcom County

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

Agenda Bill Master Report

File Number: AB2019-285

| | | | | | |
|----------------------|----------------|----------------------|-------------------------|----------------|---------|
| File ID: | AB2019-285 | Version: | 1 | Status: | Adopted |
| File Created: | 05/06/2019 | Entered by: | DBrown@co.whatcom.wa.us | | |
| Department: | Council Office | File Type: | Ordinance | | |
| Assigned to: | Council | Final Action: | 11/19/2019 | | |
| Agenda Date: | 11/19/2019 | Enactment #: | ORD 2019-079 | | |

Primary Contact Email: RBrownc@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects do double duty by also providing apprentices with job training hours to meet the requirements necessary to become the next generation of skilled trades persons

*** 11/22/2019 The Executive Declined to Sign

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects do double duty by also providing apprentices with job training hours to meet the requirements necessary to become the next generation of skilled trades persons

HISTORY OF LEGISLATIVE FILE

| Date: | Acting Body: | Action: | Sent To: |
|------------|--|--|--|
| 05/07/2019 | Council | INTRODUCED | Council |
| | | Aye: 6 Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu | |
| | | Nay: 1 Byrd | |
| | | Absent: 0 | |
| 06/04/2019 | Council Special Committee of the Whole | HELD IN COMMITTEE | Council Special Committee of the Whole |
| | | Aye: 6 Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu | |

Nay: 1 Brenner

Absent: 0

06/18/2019 Council Special Committee of the Whole WITHDRAWN

11/06/2019 Council INTRODUCED FOR PUBLIC HEARING Council

Aye: 7 Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

11/19/2019 Council ADOPTED

Aye: 4 Browne, Donovan, Frazey, and Sidhu

Nay: 2 Brenner, and Byrd

Absent: 1 Buchanan

ORDINANCE NO. 2019-079

**AMENDING WHATCOM COUNTY CODE TITLE 3, REQUIRING THAT PUBLIC FUNDS
USED FOR CONSTRUCTION PROJECTS DO DOUBLE DUTY BY ALSO PROVIDING
APPRENTICES WITH JOB TRAINING HOURS TO MEET THE REQUIREMENTS
NECESSARY TO BECOME THE NEXT GENERATION OF SKILLED TRADES PERSONS**

WHEREAS, a highly skilled workforce is essential for enhancing economic growth and the continued prosperity of all our citizens; and

WHEREAS, shortages of skilled construction workers limit job growth and affect our economy. This "skills gap" problem will continue to grow, due to the large numbers of skilled worker retirements and increased construction activity; and

WHEREAS, the Aspen Institute and others have identified that the number one reason over 50% of apprentices fail to complete their training is they don't get enough on the job training hours to meet the certification requirements in a reasonable time and recommends that it is good public policy to use public works contracts to provide apprentices with the job training hours necessary to graduate; and

WHEREAS, the responsibility to train the next generation of skilled workers rests with both the public and private sectors and must be done before too much of the knowledge and experience of existing skilled workers is lost due to retirements; and

WHEREAS, apprenticeship is a proven, highly-effective training model allowing entry-level workers to gain experience in a highly skilled occupation through a combination of on-the-job training and classroom instruction; and

WHEREAS, growing participation in apprenticeship programs today will ensure a viable workforce in the construction trade industry tomorrow; and

WHEREAS, growing participation and establishing robust apprenticeship programs will provide a clear pathway for a large segment of high school graduates seeking family wage careers and will create a greater pool of skilled workers for all contractors, organized or independent; and

WHEREAS, Washington's traditional sources of high-wage, low-skilled work (forests and factories) are declining due to automation and global trade. For there to be an increase in wages, there needs to be both an increase in the use of technology and highly-skilled workers. If employers cannot find trained workers in Whatcom County, they will look to other places to locate their business facilities and create jobs; and

WHEREAS, apprenticeship programs can provide opportunity for disadvantaged youth and other individuals whose education has been disrupted to "learn and earn" their way to career path that offers the promise of a stable family wage future; and

1 **WHEREAS**, women and racial minorities have traditionally been under represented
2 within the skilled trades; and
3

4 **WHEREAS**, Whatcom County is committed to working in partnership with labor,
5 business and the Washington State Apprenticeship and Training Council to create a skilled
6 workforce that reflects the diversity of our population and promotes community
7 development; and
8

9 **WHEREAS**, Whatcom County aspires to have the percentages of apprentices who
10 are women, disadvantaged youth, and those who are racial minorities be more reflective of
11 the makeup of the County's population; and
12

13 **WHEREAS**, the need to provide more family-wage jobs is reflected in the County's
14 Comprehensive Plan, and the County is seeking to encourage cooperative educational
15 opportunities responsive to the changing needs of the workplace, both locally while
16 increasing economic stability throughout Whatcom County; and
17

18 **WHEREAS**, since the 1990s, city, county, and port governments in Washington
19 State have proven that apprenticeship utilization programs increase the number of people
20 training as registered apprentices; and
21

22 **WHEREAS**, with RCW 39.04.320 the Washington State Legislature recognized in
23 2005 the importance of apprenticeship training programs and expanded requirements that
24 state agencies require 15% of total labor hour be performed by approved apprentices for
25 projects that cost \$1 million or more; and
26

27 **WHEREAS**, between 2006 and 2009, the number of registered apprentices actively
28 training in Washington doubled after the state legislature expanded apprentice utilization in
29 state public works contracting, with building and construction trades leading the way; and
30

31 **WHEREAS**, since 2012 all contractors operating in Whatcom County seeking to win
32 state funded public works contracts are already required by RCW 39.04.320 to ensure that
33 no less than fifteen percent of the labor hours will be performed by apprentices on projects
34 for school districts and four-year institutions of higher education estimated to cost one
35 million dollars or more; and
36

37 **WHEREAS**, a joint study from Washington General Administration and the
38 Washington Department of Labor and Industries concluded that the state's apprentice
39 utilization program is successful; and
40


41 **WHEREAS**, the County finds that it would be in the best interests of the public
42 health, safety and welfare for the County to implement an apprenticeship utilization goal
43 which encourages employment of apprentices by requiring minimum level of 15%
44 apprentice employment as a requirement in the awarding of qualifying public works
45 construction contracts greater than \$1,000,000.
46

47 **NOW, THEREFORE, BE IT RESOLVED**, that the County Code shall be amended to
48 include a new chapter "CONSTRUCTION PROJECTS – APPRENTICE REQUIREMENTS" as
49 detailed in the attached Exhibit A; and
50

1 **NOW, THEREFORE, BE IT FURTHER RESOLVED,** that should the City of
2 Bellingham adopt a similar apprenticeship requirement language in the future that
3 Whatcom County shall consult with the City of Bellingham for the purpose of harmonizing
4 City and County code requirements.

5
6 **ADOPTED** this 19th day of November, 2019.

7
8
9 ATTEST:

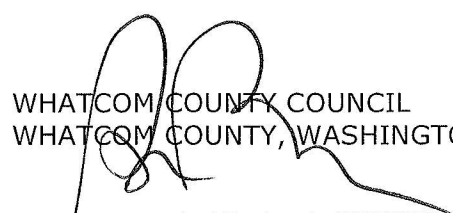
10
11 
12 Dana Brown Davis, Clerk of the Council

13
14
15 WHATCOM COUNTY EXECUTIVE
16 APPROVED AS TO FORM:

17 
18

19
20 Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Rud Browne, Council Chair

WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

() Approved () Denied

Date Signed: _____

Decline To
Sign. 41

*** 11/22/2019 The Executive Declined
to Sign

1 **EXHIBIT A**

2
3
4 Whatcom County Code Chapter X.XX
5 CONSTRUCTION PROJECTS – APPRENTICE REQUIREMENTS
6

7 **Sections:**

- 8 X.XX.010 Definitions
9 X.XX.020 Use of apprentices required for public works
10 X.XX.030 Administration
11 X.XX.040 EAP utilization plan
12 X.XX.050 Exceptions and waivers
13 X.XX.060 Monitoring
14 X.XX.070 Reporting
15 X.XX.080 Remedies
16 X.XX.090 Emergencies
17

18 **X.XX.010 Definitions.**

19
20 Where used in this chapter, unless the context clearly requires otherwise, the following
21 terms shall have the meaning and construction set forth herein:
22

- 23 (1) "Apprentice" means an apprentice registered in an Approved Apprenticeship
24 Program.
25
26 (2) "Approved Apprenticeship Program" means an apprenticeship training program
27 which is approved or recognized by the Washington State Apprenticeship and
28 Training Council.
29
30 (3) "Contractor" means a person, corporation, partnership, limited liability company, or
31 joint venture entering into a contract with the County to construct a public work.
32
33 (4) "Labor hours" refers to the total number of hours worked by workers receiving an
34 hourly wage who are employed directly and by subcontractors upon the public works
35 project and who are subject to state or federal prevailing wage requirements, and
36 shall include additional hours worked as a result of a contract or project adjustment
37 or pursuant to an agreed-upon change order.
38
39 (5) "Minimum Apprentice Labor Hours" refers to labor hours actually worked on a public
40 works project by apprentices expressed as a percentage of total labor hours. The
41 minimum percentage of apprentice labor hours by project shall be:
42
43 a. For contracts less than \$1,000,000 there shall be no requirement;
44 b. For contracts advertised for bid before January 1, 2021 there shall be no
45 requirement;
46 c. For contracts advertised for bid on or after January 1, 2021 estimated to cost
47 three million dollars or more, no less than ten percent of the labor hours shall
48 be performed by Apprentices.
49 d. For contracts advertised for bid on or after January 1, 2022 estimated to cost
50 two million dollars or more, no less than twelve percent of the labor hours
51 shall be performed by Apprentices.

- 1 e. For contracts advertised for bid on or after January 1, 2023, estimated to cost
2 one million dollars or more, no less than fifteen percent of the labor hours
3 shall be performed by Apprentices.
4
- 5 (6) "Employee apprenticeship program (EAP)" refers to the requirements of this chapter
6 and any administrative regulations applicable thereto.
7
- 8 (7) "EAP coordinator" refers to the person designated by the County Executive to
9 administer and coordinate the employee apprenticeship program.
10
- 11 (8) "EAP utilization plan" refers to the plan for utilization of apprenticeship labor in a
12 public work project.
13
- 14 (9) "Estimated cost" shall mean the anticipated cost of a public work, as determined by
15 the County, based upon the expected costs of materials, supplies, equipment, and
16 labor, but excluding taxes and contingency funds.
17
- 18 (10) "Notice to proceed" refers to the written authorization to the contractor under
19 the public work contract to commence work.
20
- 21 (11) "Public work" refers to all County funded construction projects that constitute
22 a public work pursuant to RCW 39.04.010 as now or hereafter amended and
23 estimated to cost \$1,000,000 or more.
24
- 25 (12) "Subcontractor" means a person, corporation, partnership, limited liability
26 company, or joint venture that has contracted with the contractor to perform all or
27 part of the work to construct a public work by a contractor.
28
29

30 **X.XX.020 Use of apprentices required for public works.**
31

32 Apprentices shall be utilized on the construction of all public works in accordance with this
33 chapter.
34

35 **X.XX.030 Administration.**
36

- 37 (1) Apprenticeship Program Goal.
38 All contractors and subcontractors constructing or involved with the construction of
39 public works, and all service providers involved with the construction of a public work,
40 shall ensure that the combined Minimum Apprentice Labor Hours applicable for the size
41 and bid date of the contract are performed by Apprentices.
- 42 (2) Contract Requirements.
43 Contracts for such construction projects shall include provisions detailing the
44 apprentice labor requirements. The EAP coordinator shall develop the necessary bid
45 documents and contract specification language to implement the requirements of this
46 chapter.
47
- 48 (3) Submission of EAP Utilization Plan.
49 All contractors shall submit an EAP utilization plan and shall meet with the EAP
50 coordinator to review said EAP utilization plan prior to being issued a notice to
51 proceed. Failure to submit an EAP utilization plan may be grounds for the County to

1 withhold remittance of a progress payment until such plan is received from the
2 responsible contractor. A meeting with the EAP coordinator prior to issuance of a
3 notice to proceed shall be excused only when the EAP coordinator is unavailable to
4 meet prior to the scheduled date for issuance of the notice to proceed and the
5 contractor and the EAP coordinator have otherwise scheduled a meeting for the
6 coordinator to review the contractor's plan. The contractor shall be responsible for
7 meeting the EAP utilization goal requirements of the contract, including all
8 amendments and change orders thereto, and shall be responsible for overall
9 compliance for all hours worked by subcontractors. To the extent practical, the
10 contractor shall recruit apprentices from multiple trades or crafts.

11 12 **X.XX.040 EAP utilization plan.**

13
14 The EAP utilization plan shall meet the following requirements:

- 15 (1) Shall be submitted on forms prepared or approved by the EAP coordinator;
- 16 (2) Shall specify the planned labor hours for each trade or craft;
- 17 (3) Shall provide for quarterly reports, as well as a final report, indicating the total labor
18 hours and the apprenticeship hours utilized by the contractor and all subcontractors
19 on the project; and
- 20 (4) Shall include a description of how the contractor will satisfy the EAP utilization goal
21 on the particular public work project and include a summary of outreach and
22 recruitment procedures to hire apprentices to work on the project.

23 24 **X.XX.050 Exceptions and waivers.**

25
26 During the term of a construction contract subject to this chapter, the County may reduce
27 or waive the apprentice labor hour goals upon determination that:

- 28 (1) The contractor has demonstrated that it has utilized best efforts to meet the
29 established percentage requirement but remains unable to fulfill the goal;
- 30 (2) The contractor has demonstrated that insufficient apprentices are available to meet
31 the EAP utilization goals;
- 32 (3) The reasonable and necessary requirements of the contract render apprentice
33 utilization infeasible at the required levels;
- 34 (4) There exists a disproportionately high ratio of material costs to labor hours, which
35 does not make feasible the required minimum level of apprentice participation;
- 36 (5) There is no evening classes within 30 miles, or day classes within a 100 miles of the
37 job site that the Apprentice can attend to meet the school requirements of their
38 apprenticeship;
- 39 (6) To the extent that apprentice labor hour goals are in conflict with funding
40 agreements in place, including federal aid projects, in connection with the public
41 work; or
- 42 (7) For reasons deemed appropriate by the County Executive and not inconsistent with
43 the purpose and goals of this chapter.

44 45 **X.XX.060 Monitoring.**

46
47 The County shall implement a system for monitoring the actual use of apprentices in
48 construction projects subject to this chapter. Such monitoring shall include identifying
49 individual apprentices by name and Washington State apprenticeship registration number;
50 reviewing documents provided by the contractor showing total apprentice labor hours;
51 determining the apprentice hours worked by minorities, disadvantaged youth, and women,

1 and as available, persons with disabilities and economically disadvantaged youth; and
2 assessing whether the contractor has complied with the apprenticeship requirement
3 established in its contract.

4 5 **X.XX.070 Reporting.**

6
7 The County Executive shall report to the County Council annually upon the use of
8 apprentices for public work projects. The report shall include, to the extent it is available:

- 9 (1) The percentage of labor hours actually worked by apprentices on each project and
10 the total number of labor hours on each project;
11 (2) The number of apprentices by contractor broken down by trade and craft category;
12 (3) The number and percentage of minorities, women, persons with disabilities and
13 disadvantaged youth utilized as apprentices on each project;
14 (4) The number of new apprentices indentured during the reporting year as a result of
15 the County's apprenticeship requirements; and
16 (5) The percentage of apprentices in training on County projects who have graduated to
17 journey level during the reporting year.
18 (6) All exemptions and waivers granted under section X.XX.050

19 20 **X.XX.080 Remedies.**

21
22 Failure by a contractor to comply with established apprenticeship requirements, unless
23 otherwise waived or excused in writing by the County Executive pursuant to X.XX.050, shall
24 be deemed a breach of contract for which the County shall be entitled to all remedies
25 allowed by law and under the contract. Failure to comply with the apprenticeship
26 requirements may also be considered evidence bearing on a contractor's qualification for
27 award of future contracts with the County.

28 29 30 **X.XX.090 Emergencies.**

31
32 This chapter shall not apply in the event of an emergency. For the purposes of this section,
33 "emergency" means unforeseen circumstances beyond the control of the County that either:
34 (a) present an immediate threat to the proper performance of essential functions; or (b) will
35 likely result in material loss or damage to property, bodily injury, or loss of life if immediate
36 action is not taken.



City Council Agenda Bill

22704

Bill Number

Subject: A Resolution Appointing a Committee to Prepare a Statement for the Local Voter's Pamphlet in Favor of the Transportation Ballot Measure

Summary Statement: The attached resolution appoints a committee to prepare a statement for the local voter's pamphlet in favor of a ballot measure, which if approved by voters at the November 2020 General Election, would continue and extend for an additional 10-year period an existing sales and use tax of two-tenths of one percent (0.002) to finance certain transportation improvements. City staff made a diligent effort to identify individuals to form a committee to draft a statement against the measure, but no volunteers came forward.

Previous Council Action: **Formation of Transportation Benefit District in 2010; absorption of the TBD in 2015; adoption of 2021-2026 TIP; Passed resolution providing for the Transportation Fund 2020 ballot proposition.**

Fiscal Impact: **The Transportation Fund provides direction for budget preparation; allows for submittal of grant applications; and allows obligation of grant funding for the three projects identified in the previously passed resolution and ordinance.**

Funding Source: **N/A**

Attachments: 1. STAFF MEMO
2. COMMITTEE APPOINTMENT RESOLUTION

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|--|--------------|-----------------|----------------------------|------------|
| Committee Briefing - Vote Requested | 7/20/2020 | Pass Resolution | Eric Johnston, PW Director | 10 minutes |

Recommended Motion:

Council Committee:
Public Works and Natural Resources
Committee

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

| Reviewed By | Department | Date |
|-------------------------|--------------|-----------|
| <i>Eric C. Johnston</i> | Public Works | 7/13/2020 |

Council Action:

| | | |
|--------------------------|-----------|-----------|
| <i>Matthew T. Stamps</i> | Legal | 7/14/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



City of Bellingham
210 Lottie Street
Bellingham, WA 98225

STAFF REPORT

TO: CITY COUNCIL
FROM: ERIC JOHNSTON, PUBLIC WORKS DIRECTOR
CC: MAYOR SETH FLEETWOOD
SUBJECT: RESOLUTION FOR THE APPOINTMENT OF "FOR" AND "AGAINST" COMMITTEES TO PROVIDE STATEMENTS FOR THE VOTER'S PAMPHLET ON THE BALLOT PROPOSITION FOR THE EXTENSION OF SALES AND USE TAX (TRANSPORTATION FUND)
DATE: 20 July 2020

BACKGROUND:

On July 6th, the Bellingham City Council passed Resolution #2020-23 providing for the submission to the qualified electors of the City of Bellingham a proposition whether the City shall continue and extend the existing sales and use tax of two-tenths of one percent (0.002) (Transportation Fund) for an additional ten-year period to finance certain transportation improvements.

In accordance with RCW 29A.32.280, a local jurisdiction that has a ballot measure for either the primary election or general election is required to have its legislative authority formally appoint a committee to prepare arguments advocating voters' approval of the measure and a committee to prepare arguments advocating voters' rejection of the measure. The City Council is required to appoint persons known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons known to oppose the measure to serve on the committee advocating rejection of the measure. A committee will consist of not more than three people. Committee Appointment Forms are to be submitted on August 4th with the ballot resolution for the proposed measure.

SUMMARY:

The Whatcom County Auditor's Office instructs that a "diligent effort" must be made by the jurisdiction to appoint a committee "For" and a committee "Against" the measure. "Diligent effort" is defined as attempting to solicit participation by at least three of the following means:

1. Posting the request on the jurisdiction's website, if they have one
2. Requesting volunteers to serve at any commissioner meeting when the proposal is being discussed
3. Making direct phone calls to potential individuals
4. Putting up flyers on bulletin boards in libraries, grocery stores, or other community boards
5. Submitting a news release or letter to the editor to the newspapers (whether for printed version or on-line version) requesting volunteers. (A "paid ad" in the Legal Notices is not required.)
6. Posting on a reader board or sandwich board

7. Recruiting at any district events, i.e. monthly pancake feed, etc.
City staff have employed measures 1, 3, and 5 over the previous weeks. (See news release <https://www.cob.org/news/Pages/features/City-Council-approves-ordinance-to-place-transportation-funding-measure-on-November-ballot.aspx>)

While City staff have been approached by members of the community to serve on the “For” committee, City staff have been unsuccessful in obtaining names to appoint to the “Against” committee. We have contacted members of the “Against” committee from the 2010 ballot measure and they are not interested in serving on this committee at this time. Therefore, only the “For” Committee is appointed in the attached resolution.

RECOMMENDATION ACTION:

A motion to adopt the resolution appointing a committee to prepare a statement for the local voter’s pamphlet in favor of the ballot proposition to continue and extend the existing sales and use tax of two-tenths of one percent (0.002) for an additional ten-year period to finance certain transportation improvements.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BELLINGHAM, WASHINGTON APPOINTING COMMITTEES TO PREPARE PRO AND CON STATEMENTS FOR THE LOCAL VOTER'S PAMPHLET ON THE BALLOT PROPOSITION TO CONTINUE AND EXTEND THE SALES AND USE TAX OF TWO TENTHS OF ONE PERCENT (0.002) FOR AN ADDITIONAL TEN-YEAR PERIOD TO FINANCE CERTAIN TRANSPORTATION IMPROVEMENTS

WHEREAS, on July 6, 2020 the Bellingham City Council passed Resolution #2020-23 providing for the submission to the qualified electors of the City of Bellingham of the proposition whether the City shall continue and extend the existing sales and use tax of two-tenths of one percent (0.002) for an additional ten-year period to finance certain transportation improvements, as authorized in RCW 82.14.0455, for their ratification or rejection at an election to be held on November 3, 2020; and

WHEREAS, pursuant to RCW 29A.32.280, a local jurisdiction that has a ballot measure for either the primary election or general election is required to have its legislative authority formally appoint a committee to prepare arguments advocating voters' approval of the measure and a committee to prepare arguments advocating voters' rejection of the measure; and

WHEREAS, the legislative authority is required to appoint persons known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons known to oppose the measure to serve on the committee advocating rejection of the measure; and

WHEREAS, each committee shall have not more than three members; however, the committee may seek the advice of any person or persons; and

WHEREAS, the City made a diligent effort to solicit participation for the "Against" committee by posting the request to the City's website, making direct phone calls to potential individuals, and submitting a news release to the newspaper requesting volunteers and was unsuccessful in obtaining any members for said committee.

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

1. The following persons are hereby appointed to prepare a statement advocating the voters' approval of the measure:

Rodd Pemble
Trevor Smith
Karen Burke

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



City Council Agenda Bill

22705

Bill Number

Subject: **Post Point Resource Recovery Project Update**

Summary Statement: The project team completed the planning Phases 1 and 2, an incineration evaluation option and a Triple Bottom Line (TBL) assessment to identify the preferred resource recovery systems to meet goals outlined in the adopted 2018 Climate Action Plan. The Department of Ecology plans to introduce a new limit on nutrient loading to Puget Sound using both individual and general permits. Nutrient regulation will have an impact on the Post Point treatment capabilities, limit options with the resource recovery project and have financial implications going forward. Staff will provide an update to pending nutrient regulations and a brief overview of options surrounding nutrient removal.

Previous Council Action: **Approval of 2019-2020 Budget. Council Briefings on 09/09/2019, 01/28/2019, 7/24/2017, 4/10/2017 and 10/24/2016, Adoption of the 2018 Climate Action Plan**

Fiscal Impact: **This action has no immediate fiscal impact. Costs associated with the consultant's work are approved in the operating budget.**

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

Attachments: 1. STAFF REPORT
2. ATTACHMENT TO STAFF MEMO
3. PRESENTATION SLIDE DECK

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|---------------------------------------|--------------|------------------------|--------------------------------------|------------|
| Committee Briefing - Information Only | 7/20/2020 | Information/Discussion | Eric Johnston, Public Works Director | 15 minutes |

Recommended Motion:

Council Committee:
Public Works and Natural Resources Committee

Agenda Bill Contact:
Robert Johnson, Superintendent 360-778-7735

| Reviewed By | Department | Date |
|-------------------------|--------------|-----------|
| <i>Eric C. Johnston</i> | Public Works | 7/14/2020 |

Council Action:

| | | |
|--------------------------|-----------|-----------|
| <i>Matthew T. Stamps</i> | Legal | 7/14/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



MEMORANDUM

TO: BELLINGHAM CITY COUNCIL
FROM: ERIC JOHNSTON, PUBLIC WORKS DIRECTOR
CC: MAYOR SETH FLEETWOOD
SUBJECT: RESOURCE RECOVERY PROJECT UPDATE AND PENDING NUTRIENT REGULATIONS
DATE: JULY 20, 2020

The [Post Point Resource Recovery project](#) is continuing to progress as planned. The project team will provide an update to the Council on the project status and future changes in regulation affecting the Resource Recovery project and future planning for wastewater treatment in Bellingham. The Department of Ecology plans to introduce a new limit on nutrient loading to Puget Sound using both individual and general permits. Similar to Lake Whatcom, nutrients in Puget Sound affects water quality and contributes to algae growth and the resultant low dissolved oxygen levels. Ecology's regulation of nutrients discharged from wastewater treatment plants is one tool to help control this type of pollutant.

The City of Bellingham has an [individual NPDES permit](#) issued by the Department of Ecology that is currently in process of being renewed. Nutrient limits are likely to be part of the permit renewal in 2020. The type of limit and extent are currently not known

Nutrient regulation will have an impact on the Post Point treatment capabilities, limit options with the resource recovery project and have financial implications going forward. Attached is memo from the consulting engineer related to permits and pending nutrient regulations. Information about the Department of Ecology's efforts for nutrient regulation can be found at their website: [Ecology Nutrient Project](#)

Staff are actively engaged with groups working with the Department of Ecology as they develop strategies for nutrient regulations. Staff have communicated that the City of Bellingham is supportive of efforts to control and reduce nutrient loading to Puget Sound in a manner that is both effective and affordable.

RECOMMENDED ACTION:

This item is for information only. No action is required



701 Pike Street
Suite 1200
Seattle, WA 98101

T: 206.624.0100

Memorandum

Subject: Post Point Resource Recovery Plant - Resource Recovery Project Update and Nitrogen Removal Impacts

Date: July 14, 2020

To: Rob Johnson, Project Manager, City of Bellingham

From: Tadd Giesbrecht, Project Manager, Brown and Caldwell

The purpose of this agenda item is to provide a status update on the Resource Recovery Project (primarily focused on biosolids), as well as an update on a significant upcoming issue related to nutrient removal requirements at Post Point.

Resource Recovery Project

The City has been planning for the replacement of the current incineration system, which is past its service life and is subject to increasing emissions regulations and O&M costs. Furthermore, this system incinerates, rather than recovers, resources from the wastewater solids.

Recent planning efforts identified the recommended approach to employ anaerobic digestion as the core solids stabilization technology. Two “products” from this process will be recovered for beneficial use – Class A biosolids (e.g., fertilizer and soil amendment) and biogas (injection into a natural gas pipeline). The planning level project cost for the Resource Recovery Project, including ancillary system upgrades, is \$196M (2023\$).

The current plan is to locate new digestion facilities on the northeast corner of the Post Point site. Off-site facilities are anticipated to further process the digested solids and make them suitable for beneficial reuse. The Facilities Plan is investigating options for amending the digested solids product with other materials based on end use market conditions. The off-site processing facility could be owned and operated by a private entity.

The City is currently developing a Biosolids Facilities Plan to comply with Ecology requirements for substantive changes to wastewater treatment plant processes. The Facilities Plan is expected to be completed in approximately 1 year and will include assessments of the biosolids market and rate impacts.

Nitrogen Removal

Ecology has indicated that a nutrient removal requirement is forthcoming as part of the City’s NPDES discharge permit to address Puget Sound water quality concerns (low dissolved oxygen connected with excess nutrients). At this time, Ecology plans to administer the nutrient removal requirement in two phases:

- Individual Permit – As part of renewing the City’s existing individual permit (and to cover the period until such a time the General Permit is in place), Ecology intends to include a nutrient cap on the basis of not allowing any more nitrogen discharged in the future than what the facility is currently discharging. This nutrient cap is expected to be in place within approximately 1 year.
- General Permit – Ecology is ultimately planning to implement a General Permit for all NPDES permit holders discharging into Puget Sound. The nutrient (nitrogen) removal requirements as part of this

permit are expected to be more significantly more stringent than the nutrient cap set in the Individual Permit. The timing of the General Permit is unknown, but preliminary indications are that it could be implemented in the next 3 years, with requirements for increasingly stringent nitrogen reductions over a compliance period (possibly 10 years).

The City has recently conducted a nitrogen study to assess the potential impact of removing nitrogen at the Post Point facility in terms of site requirements and costs. This nitrogen study is directly linked with the Biosolids Facility Plan since return streams from the solids treatment processes impact the liquids treatment process. In the case of the proposed anaerobic digestion process, there would be a recycle stream rich in nitrogen that would put an additional load on the liquids treatment process, increasing the level of nitrogen treatment processing that will be required.

Because Ecology's Salish Sea modeling is not yet complete, Ecology has not provided the City with specific nitrogen removal targets that will be included in the General Permit at this time. Therefore, assumptions were made for nutrient removal scenarios that could be required in order to conduct the study. These scenarios are summarized below:

- Worst Case – 3 mg/L total inorganic nitrogen (TIN) year round
- Moderate Case – 8 mg/L TIN (summer only)

At this planning level of study, representative technology and processes were selected in order to establish footprint and cost impacts – no comparative evaluation of technologies was included.

Based on these planning level assumptions, preliminary results indicate that with significant upgrades, the Post Point site could achieve these limits and provide treatment capacity until approximately 2050 (depending on actual growth and actual nitrogen limits). Escalating the project costs to the mid-level of construction (assumed to be 2030), the planning level project cost estimate opinion is in the range of \$410-\$510M (2030\$), depending on the final level of nutrient removal required.

Next Steps

The following activities are proposed to continue developing information to inform the Council of implications and comply with regulatory requirements:

- Continue advancing the Biosolids Facility Plan as part of the Resource Recovery project, accounting for the preliminary findings from the nitrogen study
- Conduct a rate study to assess the range of impacts of these significant capital expenditures
- Continue with Resource Recovery project stakeholder outreach program
- Develop a nitrogen removal optimization study to determine incremental improvements that could be made to comply with the expected nutrient cap
- Continue with data gathering and dialogue with Ecology to inform establishment of nutrient limits.

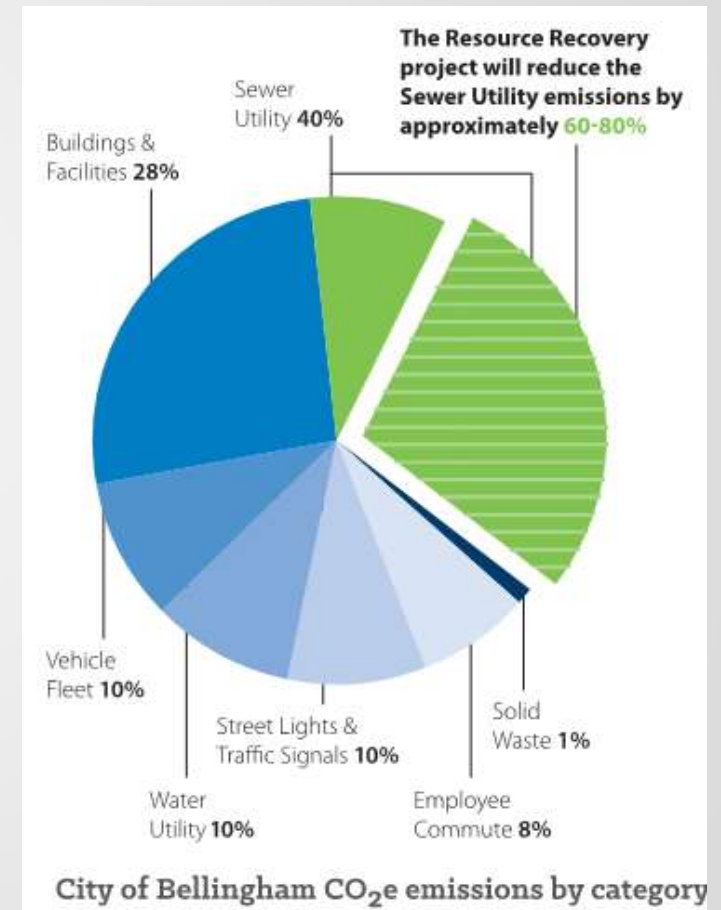
Post Point Resource Recovery Plant Resource Recovery Project Update and Nitrogen Removal Impact

July 20, 2020



Resource Recovery Project Planning Continues

- **Biosolids Facility Planning**
 - Ecology requirement
 - Replace aging incinerators with anaerobic digestion
 - Resources recovered: Class A biosolids and biogas
- **Nitrogen removal requirements**
 - Processes and site coordinated with nitrogen removal



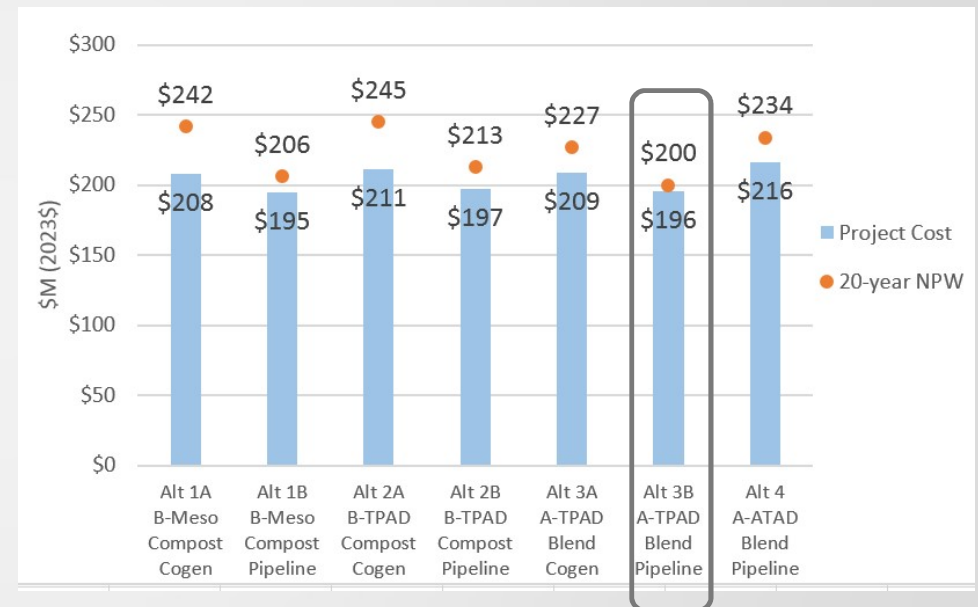
Post Point and Off-site Facilities Required

- **Digestion at Post Point**
 - New digestion facilities located in northeast corner of Post Point
- **Off-site Biosolids Processing**
 - Required to convert Class A digested solids to a marketable product
- **Market Outreach**
 - Identify potential private partnerships for off-site processing and/or marketing of product
- **Biogas – Pipeline Injection**
 - Scrub digester gas for pipeline injection
 - Establish gas utility requirements and agreement



Resource Recovery Project – Schedule and Planning Level Cost

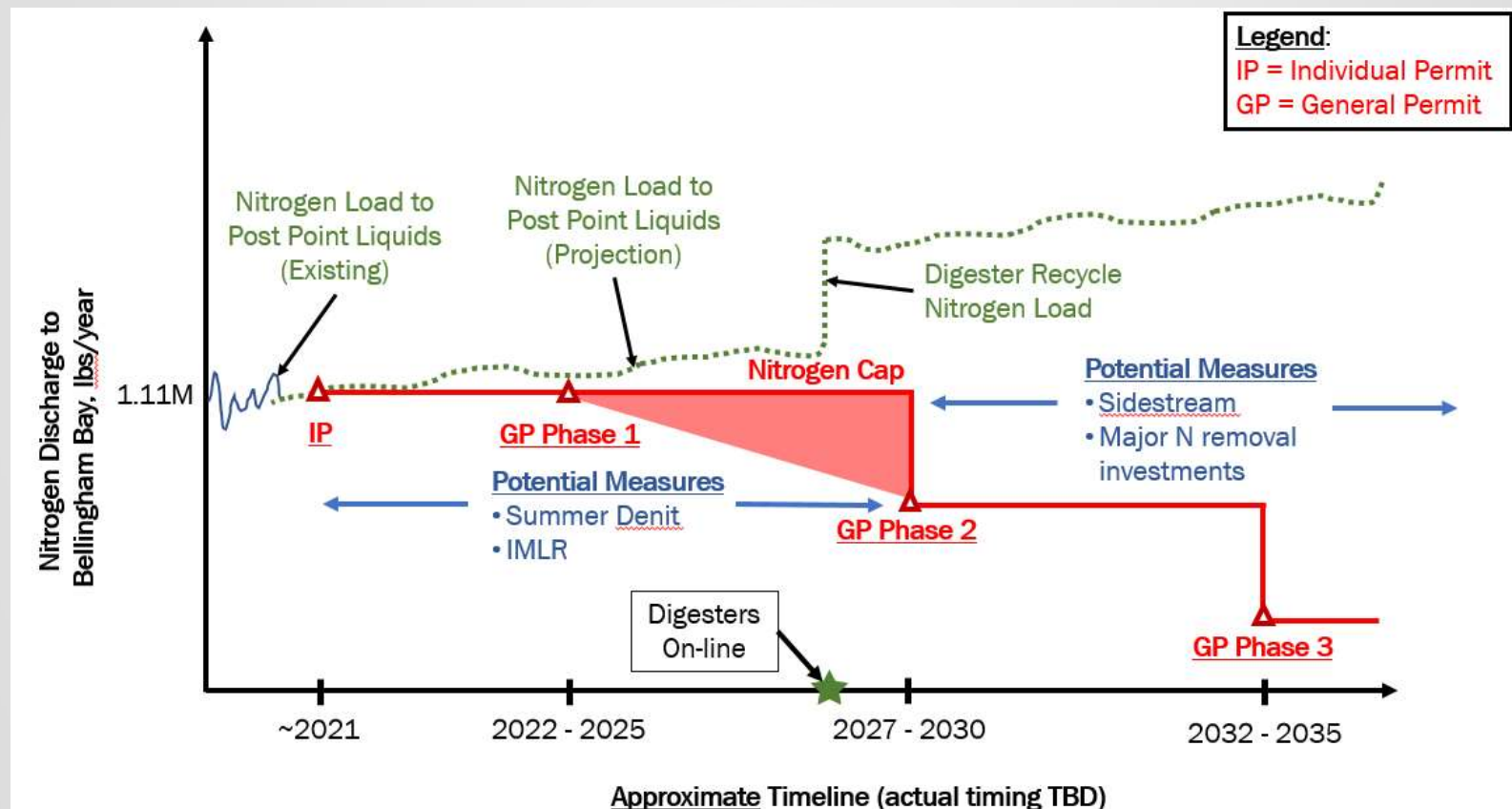
- **Schedule**
 - Planning: Approximately 1 year until completion
 - Design: 2021-2022
 - Construction: 2023-2025
- **Resource Recovery Project Cost: \$196M (2023\$)**



What we know from Ecology at this time

- **Individual Permit Nutrient Cap**
 - Likely within a year (?)
 - Basic goal – “don’t allow any more nitrogen discharge than what facility is currently doing”
 - Proposed cap: 1,110,000 lbs/year total inorganic nitrogen (TIN) annual loading limit
- **General Permit**
 - Timing TBD (2-3 years out?)
 - Increasingly stringent reductions over a compliance period (10 years?)
 - Anti-backsliding provisions

CONCEPTUAL timeline of nutrient reductions and Resource Recovery Project

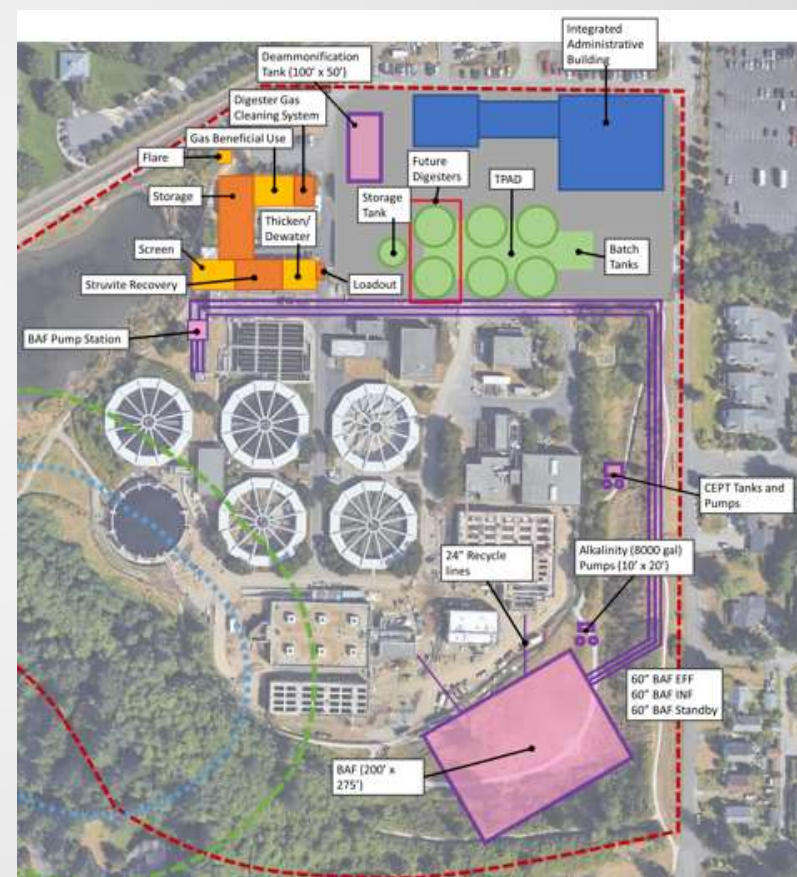


A nitrogen study was recently developed in conjunction with Resource Recovery project

- Goal of initial study: identify planning level cost and footprint implications of potential range of nitrogen reduction scenarios.
- Ecology has not provided nutrient removal targets at this time, so two scenarios assumed:
- **Worst Case Scenario**
 - Effluent TIN \leq 3 mg/L year round
 - Based on NWEA's 2019 AKART petition
 - This very low level approaches the limits of technology removal
- **Moderate Case Scenario**
 - Effluent TIN < 8 mg/L between April – October
 - Based on Ecology's 2019 Bounding Scenarios Report

What does nitrogen removal mean for the City?

- Post Point site would have capacity to ~ year 2050
- Timing of second WWTP dependent on growth and actual nitrogen limits
- Significant upgrades and complex construction
- Significant increase in OM cost (chemical, power, labor)
- Preliminary planning level project cost opinion: \$410-\$510M (2030\$)



Next Steps

- Continue advancing the **Biosolids Facility Plan** as part of the Resource Recovery project
- Conduct a **rate study** to assess the range of impacts of these significant capital expenditures
- Continue with **stakeholder outreach** to inform the process
- Develop a **nutrient removal optimization study** to determine incremental improvements that could be made to comply with the expected nutrient cap
- Continue with data gathering and **dialogue with Ecology** to inform establishment of nutrient limits.





Post Point Treatment Plant Resource Recovery Project Update

Presented by: Tadd Giesbrecht, P.E., Brown and Caldwell
Superintendent of Plant, Public Works
360.778.7735 rjohnson@cob.org





City Council Agenda Bill

22706

Bill Number

Subject: Bellingham Police Department Achieves Re-Accreditation Through the Washington Association of Sheriffs and Police Chiefs

Summary Statement: Police agencies can demonstrate their level of commitment in reaching "industry best practices and standards" through accrediting programs. Bellingham Police was accredited in 2016, through the Washington Association of Sheriffs and Police Chiefs (WASPC), and applied for re-accreditation this year. WASPC assessors reviewed Bellingham Police's accreditation files and visited the Department earlier this year to assess whether or not all 137 standards were being met. As result of this review and visit, Bellingham Police was awarded re-accreditation by WASPC's Accreditation Commission and Executive Board. Police Staff, accompanied by the Director of Professional Services from WASPC, Mike Painter, will provide information on the accreditation process and further describe how Bellingham Police personnel assist other agencies to achieve this high standard of performance.

Previous Council Action: **None**

Fiscal Impact: **\$1,600**

Funding Source: **General Fund**

Attachments: 1. STAFF MEMO

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|---------------------------------------|--------------|------------------------|--|------------|
| Committee Briefing - Information Only | 7/20/2020 | Information/Discussion | Police Chief David Doll, WASPC Director Mike Painter | 15 minutes |

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Bellingham Police Chief David Doll 360-778-8663

Council Action:

| Reviewed By | Department | Date |
|--------------------------|-------------------|-----------|
| <i>David G. Doll</i> | Police Department | 7/06/2020 |
| <i>Shane P. Brady</i> | Legal | 7/14/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |

MEMORANDUM

TO: Bellingham City Council

FROM: Bellingham Police Chief David Doll

CC: Mayor Seth Fleetwood

SUBJECT: Bellingham Police Department Achieves Re-Accreditation through the Washington Association of Sheriffs and Police Chiefs

DATE: 7/20/2020

With great pride, I announce today that the Bellingham Police Department has achieved re-accreditation from the Washington State Association of Sheriffs and Police Chiefs. The following is information on Washington State's accreditation program and how a law enforcement agency can achieve this standard of excellence.

Like many professional organizations, law enforcement agencies can demonstrate their level of commitment in reaching recognized "industry best practices and standards." Best practices and standards for policing are defined by accreditation organizations which can be national, like CALEA (Commission on Accreditation for Law Enforcement), or regional, like WASPC (Washington Association of Sheriffs and Police Chiefs). The following explains Washington State's accreditation program for law enforcement which is administered by WASPC.

What is Accreditation?:

Established standards of performance, acknowledged business practices, and professionally recognized organizational principles that are mandated as necessary for the particular profession or organization. WASPC has established 137 Standards, covering the following eighteen law enforcement areas, which must be met in order to achieve accreditation:

- | | | |
|---|-----------------------------|--|
| • Goals and Objectives | • Health and Safety | • Evidence and Property Control Function |
| • Role and Authority | • Fiscal Management | |
| • Use of Force | • Recruitment and Selection | • Prisoner Security |
| • Management, Staffing, Organization and Utilization of Personnel | • Training | |
| • Records Management | • Performance Evaluation | |
| • Information Technology | • Code of Conduct | |
| • Unusual Occurrences | • Internal Affairs | |
| | • Patrol Functions | |
| | • Investigative Function | |

Why should an agency become Accredited?:

The purpose of law enforcement agency accreditation is to professionalize the law enforcement industry by providing a review process for agencies to be certified as operating under industry best practices and standards. Additional reasons include:

- | | |
|--|--|
| • To increase public confidence in the agency; | • To potentially reduce liability insurance costs; |
| • To increase credibility; | • To provide state and local recognition of professional competence. |
| • To provide systemized agency self-assessment; | |
| • To broaden perspectives; | |
| • To intensify administrative and operational effectiveness; | |
| • To ensure recruitment, selection, and promotion processes are fair and equitable; | |
| • To strengthen understanding of agency policies and procedures by agency personnel; | |
| • To improve agency morale and pride; | |
| • To decrease susceptibility to litigation and costly civil court settlements; | |

Washington State Law Enforcement Accreditation Information Sheet /D. Doll /January 2012



Who provides Accreditation?:

In 1976 the *Washington Association of Sheriffs and Police Chiefs* was directed by the Washington State Legislature to develop standards and goals for Washington State Law Enforcement. The Association has maintained an operational accreditation program since that time. The Association's Accreditation Committee is responsible for maintaining accreditation standards, directing assigned WASPC staff and oversight of the program. The Commission is responsible for reviewing accreditation on-site reports and making recommendations to the Board of Directors. The Board of Directors is responsible for conferring accreditation.

When, Where, and How is Accreditation Accomplished? :

The Accreditation process occurs in ***eight phases***:

- In the **interest and contract phase**, agencies indicate interest in accreditation by signing a contract with WASPC. The contract establishes a one year timeline for the agency to schedule an onsite assessment.
- In the **file maintenance** and **self-assessment phases**, agencies assess their ability to meet the 137 standards.
- During the **on-site assessment and evaluation phase**, an assessment team confirms the agency's ability to meet the WASPC accreditation standards. The team inspects facilities, reviews documents, and interviews staff. Facilities and documents (policies, records), and interviewing department staff. Non-compliance issues are identified and must be remedied prior to the next phase.
- In the **Accreditation Commission review phase**, the Accreditation Commission reviews the assessment report for determination if the standards have been met and if the assessment team has done a complete job. The Accreditation Commission forwards its recommendations to the WASPC Board of Directors for final consideration.
- In the **Executive Board review phase**, the WASPC Executive Board reviews the recommendations by the Accreditation Commission and issues a final decision.
- In the **Award phase** of the accreditation process, the agency is presented with a plaque, for successfully achieving the professional standards as outlined in the Washington Association of Sheriffs & Police Chiefs Law Enforcement Accreditation Program.
- During the **reaccreditation phase**, agencies repeat the entire process every four years.
- As of June 2020, 58 law enforcement agencies in Washington State are WASPC accredited.



City Council Agenda Bill

22671

Bill Number

Subject: **A Work Session to Continue the Family Definition Discussion**

Summary Statement: During the June 22, 2020, City Council Committee of the Whole Meeting, staff presented the history of the Family definition, examples of alternate approaches from other communities, and options for modifying Bellingham's Family definition to be more inclusive of diverse families and living situations. In this Work Session, staff will answer questions raised during the June Work Session.

Previous Council Action: **June 22, 2020 Presentation**

Fiscal Impact: **Staff time to process the proposal is included in the 2019-2020 PCDD Budget**

Funding Source: **General Fund**

Attachments: 1. STAFF MEMO

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|---------------------------------------|--------------|------------------------|---|------------|
| Committee Briefing - Information Only | 7/20/2020 | Information/Discussion | Lisa Pool, Planning and Community Development | 10 minutes |

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Lisa Pool, Planning and Community Development, 360-778-8300

Council Action:

| Reviewed By | Department | Date |
|--------------------------|----------------------------------|-----------|
| <i>Rick M. Sepler</i> | Planning & Community Development | 7/10/2020 |
| <i>Alan A. Marriner</i> | Legal | 7/13/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



City of Bellingham
210 Lottie Street
Bellingham, WA 98225

MEMORANDUM

TO: CITY COUNCIL COMMITTEE OF THE WHOLE

FROM: RICK SEPLER, AICP, PLANNING DIRECTOR
LISA POOL, AICP, SENIOR PLANNER

CC: KURT NABBEFELD, DEVELOPMENT SERVICES MANAGER
SAMYA LUTZ, AICP, HOUSING AND SERVICES PROGRAM MANAGER

SUBJECT: CONTINUATION OF THE FAMILY DEFINITION DISCUSSION

DATE: JULY 20, 2020

During the June 22, 2020, City Council Committee of the Whole meeting, staff presented background information on the Family definition, examples of alternate approaches from other communities, and options for modifying Bellingham's Family definition to be more inclusive of today's diverse families. Council indicated that the review was timely. In this work session, staff will answer questions raised during the June work session and confirm that City Council agrees with the principles noted below.

As a reminder, staff has developed the following key principles that should guide the discussion on potential changes to the Family definition:

- Protect health and safety;
- Accommodate the very changed reality of family;
- Provide housing choice that is responsive to the new reality of family while maintaining and improving neighborhood character. Character is not defined by ownership; rather, construction type and building form help shape it; and
- Consider legal and enforcement issues associated with the City's existing Family definition.

POTENTIAL CONCERNS RELATED TO REMOVING THE "RULE OF THREE"

During the June work session, City Council members expressed general agreement about the need to revisit the Family definition (commonly referred to as the "rule of three"), citing its inadequacies in responding to the changed nature of families. If the "rule of three" is removed and replacement strategies are implemented, it is anticipated that concerns, including those listed below, will need to be addressed. Further evaluation of concerns and issues will be included as part of the process to develop, review and adopt an ordinance.

- **Overcrowding** - Existing strategies and requirements can serve as a guide in ensuring adequate living space for residents. These include a minimum square footage of living space per person and/or a limit on the number of people per bedroom (as a general rule, two people per room is considered reasonable under the Fair Housing Act (FHA), per HUD). Per the International Property Maintenance Code, kitchens and other non-habitable rooms can't be used as bedrooms.

Any limitations will need to be carefully evaluated within the context of the FHA, as they are likely to impact both formal (related by blood, marriage or adoption) and functional (other interpersonal connections) families. The FHA prohibits discrimination in any aspect of the sale, rental, financing or advertising of dwellings on the basis of race, color, religion, national origin, sex or familial status (presence of children). However, the FHA does not limit the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Because familial status is a protected class, any occupancy limits must consider what type of reasonable family living situations should be allowed regardless of the generalized guidelines for occupancy standards.

It is important to note that limitations such as those noted above will be insufficient in maintaining a healthy living environment if the property itself is in poor condition. For rental properties, the City's [Rental Registration and Safety Inspection Program](#) ensures that Bellingham's residential rental housing meets specific health and safety standards.

- **Neighborhood Character** - Building form and its impact on neighborhood character is another common concern. Without "the rule of three" in place, the potential exists for the replacement of average-sized homes with larger homes with many bedrooms that some may feel do not fit the context of a neighborhood. Homes in single-family zones are required to meet certain requirements, including minimum open space, maximum height, minimum setbacks, maximum building size and minimum on-site parking spaces. These requirements have the ability to address many of the concerns related to neighborhood character.

Additionally, as suggested by City Council member Michael Lilliquist during the last work session, a form-based code is another option to examine. While this solution would address neighborhood character issues, equity and enforcement issues associated with the Family definition would remain if not amended. A form-based code is based on physical form, rather than separation of uses. This type of code is an alternative to conventional zoning regulations and includes a regulating plan (plan or map of the regulated area designating where certain building forms apply), public standards (specifies elements in the public realm, like sidewalks, parking, street trees), and building standards (regulations controlling the features and functions of buildings that shape the public realm). It can be applied to designated areas or citywide.

- **Parking** - As noted above, the Bellingham Municipal Code (BMC) requires a minimum number of on-site parking spaces for single-family homes in single-family zones. Increasing the number of off-street parking spaces commensurate with the number of occupants as a means of addressing concerns related to parking overspill would not align with many of the City's goals, including those related to climate change, housing affordability, compact land use and transportation options. A more consistent option may be to consider broader application of residential parking zones (RPZs) when parking demands regularly exceed 75 percent of available capacity.
- **Noise and Litter** - Noise and litter have the potential to be an issue with any living situation, no matter the number of occupants or whether the occupants are related or unrelated. BMC 10.24.120 outlines the City's policy to minimize the exposure of all residents to excessive noise and to preserve the public health, safety and welfare. BMC 10.60 comprises the City's regulations for litter control, including a property owner's duty to keep his/her premises litter free.

ENFORCEABILITY

City Council members posed questions regarding the enforceability of any new strategy, including a Household Unit definition, cooperative or intentional communities, minimum square footage requirement, and/or maximum number of people per bedroom. Staff is conducting research regarding the success of programs such as cooperatives and Household Unit definitions. In general, complaints associated with any new solution would be subject to the City's existing enforcement program, which includes an investigation and follow up by staff. Staff's initial analysis of each option is included below. Please see the June 22 memo for more information on these strategies.

- **Household Unit definition.** Hartford, Connecticut, describes this as "A collection of individuals occupying the entire dwelling unit, sharing a household budget and expenses, preparing food and eating together regularly, sharing in the work to maintain the premises, and legally sharing in the ownership or possession of the premises." Based on past experiences with enforcement, staff believes that ownership or possession could be ascertained, but other elements, such as sharing expenses and eating together regularly, may be more challenging to prove. If Bellingham decides to pursue a Household Unit definition, it could be tailored to the local community and include elements that could withstand the enforceability test.
- **Cooperatives or intentional communities (as used in Boulder and Minneapolis).** Cooperative housing or intentional communities would be accompanied by a permit with use-specific regulations. If permit violations are reported, the typical enforcement process for permit violations would be followed, which includes a warning with a timeframe within which the permit holder should come into compliance with the permit conditions. If the violations are not remedied, a second letter with details regarding potential penalties is sent to the permit holder.

- **Minimum space per person and/or maximum number of people per bedroom.** The International Residential Code requires a minimum habitable living space of 200 square feet per person for multi-family housing. This code does not include a minimum space requirement for single-family homes; thus, the standard of 200 square feet per person was used for Boulder’s cooperative housing program. Regarding the maximum number of people per bedroom, HUD has found that two people per room is a reasonable standard for its housing. Both standards, if used alone or together, may be difficult to prove and, as such, may need to be coupled with other strategies such as a common lease. Any complaints would follow the City’s current enforcement process (see above).

PUBLIC PROCESS

Amendments to the Bellingham Municipal Code undergo a Type VI legislative process, which includes public hearings before the Planning Commission and City Council. The public will have an opportunity to provide verbal testimony at the hearing and written comments at any time during the process. Project information, including public comments and meetings dates, will be posted on a project webpage on the City’s website. The City’s forthcoming public engagement platform, Engage Bellingham, will also be used as a means of seeking input from the general public. Staff may also hold focus group meetings with stakeholders. Contact Lisa Pool, senior planner, at lapool@cob.org or 360-778-8390 with comments or questions.

NEXT STEPS

The Planning Commission will initiate a review process to consider revisions to the City’s Family definition to best address housing and equity goals, as well as legal and enforcement issues. Staff will then draft an ordinance for review and approval through a Type VI legislative process, which includes Planning Commission and City Council public hearings.



City Council Agenda Bill

22586

Bill Number

Subject: **Resolution Adopting the Lake Whatcom Management Program 2020-2024 Work Plan**

Summary Statement: Staff will present the draft Lake Whatcom Management Program 2020-2024 Work Plan. The Work Plan is the fifth five-year work plan developed by the City of Bellingham, Whatcom County, and the Lake Whatcom Water and Sewer District. Through the Lake Whatcom Management Program, the three jurisdictions collaborate to implement their shared goals of protecting both the drinking water source of 100,000 people and the environmental health of the watershed. The Work Plan outlines the programs, projects and activities that will be implemented over the next five years to further those goals.

Previous Council Action: **Adoption of the 2015-2019 Lake Whatcom Management Program, Staff Briefing on February 24, 2020**

Fiscal Impact: **\$35 Million over 5 years**

Funding Source: **Stormwater (430) and Water (410 & 411)**

Attachments:

1. LAKE WHATCOM MANAGEMENT PROGRAM 2020-2024 STAFF REPORT
2. LAKE WHATCOM MANAGEMENT PROGRAM 2020-2024 PRESENTATION
3. LAKE WHATCOM MANAGEMENT PROGRAM 2020-2024 WORK PLAN
4. LAKE WHATCOM MANAGEMENT PROGRAM 2020-2024 RESOLUTION

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|--|--------------|-----------------|----------------------------|------------|
| Committee Briefing - Vote Requested | 7/20/2020 | Vote to Approve | Eric Johnston, PW Director | 20 minutes |

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Clare Fogelsong, PW Natural Resources, 360-778-7965

Council Action:

| Reviewed By | Department | Date |
|--------------------------|--------------|-----------|
| <i>Eric C. Johnston</i> | Public Works | 7/13/2020 |
| <i>Matthew T. Stamps</i> | Legal | 7/14/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



MEMORANDUM

TO: BELLINGHAM CITY COUNCIL

FROM: ERIC JOHNSTON, INTERIM PUBLIC WORKS DIRECTOR

CC: MAYOR SETH FLEETWOOD; RENEE LACROIX, ASSISTANT PUBLIC WORKS DIRECTOR, NATURAL RESOURCES

SUBJECT: RESOLUTION ADOPTING THE LAKE WHATCOM MANANAGEMENT PROGRAM 2020-2024 WORKPLAN

DATE: July 20, 2020

The [Lake Whatcom Management Program](#) (LWMP) was formed in 1990 and is a joint effort of the City of Bellingham, Whatcom County, and the Lake Whatcom Water and Sewer District. Through the LWMP the three jurisdictions collaborate to implement their shared goals of protecting both the drinking water source of 100,00 people and the environmental health of the watershed. It is comprised of a variety of different programs, projects and activities that are guided by coordinated work plans. Every five years, the jurisdictions work together to develop the next work plan with a new round of projects and programs aimed at meeting the Lake Whatcom management goals. Some of these are ongoing efforts that are improved with each new plan while others are devised to meet new issues and requirements.

The [2020-2024 Lake Whatcom Management Program Work Plan](#) is the fifth five-year Work Plan and it consolidates the planned efforts of the City of Bellingham, Whatcom County, and the Lake Whatcom Water and Sewer District in one place to ensure actions are efficient and effective. This document outlines the efforts that the entities will implement over the next five years to further the goals of the Lake Whatcom Management Program.

The Work Plan is divided into ten “Program Areas”, each addressing a function of the Lake Whatcom Management Program. Some, like Stormwater Management (Program Area #2) and Aquatic Invasive Species Prevention (#7), have stand-alone elements that pertain to specific threats to the lake. Others, like Education and Engagement (#9) and Administration (#10) have unique functions and collaborative roles that ensure that the plan is successful across jurisdictions.

Budgets in the Work Plan are five-year estimates and are used to guide decision-making in subsequent budget cycles. Approval of the Work Plan is not a formal budgeting process and jurisdictions each manage their individual funding programs according to their own policies and procedures.

Annually, staff presents the previous years’ accomplishments and highlights to elected legislative representatives and the public at the Joint Lake Whatcom Councils and Commission Meeting in early Spring. When new Work Plans are created each jurisdiction independently reviews the Work Plan and provides input to staff based on deliberations and public input. Then the elected bodies typically adopt the Work Plan at the Joint Councils meeting. However, this

year the scheduled March 25th Joint Councils meeting was canceled due to concerns about COVID 19 and the Work Plan is being adopted by each Council and Commission separately. This presentation covers highlights from 2019, a summary of work completed in the previous five-year work plan (2015-2019), and a overview of the work in the next five-year cycle (2020-2024).

Recommended Action:

Pass Resolution adopting the Lake Whatcom Management Program 2020 -2024 Work Plan.



Photo by K. Moran, 2014



Prepared by the Lake Whatcom
Interjurisdictional Coordinating Team

Lake Whatcom **Management Program** 2020-2024 Work Plan

February 2020

DRAFT

ACKNOWLEDGEMENTS

Lake Whatcom Management Committee

Justin Clary, Lake Whatcom Water and Sewer District General Manager

Seth Fleetwood, City of Bellingham Mayor

Satpal Singh Sidhu, Whatcom County Executive

Interjurisdictional Coordinating Team

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Contributors

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Lake Whatcom Water and Sewer District

Sudden Valley Community Association

Washington State University Whatcom County Extension

Western Washington University Institute for Watershed Studies

Lake Whatcom Watershed Advisory Board



Lake Whatcom Management Program

lakewhatcom.whatcomcounty.org



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PROGRAM OVERVIEW

Introduction

Lake Whatcom plays an important role in the quality of life for Whatcom County residents. It is the drinking water source for over 100,000 people, a recreational destination for outdoor enthusiasts and provides valuable habitat for plants and animals unique to our region. Keeping the lake clean and its forests and ecosystems healthy is no small task. Watershed residents and visitors play a critical role in this effort through stewardship of this shared resource. Local organizations and governments work to promote stewardship and take cooperative action to restore water quality, protect environmental health and preserve healthy forests in the watershed.

The 2020–2024 Lake Whatcom Management Program Work Plan represents this coordinated endeavor, bringing together the planned efforts of the City of Bellingham, Whatcom County, and the Lake Whatcom Water and Sewer District and consolidating them in one place to ensure actions are efficient and effective. This document outlines the efforts that these local entities will implement over the next five years to further the goals of the Lake Whatcom Management Program (see page 4).



Lake Whatcom | Photo by T. Ward, 2018

Statement from County Executive, City Mayor, District General Manager

As new leaders of Whatcom County, the City of Bellingham, and the Lake Whatcom Water and Sewer District, we stand by our organizations' long-standing commitment to restore, protect, and preserve Lake Whatcom's water quality and ecological health.

This updated work plan builds on over two decades of coordinated work and an impressive list of on-the-ground projects that are fulfilling our commitments to make steady progress in protecting and improving the lake. We are committed to working with our staff and the community to accomplish the work identified in this work plan. Our partnership is strong, and we remain on schedule to achieve a clean and protected source of drinking water for people and a healthy habitat for wildlife.



Justin Clary
District General Manager



Seth Fleetwood
Bellingham Mayor



Satpal Singh Sidhu
County Executive

PROGRAM OVERVIEW

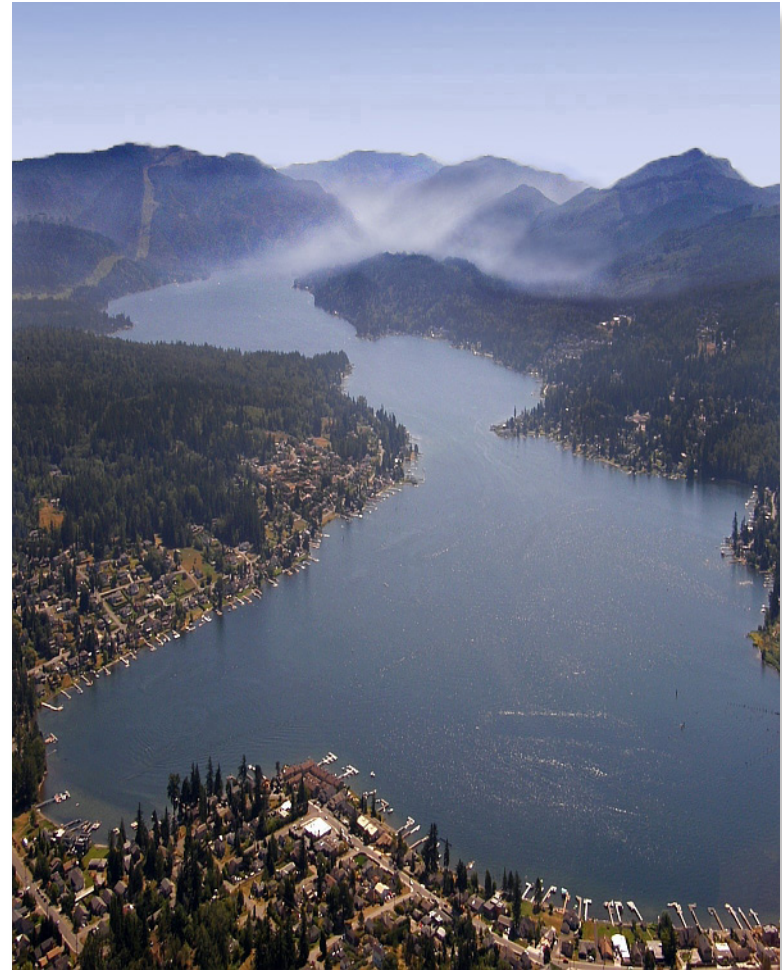
A Comprehensive Approach

The Lake Whatcom Management Program (LWMP) had its beginnings in the 1980s and early 1990s, when deterioration of Lake Whatcom's water quality was documented and brought to the attention of agencies and the public. In response, a joint resolution was passed by the City of Bellingham, Whatcom County and the Lake Whatcom Water and Sewer District in 1992 to organize efforts to address the most serious threats to the watershed. This comprehensive approach to managing the lake became the basis of the LWMP, which was established by Interlocal Agreement in 1998.

The LWMP shares resources to apply the best available science, engage the most knowledgeable local experts and build the strongest coalition amongst all who enjoy the benefits of this shared natural resource. The program strives to ensure that public dollars are spent responsibly and to the greatest benefit of the community and our quality of life. The LWMP identifies threats to Lake Whatcom, eliminates them if possible and mitigates them as necessary. As new threats are identified, solutions to address them are incorporated into subsequent work plans.

Program focus has evolved and expanded over time. In the 1990s, threats from forest harvest and forest practices were a major concern. In 1998, reducing phosphorus in stormwater entering the lake became a primary focus when Lake Whatcom was placed on the state's list of polluted water bodies due to low dissolved oxygen levels. By 2012, concern over threats from invasive mussels led to a new collaborative Aquatic Invasive Species program.

Current management efforts are focused in ten program areas, comprehensively addressing watershed health. Work plans are developed by LWMP partners. The 2020–2024 Work Plan is the fifth plan to date. It will guide actions to reduce the amount of phosphorus reaching the lake and address other watershed issues over the next five years. Consistent with previous plans, the 2020–2024 Work Plan is organized by program areas, each with specific objectives and planned activities.



Lake Whatcom | Photo by M. Kjelstad, 2010

PROGRAM OVERVIEW

Watershed and Lake Facts

Population and Drinking Water Supply

- Lake Whatcom is the drinking water source for over 100,000 Whatcom County residents, which is about half the county's population.
- Lake Whatcom provides drinking water for the City of Bellingham, Lake Whatcom Water and Sewer District, several smaller water districts and associations and homes that draw water directly from the lake.
- The City of Bellingham withdraws water from the lake's middle basin through a 1,200-foot wooden pipeline that leads to the water treatment plant in Whatcom Falls Park.
- About 18,000 people live in the Lake Whatcom watershed (2018 estimate).
- Approximately 25% of the watershed population lives within the City of Bellingham and approximately 75% live outside city limits in unincorporated Whatcom County.



Lake Whatcom | Photo by K. Moran, 2014

Physical Characteristics

- Lake Whatcom is about 10 miles long and just over one mile wide at its widest point.
- Lake Whatcom has about 30 miles of shoreline.
- Lake Whatcom's surface area is about 5,000 acres with eight percent within city limits.
- Lake Whatcom holds about 250 billion gallons of water.
- Lake Whatcom's natural outflow is to Whatcom Creek and Bellingham Bay.
- The City of Bellingham controls the lake level with a small dam at the outlet draining to Whatcom Creek. When the lake level reaches 314.94 feet above mean sea level the city is obligated to release water through the control dam.
- Lake Whatcom's watershed covers about 56 square miles (36,000 acres) with three percent (1,080 acres) within city limits.
- Lake Whatcom is fed by 36 streams (many do not flow year-round). Major tributaries include Silver Beach, Carpenter, Olsen, Smith, Anderson, Brannian, and Austin Creeks.
- Lake Whatcom also periodically receives water diverted from the Middle Fork of the Nooksack River by the City of Bellingham to meet water supply needs.

PROGRAM OVERVIEW

Program Goals

The Lake Whatcom Management Program is guided by the general goals established in the 1992 Joint Resolution of the City of Bellingham, Whatcom County, and the Lake Whatcom Water and Sewer District. These are:

- To recognize Lake Whatcom and its watershed as the major drinking-water reservoir for the county and develop public and private management principles for the lake and watershed consistent with a drinking water reservoir environment.
- To protect, preserve and enhance water quality and manage water quantity to ensure long-term sustainable supplies for a variety of uses, with priority placed on domestic water supply. Management programs and actions will be made in recognition of existing contractual agreements and potential for review and renegotiation in light of these goals.
- To prioritize protection over treatment in managing Lake Whatcom and its watersheds. Management actions shall reflect a long-term view of replacement or treatment costs.
- To manage water quantity to sustain long-term efficient use of the water for beneficial uses within the county that are consistent with a drinking-water reservoir, and recognize the integral link with the Nooksack River and associated water resource concerns.
- To ensure that opportunities for public comment and participation are provided in policy and management program development, and to promote public awareness and responsible individual actions.
- To promote learning, research, and information opportunities which better our understanding of the watershed system, the impacts of activities, and the benefits and potentials of policies implemented.



Lake Whatcom | Photo by T. Ward, 2017

PROGRAM OVERVIEW

Addressing the Challenges

The Lake Whatcom Management Program (LWMP) addresses the main challenges facing the lake and its watershed to meet long term management objectives for watershed health. These objectives are met through actions by residents, visitors and local governments.

Objective:

Water quality in the lake is restored to protect human health and support a diverse ecosystem.

Clean, safe drinking water is available for over 100,000 Whatcom County residents, and its source is protected from pollution.

High quality recreational opportunities around the lake are available, accessible and managed in a way that preserves the health of forests and waterways.

Management Challenge:

Runoff from developed areas entering the lake changes water chemistry and disrupts the natural balance of the ecosystem. Nutrients in the runoff feed algae blooms that affect native species and rob the water column of oxygen, creating poor water quality that threatens the health of aquatic species. Bacteria in stream runoff are a potential threat to the health of humans and pets coming into contact with the lake and streams.

Nutrients in polluted runoff lead to algae growth that can clog intake structures and interfere with water treatment processes. When such impacts occur, providing an adequate supply of drinking water requires the use of additional treatment strategies for both public and private systems. This increases costs and decreases efficiency of water supply systems.

Recreation throughout the watershed, from boating to hiking to mountain biking, can damage forests, harm water quality, cause erosion and disturb critical wildlife habitat. Recreation activities that occur in environmentally sensitive areas, such as wetlands or steep slopes, can change the landscape in ways that result in long-term environmental damage. While most recreational activities in the watershed contribute positively to our community and our quality of life, unmanaged uses can threaten our shared enjoyment of the lake.

Our Response:

LWMP actions prevent, capture, and reduce the amount of nutrients and bacteria in runoff entering the lake. Large-scale engineering projects, small-scale pollution prevention efforts, and one-on-one assistance to residents all help reduce pollution. In addition, regulations and forest management strategies are designed to ensure that land use activities do not further exacerbate these problems.

As water purveyors, the City of Bellingham and the Lake Whatcom Water and Sewer District plan, operate and maintain treatment systems that remove impurities and provide clean, safe tap water to their customers. LWMP partners monitor water quality in the lake, in tributary streams, and from the tap. They also respond to spills, collect hazardous materials from residents and construct stormwater treatment facilities to capture pollution before it enters the lake.

The LWMP recognizes the overlap between recreation and land preservation, which rely on each other to succeed. Preserved land that can support low-impact recreation is made accessible to the public. Recreational activities that adversely impact the watershed's natural functions are discouraged or prevented. Impacts from boating on the lake (e.g., fuel spills, invasive species transport, and shoreline erosion from wakes) are managed by providing adequate boater amenities and educating boaters and visitors about these risks.

PROGRAM OVERVIEW

Addressing the Challenges (continued)

Objective:

A high quality of life is maintained for our community and watershed residents.

Management Challenge:

The Lake Whatcom watershed is a desirable place to live and visit because of its beauty and access to recreational opportunities. The ability to boat, swim and enjoy the view of bright blue water contribute to a high quality of life enjoyed by both the community as a whole and watershed residents. Impacts to the lake that threaten those uses, including poor water quality, invasive species, unpleasant odors or unusable docks or beaches, could negatively affect quality of life and watershed property values.

Our Response:

All aspects of the LWMP work together to protect watershed health and water quality which in turn protects quality of life and property values. Watershed residents play an important role. LWMP success depends on their stewardship. The LWMP provides incentives and assistance to help residents reduce their impact. Property owners are encouraged to install water quality landscape improvements through the Homeowner Incentive Program. Residents are provided a guide to watershed living that gives them information and tools to enjoy their property without contributing to ongoing problems. The city and county have adopted rules for development in the watershed that ensure residents can enjoy their property while protecting the lake.

All of the uses and benefits of the lake are protected from aquatic invasive species infestations.

Aquatic invasive species (AIS) pose a significant long-term risk to all uses of Lake Whatcom. The introduction of zebra and quagga mussels would have highly detrimental impacts to water quality, recreation and property values. These tiny mussels could encrust pipes resulting in costly impacts to drinking water systems. Invasive aquatic plants can spread quickly throughout the lake, outcompeting native species, and resulting in blooms impacting shorelines, water access, and fishing. AIS are not easily controlled or eliminated. An infestation would likely create a permanent change in the lake with unknown consequences.

The LWMP has had a dedicated AIS prevention program since 2012. Throughout the boating season, inspectors work throughout the watershed to prevent the introduction of AIS and to educate boaters on their risk. This team of trained specialists provides on-site inspections for watershed residents and work at boat launches around the lake. If needed, the AIS crew uses specialized equipment to decontaminate boats before they enter the lake. These inspectors also staff boat launches at other lakes in the county to protect Lake Whatcom from AIS that may be introduced, or are already present, in those waterbodies.

PROGRAM OVERVIEW

Focus on Phosphorus

Lake Whatcom Management Program (LWMP) activities focus on reducing phosphorus levels in Lake Whatcom in response to federal Clean Water Act requirements and the state Total Maximum Daily Load (TMDL) process. The TMDL plan sets a target for phosphorus reduction and a timeline for achieving the target. In response to this process, phosphorus has become a major guiding issue for the five-year work plans over the past decade.

What is Phosphorus?

Phosphorus is a naturally occurring nutrient that stimulates plant growth and is essential for animal and plant life.

Where does phosphorus come from?

Phosphorus is an element found in soils, sediments and organic material. Phosphorus is transported by water and air. Specific sources include: erosion, fertilizers and pesticides, organic material (e.g., leaves, grass clippings, and other compost), animal waste, sewage effluent, and phosphorus-based soaps and detergents.

How does phosphorus get into the lake?

Phosphorus is primarily transported to the lake through stormwater runoff. On natural landscapes, stormwater slowly seeps into the ground where it is filtered by forests and soils. Human activity in developed landscapes increases the amount of phosphorus in stormwater above natural levels. Runoff flowing across surfaces such as roads, roofs, driveways and yards picks up pollutants like phosphorus and flows directly into the nearest ditch or storm drain leading to the lake.

Why is phosphorus a problem?

Phosphorus promotes algal growth. When algae die, the decomposition process depletes oxygen in the lake affecting the aquatic ecosystem and releasing additional phosphorus from lake sediments. Algae also impact water quality taste and odor and add to water treatment costs. Some types of algae are toxic and can cause health issues for swimmers and pets.

The City of Bellingham and Whatcom County have been working together for over a decade to protect Lake Whatcom and reduce phosphorus loading to the lake by:

- Adopting stormwater and land use regulations to reduce phosphorus pollution.
- Constructing, operating, and maintaining stormwater treatment facilities.
- Providing residential retrofit programs to reduce phosphorus pollution from existing developed lots.
- Preserving land in the watershed that might otherwise be susceptible to development or other land disturbance activities.

The city and county are required to make continued progress toward TMDL targets through their National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permits. The current permits are in effect from August 1, 2019 – July 31, 2024 and include specific actions that the city and county are required to complete during this permit cycle.

These required actions have been incorporated into this work plan and noted with (TMDL REQUIRED). **See the table on pages 30-31 for a complete listing of TMDL required activities with a timeline.**

What about Bacteria?

While phosphorus in stormwater entering the lake is a focus of many efforts of the LWMP, addressing bacteria flowing into streams that lead to the lake is also an important component of watershed protection and restoration.

Bacteria levels have been found to exceed water quality standards in eleven tributaries to Lake Whatcom, many of which flow through developed areas. The Department of Ecology tests for specific types of bacteria that are commonly associated with residential areas, from sources like leaking septic systems, sewer system overflows, and pet and livestock waste left exposed to rainfall. The TMDL requires that the city and county address the sources of these pollutants to protect public health in and around these streams and their outlets.

Fortunately, many of the practices employed to reduce phosphorus also help to reduce bacteria entering the streams or the lake. These include improvements that filter stormwater, encouraging residents to manage animal waste at home and in public spaces, and educating homeowners about proper maintenance of septic systems.

PROGRAM OVERVIEW

Program Development & Accomplishment Timeline

| 1992 - 1999 | 2000 - 2004 | 2005 - 2009 | 2010 - 2014 | 2015 - 2019 |
|--|---|---|---|--|
| <p>1992: Joint Resolution adopted to establish common goals for Lake Whatcom watershed</p> <p>1992: City stormwater capital improvement program began</p> <p>1993: Sudden Valley Community Association began density reduction program to remove 1,400 potential dwelling units</p> <p>1998: Lake Whatcom Management Program (LWMP) established by Interlocal Agreement</p> <p>1998: Lake Whatcom placed on Washington's list of polluted water bodies due to low dissolved oxygen levels; Tributary creeks listed for high bacteria levels; Total Maximum Daily Load (TMDL) process began.</p> <p>1999: County Water Resource Protection Overlay District and Stormwater Special District established</p> <p>1999: LWMP 1999 Work Plan adopted</p> | <p>2000: LWMP 2000-2004 Work Plan adopted</p> <p>2000: City stormwater capital improvement program expands to address phosphorus</p> <p>2000: Interjurisdictional Coordinating Team (ICT) created to coordinate activities and programs between jurisdictions</p> <p>2001: City adopted first land use regulations for new development on properties that drain to Basin 1 (Lake Whatcom Reservoir Regulatory Chapter [BMC 16.80])</p> <p>2001: City stormwater utility established; provided funding for Lake Whatcom protection</p> <p>2001: City Lake Whatcom Property Acquisition Program began</p> <p>2001: Watershed Advisory Board established</p> <p>2002: County rezone reduced 1,800 potential dwelling units</p> | <p>2005: LWMP 2005-2009 Work Plan adopted</p> <p>2005: City and county passed phosphorus fertilizer ban</p> <p>2005: City and county banned boats with carbureted 2-stroke engines</p> <p>2006: County stormwater capital improvement program with focus on phosphorus treatment began</p> <p>2008: Lake Whatcom Policy Group formed</p> <p>2008: City Residential Stormwater Retrofit Program began</p> <p>2009: City amended the Lake Whatcom Reservoir Regulatory Chapter</p> | <p>2010: LWMP 2010-2014 Work Plan adopted</p> <p>2011: Homeowner Incentive Program launched</p> <p>2012: Aquatic Invasive Species Prevention Program began</p> <p>2013: County amended Title 20 to create the Lake Whatcom Watershed Overlay District to reduce impacts from development and land use activities</p> <p>2014: Sudden Valley Community Association joined Policy Group</p> <p>2014: Department of Natural Resources (DNR) finalized reconveyance of 7,800 acres in the watershed to Whatcom County Parks</p> | <p>2015: LWMP 2015-2019 Work Plan adopted</p> <p>2016: Lake Whatcom TMDL for phosphorus and fecal coliform approved by Environmental Protection Agency (EPA)</p> <p>2016: New phosphorus loading model developed</p> <p>2017: Homeowner Incentive Program revised and expanded</p> <p>2019: Began update of lake response model</p> <p>2019: County Lake Whatcom stormwater utility established to provide funding for Lake Whatcom protection</p> <p>2019: City and county National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permits issued (TMDL response requirements included in the new permit)</p> |

PROGRAM OVERVIEW

Reporting Metrics

Reporting metrics are data Lake Whatcom Management Program (LWMP) partners use to track the progress of programs and on-the-ground activities or to quantify communication and outreach efforts. Reporting metric updates will be provided in annual progress reports and the five-year accomplishments report.

Work plan reporting metrics are not intended to provide an overall evaluation of Lake Whatcom watershed health or water quality trends. This type of long-term evaluation occurs separately through efforts such as Western Washington University's Institute for Watershed Studies Lake Whatcom Monitoring Project.

Different program areas measure progress in different ways. A comprehensive Lake Whatcom Watershed Baseline Survey was established in 2018 to help evaluate the effectiveness of outreach efforts and to inform future work plan priorities. This survey will be repeated every five years and the results will provide information on watershed residents' attitudes, knowledge and behaviors. When applicable to specific activities included in this work plan, key metrics from this survey are also included as reporting metrics. Examples include:

- The proportion of watershed residents who have used alternative methods of transportation in the past year.
- The proportion of watershed residents who are knowledgeable about proper hazardous materials disposal.
- The proportion of watershed residents who are knowledgeable about AIS and compliance with inspection requirements.

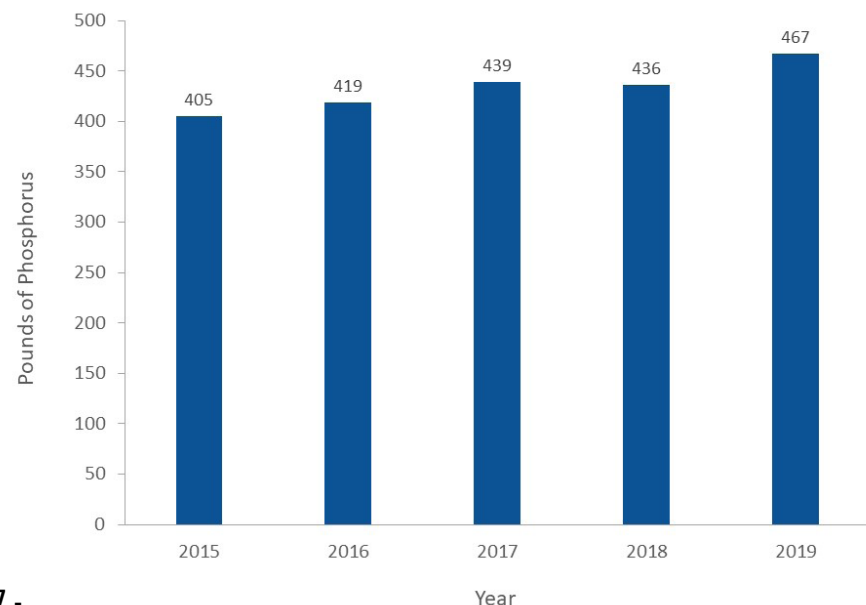
Progress made in our stormwater program area is demonstrated by tracking efforts by the City of Bellingham and Whatcom County to meet Total Maximum Daily Load (TMDL) targets for reducing phosphorus and bacteria loading to the lake. Cumulative efforts to date (2004 to 2019) have resulted in a reduction of approximately 467 pounds of phosphorus per year entering Lake Whatcom (14% of current TMDL target amount of 3,150 pounds of phosphorus per year by 2066*). Over the next five years, the activities outlined in this plan will accomplish additional phosphorus reductions while also reducing bacteria levels in tributaries.

*Target is subject to change pending modeling results.

Several new reporting metrics have been included in this work plan to better quantify progress or to provide more information regarding on-the-ground activities or changes in the Lake Whatcom watershed. One of these new metrics will estimate the water quality benefits from land preservation efforts by providing an estimate of the maturity of vegetation on each of the protected parcels. The functional status of protected watershed properties will be assigned to one of three categories based on the maturity of the site's vegetation: early succession (first nine years of restoration), mid-succession (10 to 30 year forested), or mature forest function (beyond 30 years).

Other metrics have been carried over from the last work plan and aim to provide us with ongoing information regarding trends in the watershed. Some of these trends inform work plan priorities while others provide interesting information regarding the changes in the watershed. Examples include our ongoing efforts to reduce the number of pounds of phosphorus entering Lake Whatcom (Figure 1) and the number of watercraft inspections for aquatic invasive species that have been conducted between 2015 and 2019.

Figure 1: Pounds of phosphorus reduced per year (cumulative)



PROGRAM OVERVIEW

Program Areas and Objectives

The Lake Whatcom Management Program (LWMP) focuses efforts in ten program areas. The 2020-2024 Work Plan uses the same program areas as the previous five-year plan. As LWMP partners, the City of Bellingham, Whatcom County, and the Lake Whatcom Water and Sewer District are the leads responsible for accomplishing the work described in this plan.

1. Land Preservation

Preserve and restore land that might otherwise be susceptible to development or other land disturbance to protect water quality and fish and wildlife habitat.

2. Stormwater

Protect and restore water quality in Lake Whatcom and its tributaries by using best practices to collect, treat, and manage stormwater runoff from developed areas throughout the watershed.

3. Land Use

Prevent water quality and quantity impacts from new development, redevelopment, and forest practices.

4. Monitoring & Data

Collect and manage data to increase our understanding of water quality and pollution sources, reduce uncertainty in the Lake Whatcom loading and response models, and guide management decisions.

5. Hazardous Materials

Prevent water quality impacts associated with improper storage and handling of hazardous materials, and ensure that spill prevention and response programs adequately protect water quality.

Additional partners play important roles to help achieve work plan goals. Key partners include: Sudden Valley Community Association, Washington State Departments of Ecology and Natural Resources, WSU Whatcom County Extension, Watershed Advisory Board members, Western Washington Institute for Watershed Studies, Whatcom Conservation District, and Whatcom Land Trust.

6. Recreation

Provide access to recreational opportunities that are consistent with water quality goals.

7. Aquatic Invasive Species

Prevent new aquatic invasive species (AIS) introductions to Lake Whatcom and minimize impacts associated with established invasive species.

8. Utilities & Transportation

Prevent water quality and quantity impacts from water, sewer, and transportation systems.

9. Education & Engagement

Educate and engage watershed residents and visitors to promote and facilitate the adoption of behaviors that protect water quality.

10. Administration

Implement the Lake Whatcom Management Program Work Plan and provide opportunities for public input.

PROGRAM AREA

Land Preservation

OBJECTIVE: Preserve and restore land that might otherwise be susceptible to development or other land disturbance to protect water quality and fish and wildlife habitat.

**2020-2024
Estimated Investments:
\$19.5 million**



The Land Preservation and Recreation program areas share two important objectives: protection of the watershed's water quality and provision of recreational opportunities in the watershed. These objectives are front and center for both of the program areas; however, each has a different emphasis. Land Preservation actions primarily seek to protect water quality, with an additional objective of providing for passive recreational opportunities where appropriate.

1.1 Property Protection

Purchase property or use other measures to prevent development and other land use disturbances that degrade the natural functions of the watershed.

1.1.1. Purchase watershed properties based on evaluation criteria and availability.

1.2 Property Management

Manage watershed properties to improve the watershed's natural functions that protect water quality and fish and wildlife habitat.

1.2.1. Implement management plans that address forestry, recreation (facilities, trails, roads), and vegetation (planting and maintenance) management needs for all city and county properties.

Reporting Metrics:

- Number of development units removed from the watershed per year
- New acres acquired or otherwise protected per year
- Total cumulative acres in protected status updated annually
- Acres in early succession (0-9 years old), in mid-succession (10-30 years old), and mature forest (>30 years old) updated every five years

PROGRAM AREA

Stormwater

OBJECTIVE: Protect and restore water quality in Lake Whatcom and its tributaries by using best practices to collect, treat, and manage stormwater runoff from developed areas throughout the watershed.

**2020-2024
Estimated Investments:
\$16.9 million**



The Lake Whatcom Management Program (LWMP) addresses stormwater pollution by working with landowners throughout the watershed and experts in the fields of engineering and water chemistry. Strategies include preventing pollution at its source, filtering it through native soils and vegetation, and treating it using engineered stormwater facilities and other emerging technologies.

2.1 Capital Improvements

Construct and retrofit capital facilities to reduce water quality and quantity impacts associated with stormwater runoff.

- 2.1.1. Construct capital stormwater facilities in accordance with capital improvement plans adopted by the City of Bellingham and Whatcom County as part of ongoing watershed-scale planning efforts (TMDL REQUIRED).
- 2.1.2. Complete an evaluation of the effectiveness of built stormwater treatment and flow control facilities, and an assessment of overall performance in reducing phosphorus and bacteria (TMDL REQUIRED).
- 2.1.3. Develop retrofit plans for existing facilities and program projects for design and construction in accordance with resources, budget, and need (TMDL REQUIRED).
- 2.1.4. County will complete two subwatershed master plans to identify specific strategies for target areas.
- 2.1.5. Update capital improvement project list annually (TMDL REQUIRED).
- 2.1.6. Pursue funding opportunities, including grants, for projects identified in capital or retrofit list(s).

2.2 Residential Stormwater Solutions

Address unmanaged runoff and phosphorus from private properties around Lake Whatcom.

- 2.2.1 Provide technical and/or financial assistance for residential-scale retrofits of private property that result in phosphorus- or flow-limiting projects through the Homeowner Incentive Program (HIP) or similar programs that encourage voluntary stewardship by landowners.
- 2.2.2 Evaluate and develop neighborhood-scale retrofit projects in public rights-of-way and community space.

PROGRAM AREA

Stormwater

OBJECTIVE: Protect and restore water quality in Lake Whatcom and its tributaries by using best practices to collect, treat, and manage stormwater runoff from developed areas throughout the watershed.

**2020-2024
Estimated Investments:
\$16.9 million**



2.2 Residential Stormwater Solutions (continued)

Address unmanaged runoff and phosphorus from private properties around Lake Whatcom.

- 2.2.3. Provide inspections and/or technical assistance to owners of private stormwater facilities and document performance toward water quality improvements for properly maintained systems.
- 2.2.4. Conduct annual private stormwater facility maintenance workshops to instruct owners about system needs and maintenance requirements (TMDL REQUIRED).
- 2.2.5. Develop and disseminate watershed-specific education and outreach messaging that encourages residents to act to protect water quality.

2.3 Public Stormwater Facilities and Infrastructure

Operate, inspect, and maintain all public stormwater facilities and infrastructure.

- 2.3.1. Conduct regular inspection and maintenance of public stormwater facilities (TMDL REQUIRED).
- 2.3.2. Conduct infrastructure maintenance activities and research and evaluate water quality benefits for activities that may include, but are not limited to, enhanced street sweeping, catch basin cleaning, and permeable pavement sweeping.

2.4 Integrate Water Quality Improvements Across Program Areas

Provide assistance to other program areas to achieve water quality improvement goals.

- 2.4.1. Provide technical assistance and consulting to other program areas and estimate water quality benefits gained through combined efforts and partnerships.

Reporting Metrics:

- Pounds of phosphorus reduced per year through activities in the following categories (TMDL REQUIRED):
 - Phosphorus treatment and flow control capital projects
 - Homeowner Incentive Program (HIP) improvements
 - Land use regulations
 - Operations and maintenance activities

PROGRAM AREA

Land Use

OBJECTIVE: Prevent water quality and quantity impacts from new development, redevelopment, and forest practices.

2020-2024
Estimated Investments:
\$1.8 million



The Lake Whatcom Management Program (LWMP) uses development regulations and assessments of forestry activities to minimize water quality impacts from development and logging.

3.1 Development

Use development regulations to protect water quality.

- 3.1.1. Coordinate with Lake Whatcom partners when developing or revising development regulations.
- 3.1.2. Track all building and development activities in the watershed and make information accessible to agencies and the public through the Annual Buildout Report.
- 3.1.3. Monitor properties, including Native Vegetation Protection Areas (NVPA), to ensure performance standards are met.
- 3.1.4. Provide outreach to watershed residents to increase understanding of and compliance with land use and stormwater regulations.

3.2 Forestry

Assess forestry activities to verify that adverse water quality impacts are minimized.

- 3.2.1. Review reports written by the Interjurisdictional Committee on Department of Natural Resources (DNR) forestry activities.
- 3.2.2. Review and comment on private forest practice applications.

PROGRAM AREA

Land Use

OBJECTIVE: Prevent water quality and quantity impacts from new development, redevelopment, and forest practices.

2020-2024
Estimated Investments:
\$1.8 million



3.2 Forestry (continued)

Assess forestry activities to verify that adverse water quality impacts are minimized.

- 3.2.3. Engage with private forest landowners to achieve consistency with the Lake Whatcom Landscape Plan.
- 3.2.4. Track permitted forest practice activities (including harvests, replanting, road building and abandonment, and herbicide spraying).
- 3.2.5. Collaborate with the DNR to improve mapping of forest practice activities in GIS to improve tracking capabilities.

Reporting Metrics:

- Acres of native vegetation protected as forest in perpetuity as a result of land use regulations
- Acres of developed surface treated by phosphorus-limiting Best Management Practices (BMPs) installed to meet requirements of land use regulations
- Proportion of watershed residents who are knowledgeable of phosphorus-neutral development regulations measured every five years through the Lake Whatcom Watershed Baseline Survey
- Acres of timber harvested and replanted on forest lands per year
- Miles of road constructed/abandoned on forest lands per year
- Acres of land treated with herbicides on forest lands per year

PROGRAM AREA

Monitoring and Data

OBJECTIVE: Collect and manage data to increase our understanding of water quality and pollution sources, reduce uncertainty in the Lake Whatcom loading and response models, and guide management decisions.

**2020-2024
Estimated Investments:
\$3.4 million**



The Lake Whatcom Management Program (LWMP) works to implement studies, conduct monitoring, and improve modelling programs to further understand water quality and pollution sources in the Lake Whatcom watershed. Key efforts include lake and tributary monitoring, evaluating effectiveness of existing Best Management Practices (BMPs), updating load and response models, assessing on-site sewage (OSS) systems and managing data.

4.1 Lake Whatcom Monitoring

Continue long-term baseline water quality monitoring in Lake Whatcom.

- 4.1.1. Contract with Western Washington University Institute for Watershed Studies to provide annual report regarding water quality and trends in Lake Whatcom and tributaries.
- 4.1.2. Evaluate monitoring results and receive updates on water quality trends.

4.2 Tributary Monitoring

Continue long-term baseline monitoring of Lake Whatcom tributaries including the collection of data on total suspended solids, phosphorus and fecal coliform concentrations.

- 4.2.1. Provide annual data input for loading and response models.
- 4.2.2. Oversee and refine tributary monitoring contracts to improve hydrologic model.
- 4.2.3. Evaluate tributary monitoring results and determine policy implications.

4.3 Stormwater Monitoring

Conduct monitoring to evaluate stormwater facilities for their effectiveness at removing phosphorus and fecal coliform.

- 4.3.1. Use data to develop recommendations to improve removal of phosphorus and fecal coliform by stormwater facilities; update Best Management Practices (BMPs) as needed.

PROGRAM AREA

Monitoring and Data

OBJECTIVE: Collect and manage data to increase our understanding of water quality and pollution sources, reduce uncertainty in the Lake Whatcom loading and response models, and guide management decisions.

**2020-2024
Estimated Investments:
\$3.4 million**



4.4 Phosphorus Loading and Response Models

Continue to support data collection needed to improve accuracy of phosphorus loading and lake response models.

- 4.4.1. Update and recalibrate the phosphorus loading model with additional data and incorporate recommendations from third party review (TMDL REQUIRED).
- 4.4.2. Continue to collect high quality streamflow, water quality, and weather data.
- 4.4.3. Update lake response model to better define phosphorus reduction goals.

4.5 On-Site Sewage System Impact Assessment

Conduct monitoring to assess on-site sewage systems (OSS, also called septic systems) in the watershed.

- 4.5.1. Conduct follow-up investigation to assess impacts on Lake Whatcom water quality.
- 4.5.2. Evaluate study results and discuss policy implications.

4.6 Baseline Data

Manage and develop summaries of monitoring data and reports.

- 4.6.1. Review and summarize monitoring studies and reports to determine water quality trends and policy implications, and make information easily accessible to the public.
- 4.6.2. Maintain and update data catalog.
- 4.6.3. Track the status of Ecology-approved Quality Assurance Project Plans (TMDL REQUIRED).

Reporting Metrics:

- Number of lake water quality samples collected per year
- Number of tributary water quality samples collected per year
- Number of samples exceeding water quality standards

PROGRAM AREA

Hazardous Materials

OBJECTIVE: Prevent water quality impacts associated with improper storage and handling of hazardous materials and ensure that spill prevention and response programs adequately protect water quality.

**2020-2024
Estimated Investments:
\$225,000**



The Lake Whatcom Management Program (LWMP) promotes the proper management of hazardous materials to prevent pollution from entering stormwater systems. These efforts are especially important in the Lake Whatcom watershed to protect our community's drinking water source.

5.1 Hazardous Materials

Facilitate removal of hazardous materials from watershed residences.

- 5.1.1. Conduct hazardous materials collection event at locations in the watershed (TMDL REQUIRED).
- 5.1.2. Promote and provide education on proper use, storage and disposal of hazardous materials.

5.2 Spill Prevention and Response

Protect water quality by providing adequate spill prevention, response and disposal programs.

- 5.2.1. Continue to detect and remediate illicit discharges, connections, and improper disposal, including spills into the City of Bellingham stormwater system or Lake Whatcom Water and Sewer District sewer system.
- 5.2.2. Educate watershed residents and visitors on how to prevent and report spills.
- 5.2.3. Continue to record and respond to calls regarding illicit discharges or spills received via the stormwater hotline number.
- 5.2.4. Review spill response procedures and reporting protocols.
- 5.2.5. Conduct ongoing field staff training regarding spill prevention and response.

Reporting Metrics:

- Pounds of all hazardous materials collected from watershed residents per collection event(s) (TMDL REQUIRED)
- Pounds of phosphorus-containing materials collected from watershed residents per collection event(s) (TMDL REQUIRED)
- Number of spills, illicit discharges, or hazardous material incidents reported in the watershed
- Proportion of watershed residents who are knowledgeable about proper hazardous materials disposal measured every five years through the Lake Whatcom Watershed Baseline Survey
- Proportion of watershed residents who are knowledgeable about how to report spills measured every five years through the Lake Whatcom Watershed Baseline Survey

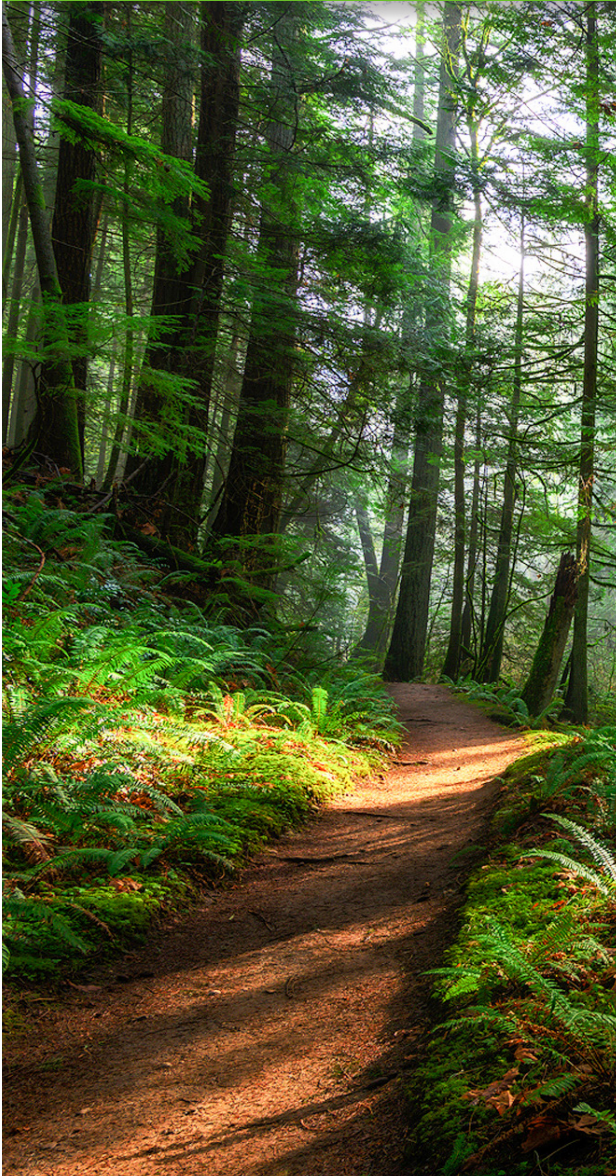
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PROGRAM AREA

Recreation

OBJECTIVE: Provide access to recreational opportunities that are consistent with water quality goals.

**2020-2024
Estimated Investments:
\$6.5 million**



The Recreation and Land Preservation program areas share two important objectives: protection of the watershed's water quality and provision of recreational opportunities in the watershed. These objectives are front and center for both of the program areas; however, each has a different emphasis. Recreation program area activities are focused on the nexus between recreational activities and facilities and watershed stewardship.

6.1 Recreational Facilities

Develop or improve recreational facilities to support recreational opportunities while reducing impacts to lake water quality.

- 6.1.1. Operate and maintain existing recreational amenities (including parking, signage, picnic sites, shelters, information kiosks, trash and pet waste receptacles, and restrooms) and explore options for providing these amenities at facilities where they do not currently exist.
- 6.1.2. Create low maintenance nutrient- and pesticide-free landscapes in public parks.
- 6.1.3. Infiltrate or treat stormwater following stormwater Best Management Practices (BMPs).
- 6.1.4. Ensure recreational opportunities offered through third-party vendors are in line with water quality goals.

6.2 Trails

Develop or improve trails and park roads to reduce impacts to water quality.

- 6.2.1. Build and maintain trails and park roads in accordance with appropriate BMPs to prevent erosion and ensure runoff is infiltrated and/or treated before reaching a water body.
- 6.2.2. Remove trails and roads that were not constructed using BMPs, where feasible.
- 6.2.3. Connect trails to other parks, trails, facilities and transportation networks.
- 6.2.4. Provide trailhead amenities such as restrooms, pet waste stations, and information kiosks, where appropriate.
- 6.2.5. Install directional signs on trails to discourage off-trail usage.

PROGRAM AREA

Recreation

OBJECTIVE: Provide access to recreational opportunities that are consistent with water quality goals.

**2020-2024
Estimated Investments:
\$6.5 million**



6.3

Public Access

Provide low impact public access opportunities.

- 6.3.1. Provide public access using existing parks, launches, and trails whenever possible.
- 6.3.2. Explore ways to improve bike lanes and transit services to recreational facilities.
- 6.3.3. Maintain and develop access to key viewpoints in the watershed.

6.4

Public Information and Stewardship

Provide watershed stewardship information to recreational users.

- 6.4.1. Educate watershed residents and visitors about recreational practices that protect water quality.
- 6.4.2. Engage recreational user groups (e.g. mountain bikers, horseback riders, boaters, etc.) in practices that protect water quality.

Reporting Metrics:

- Miles of user built trails decommissioned per year
- Miles of forest roads maintained in accordance with Forest Practices Act requirements per year
- Number of pet waste stations maintained in the watershed per year
- Estimated number of individuals using parks/trails in the watershed per year
- Number of interpretive/informational exhibits installed or maintained per year

PROGRAM AREA

Aquatic Invasive Species

OBJECTIVE: Prevent new aquatic invasive species (AIS) introductions to Lake Whatcom and minimize impacts associated with established invasive species.

**2020-2024
Estimated Investments:
\$2.8 million**



The Lake Whatcom Management Program (LWMP) launched the Aquatic Invasive Species (AIS) Prevention Program in 2012 with the goal of preventing the introduction of zebra and quagga mussels and other aquatic invasive species to Lake Whatcom. Program elements that are highlighted in this section include education and outreach, watercraft inspection and decontamination, and monitoring and response.

7.1 Prevention

Implement prevention programs to minimize introduction and spread of AIS into Lake Whatcom and nearby waterbodies.

- 7.1.1. Implement mandatory watercraft inspection and decontamination program at Lake Whatcom and Lake Samish.
- 7.1.2. Inform watershed residents, boaters and other lake visitors about AIS issues and engage them in prevention activities through informational materials, online education tools, community events and public meetings, and in-person conversations during inspections.

7.2 Early Detection and Monitoring

Implement comprehensive aquatic invasive species monitoring program for Lake Whatcom and nearby waterbodies.

- 7.2.1. Conduct regular zebra/quagga mussel monitoring events in Whatcom County waters.
- 7.2.2. Detect new introductions and monitor the extent and density of established aquatic invasive species through activities such as: aquatic plant surveys, shoreline monitoring events, trapping and water sampling.
- 7.2.3. Develop a voluntary AIS monitoring and reporting program for Lake Whatcom.

PROGRAM AREA

Aquatic Invasive Species

OBJECTIVE: Prevent new aquatic invasive species (AIS) introductions to Lake Whatcom and minimize impacts associated with established invasive species.

**2020-2024
Estimated Investments:
\$2.8 million**



7.3 Management and Response

Establish effective plans for managing and responding to new infestations in a timely manner.

- 7.3.1. Develop AIS Rapid Response Plan for Lake Whatcom.
- 7.3.2. Identify all current management tools and Best Management Practices (BMPs) that could be implemented in Lake Whatcom to address any potential species of concern.
- 7.3.3. Coordinate and collaborate with staff from state and regional agencies/organizations when developing and implementing control and mitigation strategies.

Reporting Metrics:

- Number of new AIS introductions per year
- Number of watercraft inspections conducted per year
- Number of watercraft decontaminations conducted per year
- Number of people who completed online AIS Awareness Course per year
- Number of non-boating visitors interacted with at check stations per year
- Proportion of watershed residents who are knowledgeable about AIS and compliance with inspection requirements measured every five years through the Lake Whatcom Watershed Baseline Survey

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PROGRAM AREA

Utilities and Transportation

OBJECTIVE: Prevent water quality and quantity impacts from water, sewer, and transportation systems.

**2020-2024
Estimated Investments:
\$8.9 million**



The Lake Whatcom Management Program (LWMP) supports responsible management of public infrastructure that serves watershed residents, which is critical in mitigating impacts to Lake Whatcom's water quality. Proactive maintenance of water, sewer, and road infrastructure within the watershed, coupled with effective water supply management and public education, can reduce development-related impacts.

8.1 Water

Manage water supply systems to minimize water quality and quantity impacts.

- 8.1.1. Conduct water audits to detect and repair water system leaks.
- 8.1.2. Encourage water-use efficiency through outreach and rebate programs.

8.2 Sewage

Reduce water quality degradation from sanitary sewer and on-site sewage (OSS or septic) systems.

- 8.2.1. Provide sewer service to areas with OSS systems when justified.
- 8.2.2. Maintain and replace sewer infrastructure to reduce the potential of sewage overflows.
- 8.2.3. Enforce OSS system operation and maintenance regulations, maintain OSS database and respond to failing systems.

PROGRAM AREA

Utilities and Transportation

OBJECTIVE: Prevent water quality and quantity impacts from water, sewer, and transportation systems.

**2020-2024
Estimated Investments:
\$8.9 million**



8.3 Roads and Transportation

Inform watershed residents and visitors about alternative transportation opportunities and design and develop transportation systems to protect water quality.

- 8.3.1. Employ road design standards to reduce impacts to water quality.
- 8.3.2. Perform enhanced maintenance actions (i.e. additional street sweeping, more frequent cleaning of catchbasins, more frequent replacement of stormwater filters, etc.) to reduce impacts to water quality.
- 8.3.3. Inform watershed residents and visitors about alternative transportation opportunities in the watershed.
- 8.3.4. Examine opportunities to improve bike and pedestrian mobility, including signage, to encourage and promote the use of alternative transportation.
- 8.3.5. Work with Whatcom Transit Authority to preserve and promote public transit routes.

Reporting Metrics:

- Number of bike and pedestrian mobility improvements made per year
- Proportion of watershed residents who have used alternative methods of transportation in the past year measured every five years through the Lake Whatcom Watershed Baseline Survey
- Estimated gallons of water conserved in the City of Bellingham and Lake Whatcom Water and Sewer District service areas per year
- Number of OSS system failures reported in the watershed per year
- Number of sewer overflows into Lake Whatcom per year
- Proportion of watershed residents who are knowledgeable of water conservation concerns in regards to water supply from Lake Whatcom measured every five years through the Lake Whatcom Watershed Baseline Survey

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PROGRAM AREA

Education and Engagement

OBJECTIVE: Educate and engage watershed residents and visitors to promote and facilitate the adoption of behaviors that protect water quality.

**2020-2024
Estimated Investments:
\$825,000**



The Lake Whatcom Management Program (LWMP) educates and engages community members in the protection of Lake Whatcom. Education and engagement (i.e., outreach) work plan components are divided into three types. **General Lake Whatcom** outreach activities are designed to reach a general audience and provide a broad array of information about the Lake Whatcom watershed. **Program area-specific** outreach activities apply to a specific target audience and often include assistance or incentives to help community members take a specific action to protect Lake Whatcom. Outreach activities are listed both in relevant program areas and in the Education and Engagement section. **Community-wide** outreach activities are incorporated into education and engagement efforts that target a broader, community-wide audience, but which also may benefit Lake Whatcom.

9.1

General Lake Whatcom Education and Engagement

Provide education and outreach to watershed residents, property owners, visitors, and the community about Lake Whatcom and the Lake Whatcom Management Program.

- 9.1.1. Provide information about Lake Whatcom and its watershed as well as Lake Whatcom Management Program activities and programs to watershed residents, property owners, visitors, community members and elected officials (TMDL REQUIRED).
- 9.1.2. Maintain and enhance up-to-date information and resources online.
- 9.1.3. Measure watershed residents' understanding of watershed issues and adoption of stewardship practices at least once every five years and use the results to adapt programs and direct resources more effectively (TMDL REQUIRED).
- 9.1.4. Provide education and engagement for program-specific activities included in this work plan, in addition to those specified under 9.2. Due to the large number of programmatic activities, this outreach support may constitute a large body of work. For example, efforts may include outreach to support the Homeowner Incentive Program (HIP), other stormwater retrofit projects, and water quality and AIS monitoring programs.

Reporting Metrics:

- Number of households (new and existing) sent informational materials per year (TMDL REQUIRED)
- Number of unique visitors to Lake Whatcom Management Program website per year
- Level of watershed residents' knowledge of and participation in key stewardship practices measured every five years through the Lake Whatcom Watershed Baseline Survey

PROGRAM AREA

Education and Engagement

OBJECTIVE: Educate and engage watershed residents and visitors to promote and facilitate the adoption of behaviors that protect water quality.

**2020-2024
Estimated Investments:
\$825,000**



9.2

Program Area-Specific Education and Engagement

The following program area-specific education and engagement activities are also listed under their respective program areas. Any reporting metrics for these activities can be found under the respective program areas.

Stormwater

- 2.2.4. Conduct annual private stormwater facility maintenance workshops to instruct owners about system needs and maintenance requirements (TMDL REQUIRED).
- 2.2.5. Develop and disseminate watershed-specific education and outreach messaging that encourages residents to act to protect water quality.

Land Use

- 3.1.4. Provide outreach to watershed residents to increase understanding of and compliance with land use and stormwater regulations.

Hazardous Materials

- 5.1.1. Conduct a hazardous materials collection event at locations in the watershed (TMDL REQUIRED).
- 5.1.2. Promote and provide education on proper use, storage and disposal of hazardous materials.
- 5.2.2. Educate watershed residents and visitors on how to prevent and report spills.

Recreation

- 6.4.1. Educate watershed residents and visitors about recreational practices that protect water quality.
- 6.4.2. Engage recreational user groups (e.g. mountain bikers, horseback riders, boaters, etc.) in practices that protect water quality.

Aquatic Invasive Species

- 7.1.2. Inform watershed residents, boaters and other lake visitors about AIS issues and engage them in prevention activities through informational materials, online education tools, community events and public meetings, and in-person conversations during inspections.

PROGRAM AREA

Education and Engagement

OBJECTIVE: Educate and engage watershed residents and visitors to promote and facilitate the adoption of behaviors that protect water quality.

**2020-2024
Estimated Investments:
\$825,000**



9.2 Program Area-Specific Education and Engagement (continued)

The following program area-specific education and engagement activities are also listed under their respective program areas. Any reporting metrics for these activities can be found under the respective program areas.

Utilities and Transportation

- 8.1.2. Encourage water-use efficiency through outreach and rebate programs.
- 8.3.3. Inform watershed residents and visitors about alternative transportation opportunities in the watershed.

9.3 Community-Wide Education and Engagement with Lake Whatcom Benefit

The following community-wide education and engagement activities target a broader, community-wide audience but may also benefit Lake Whatcom.

- 9.3.1. Pet waste: city- and county-wide programs that support pet waste pick up at home and in parks
- 9.3.2. Vehicle leaks: city-wide awareness campaign that uses advertising (e.g. print, bus and movie theater ads) to prompt vehicle owners to check leaks and fix them.
- 9.3.3. Car washing: city-wide awareness campaign that uses advertising (e.g. print, bus and movie theater ads) to prompt vehicle owners to wash their vehicles at a car wash.
- 9.3.4. Yard care: city- and county-wide workshops to educate and encourage residents to use sustainable yard care practices.
- 9.3.5. On-site sewage (OSS) system maintenance: county-wide program to support proper maintenance of OSS systems (septic systems).
- 9.3.6. School program: city-wide program to educate Bellingham School District students about Bellingham's water treatment systems and water conservation principles.

PROGRAM AREA

Administration

OBJECTIVE: Implement the Lake Whatcom Management Program (LWMP) Work Plan and provide opportunities for public input.

**2020-2024
Estimated Investments:
\$700,000**



The Lake Whatcom Management Program (LWMP) facilitates collaboration between the City of Bellingham, Whatcom County, the Lake Whatcom Water and Sewer District, and other partners. Meeting facilitation, reporting, budget development, and other administrative activities are all critical to the success of the program.

10.1 Meeting Coordination

Coordinate and provide staff support for LWMP meetings and information-sharing opportunities.

- 10.1.1. Hold meetings of the Lake Whatcom Watershed Advisory Board to discuss management program issues and receive citizen comments and suggestions.
- 10.1.2. Hold monthly meetings of the Data Management Team to address issues related to monitoring, modeling, Total Maximum Daily Load (TMDL) requirements and other data management.
- 10.1.3. Hold meetings of the Interjurisdictional Coordinating Team to oversee work plan implementation efforts and work product development.
- 10.1.4. Hold meetings of the Lake Whatcom Joint Policy Group to discuss Lake Whatcom policy topics and provide guidance and direction to staff.
- 10.1.5. Hold annual Joint Councils and Commission meeting to discuss LWMP Work Plan and accomplishments.
- 10.1.6. Hold Lake Whatcom Management Committee meetings as needed to provide staff with administrative direction.

10.2 Public Information

Coordinate education and engagement efforts by LWMP staff and partners. Inform the community about opportunities for involvement in public meetings, comment periods and decision making processes.

- 10.2.1. Provide notice of public meetings and other opportunities for public involvement on the LWMP website.
- 10.2.2. Provide periodic updates to the Bellingham City Council, Whatcom County Council, and Lake Whatcom Water and Sewer District Board of Commissioners.
- 10.2.3. Conduct public presentations as needed.

PROGRAM AREA

Administration

OBJECTIVE: Implement the Lake Whatcom Management Program (LWMP) Work Plan and provide opportunities for public input.

**2020-2024
Estimated Investments:
\$700,000**



10.3 Work Plans and Reports

Support development of work plans, presentations and reports.

- 10.3.1. Oversee the development of the Lake Whatcom Management Program five-year work plan and annual Lake Whatcom Management Program progress and monitoring reports.
- 10.3.2. Oversee performance measure tracking and reporting.
- 10.3.3. Develop 2024-2029 Lake Whatcom TMDL Implementation Tasks (TMDL REQUIRED).
- 10.3.4. Develop watershed-specific operational plan for managing public areas (TMDL REQUIRED).

10.4 Funding

Establish work plan funding needs and strategy to support work plan implementation.

- 10.4.1. Seek funding necessary to implement LWMP programs.
- 10.4.2. Identify and pursue grant funding as opportunities arise.
- 10.4.3. Manage stormwater fee rolls and watershed protection fund.

10.5 Regulatory Agencies

Support work plan implementation by communicating with agencies.

- 10.5.1. Communicate with regulatory agencies regarding Lake Whatcom water quality, natural resources and land use activities in the watershed.

10.6 Contracts

Oversee a variety of consultant and contractor projects, contracts and work products.

- 10.6.1. Manage and oversee all contracts with consultants and contractors.

TMDL Required Actions

This table lists activities required under the 2019-2024 NPDES stormwater permits. To download a copy of Appendix 2: <https://ecology.wa.gov>, search for “Western Washington Phase II Municipal Stormwater Permit”, look under “current permit documents”.

TMDL Required Actions from the Western Washington Phase II Municipal Stormwater Permit Appendix 2

| Program Area | Responsible Party | Activity and/or Reporting Metric | Due Date <i>*submitted with NPDES Annual Report for work completed previous year</i> |
|---------------------|--------------------------------------|--|---|
| Stormwater | City of Bellingham Whatcom County | Construct capital stormwater facilities in accordance with capital improvement plans adopted by the City of Bellingham and Whatcom County as part of ongoing watershed-scale planning efforts (Activity 2.1.1.). | Annually on March 31* |
| Stormwater | City of Bellingham Whatcom County | Complete an evaluation of the effectiveness of built stormwater treatment and flow control facilities, and an assessment of overall performance in reducing phosphorus and bacteria (Activity 2.1.2.). | March 31, 2021* |
| Stormwater | City of Bellingham Whatcom County | Develop retrofit plans for existing facilities and program projects for design and construction in accordance with resources, budget and need (Activity 2.1.3.). | March 31, 2024* |
| Stormwater | City of Bellingham Whatcom County | Update capital improvement projects list annually (Activity 2.1.5.). | Annually on March 31* |
| Stormwater | Whatcom County | Conduct annual private stormwater facility maintenance workshops to instruct owners about system needs and maintenance requirements (Activity 2.2.4.). | Annually on March 31* |
| Stormwater | City of Bellingham Whatcom County | Conduct regular inspection and maintenance of public stormwater facilities (Activity 2.3.1.). | Annually on March 31* |
| Stormwater | City of Bellingham Whatcom County | Pounds of phosphorus reduced per year through (Reporting Metric): (1) Treatment and flow control capital projects (2) Homeowner Incentive Program BMPs (3) Land use regulations (4) Operation and maintenance activities | Annually on March 31* |
| Monitoring and Data | City of Bellingham Whatcom County | Update and recalibrate the loading model with additional data and incorporate recommendations from third party review (Activity 4.4.1.). | March 31, 2024* |

TMDL Required Actions

TMDL Required Actions from the Western Washington Phase II Municipal Stormwater Permit Appendix 2

| Program Area | Responsible Party | Activity and/or Reporting Metric | Due Date <i>*submitted with NPDES Annual Report for work completed previous year</i> |
|--------------------------|--------------------------------------|---|---|
| Monitoring and Data | City of Bellingham Whatcom County | Track the status of Ecology-approved Quality Assurance Project Plans (Activity 4.6.4.). | Annually on March 31* |
| Hazardous Materials | Whatcom County | Conduct a hazardous materials collection event at locations in the watershed (Activity 5.1.1.). | March 31, 2024* |
| Hazardous Materials | Whatcom County | Pounds of all hazardous materials collected from watershed residents per collection event(s) (Reporting Metric) | March 31, 2024* |
| Hazardous Materials | Whatcom County | Pounds of phosphorus-containing materials collected from watershed residents per collection event(s) (Reporting Metric) | March 31, 2024* |
| Education and Engagement | City of Bellingham | Provide information about Lake Whatcom and its watershed as well as Lake Whatcom Management Program activities and programs to watershed residents, property owners, visitors, community members and elected officials (Activity 9.1.1.). | July 31, 2024 (end of permit) |
| Education and Engagement | City of Bellingham | Number of households (new and existing) sent informational materials per year (Reporting Metric) | Annually on March 31* |
| Education and Engagement | City of Bellingham | Measure watershed residents' understanding of watershed issues and adoption of stewardship practices at least once every five years and use the results to adapt programs and direct resources more effectively (Activity 9.1.3.). | December 31, 2023 (five-year cycle started in 2018) |
| Administration | City of Bellingham Whatcom County | Develop 2024-2029 Lake Whatcom TMDL Implementation Tasks (Activity 10.3.3.). | December 31, 2023 |
| Administration | City of Bellingham | Develop a watershed-specific operational plan for managing public areas (Activity 10.3.4.). | March 31, 2024* |

2020-2024 Work Plan – Cost Estimates

| 2020-2024 Work Plan Cost Estimates | | | | |
|------------------------------------|----------------------|---------------------|-----------------------|---------------------|
| Program Area | Staff Costs | Capital Costs | Other Costs | 5-Year Total |
| 1. Land Preservation | \$1,125,000 | \$18,000,000 | \$400,000 | \$19,525,000 |
| 2. Stormwater | \$2,680,574 | \$9,410,000 | \$4,863,500 | \$16,954,074 |
| 3. Land Use | \$1,875,000 | – | – | \$1,875,000 |
| 4. Monitoring & Data | \$513,497 | – | \$2,931,775 | \$3,445,272 |
| 5. Hazardous Materials | \$160,545 | – | \$65,000 | \$225,545 |
| 6. Recreation | \$1,557,560 | \$4,887,000 | \$93,650 | \$6,538,210 |
| 7. Aquatic Invasive Species | \$2,292,082 | – | \$574,041 | \$2,866,123 |
| 8. Utilities & Transportation | \$2,531,760 | \$4,560,000 | \$1,834,000 | \$8,925,760 |
| 9. Education & Engagement | \$686,845 | – | \$139,500 | \$826,345 |
| 10. Administration | \$602,500 | – | \$100,000 | \$702,500 |
| LWMP Work Plan Total | \$14,100,362* | \$36,857,000 | \$11,001,466** | \$61,958,828 |

*Staff costs include actual budgeted staff costs for each program area (including benefits).

**Other costs include supplies, materials, equipment, consultant fees, interfund charges, taxes, bank charges, and procedural costs.

2020-2024 Work Plan – Funding Sources

| Program Area | Partner | Funding Sources |
|--|---------------------------------------|---|
| 1. Land Preservation | Whatcom County | Conservation Futures Fund |
| | City of Bellingham | Lake Whatcom Property Acquisition Fees |
| | Lake Whatcom Water and Sewer District | Not Applicable |
| 2. Stormwater | Whatcom County | Real Estate Excise Taxes, Flood Control Zone District Taxes, Stormwater Utility Fees, Road Fund, Grants |
| | City of Bellingham | Stormwater Utility Fees, Portion of Lake Whatcom Property Acquisition Fees, Grants |
| | Lake Whatcom Water and Sewer District | Utility Fees |
| 3. Land Use | Whatcom County | Development Fees, General Fund |
| | City of Bellingham | Development Fees, General Fund |
| | Lake Whatcom Water and Sewer District | Not Applicable |
| 4. Monitoring & Data | Whatcom County | Flood Control Zone District Taxes, Stormwater Utility Fees, Road Fund |
| | City of Bellingham | Stormwater Utility Fees, Water Utility Fees |
| | Lake Whatcom Water and Sewer District | Utility Fees |
| 5. Hazardous Materials | Whatcom County | Solid Waste Excise Taxes, Flood Control Zone District, Road Fund, Grants |
| | City of Bellingham | Stormwater Utility Fees, Water Utility Fees |
| | Lake Whatcom Water and Sewer District | Not Applicable |
| 6. Recreation | Whatcom County | Conservation Futures Fund, General Fund, Real Estate Excise Taxes, Parks Special Revenue Fund |
| | City of Bellingham | Greenways Taxes, General Fund |
| | Lake Whatcom Water and Sewer District | Not Applicable |
| 7. Aquatic Invasive Species | Whatcom County | Flood Control Zone District Taxes |
| | City of Bellingham | Water Utility Fees, Boat Inspection Fees |
| | Lake Whatcom Water and Sewer District | Utility Fees |
| 8. Utilities and Transportation | Whatcom County | Road Fund |
| | City of Bellingham | Street Funds, Utility Fees |
| | Lake Whatcom Water and Sewer District | Utility Fees |
| 9. Education and Engagement | Whatcom County | Flood Control Zone District Taxes, Stormwater Utility Fees, Road Fund |
| | City of Bellingham | Stormwater Utility Fees, Water Utility Fees |
| | Lake Whatcom Water and Sewer District | Utility Fees |
| 10. Administration | Whatcom County | Flood Control Zone District Taxes, Road Fund, Stormwater Utility Fees |
| | City of Bellingham | Stormwater Utility Fees, Water Utility Fees |
| | Lake Whatcom Water and Sewer District | Utility Fees |

Resources

Land Preservation

Lake Whatcom Property Acquisition Program
cob.org/services/environment/lake-whatcom/pages/lw-property-acquisition-program.aspx

Whatcom County Parks & Recreation—Reconveyance
whatcomcounty.us/625/Lake-Whatcom-Reconveyance

Protected Property in the Lake Whatcom Watershed Map
cob.org/documents/pw/lw/acquisition-land-map.pdf

Stormwater

Lake Whatcom Management Program Capital Improvement Projects
lakewhatcom.whatcomcounty.org/our-programs/capital-projects

City of Bellingham 2007 Comprehensive Stormwater Plan
cob.org/documents/pw/storm/2007-stormwater-comp-plan.pdf

Whatcom County 2008 Lake Whatcom Comprehensive Stormwater Plan
whatcomcounty.us/1022/Lake-Whatcom-Comprehensive-Stormwater-Pl

Whatcom County Lake Whatcom Capital Project Plan Update
whatcomcounty.us/DocumentCenter/View/30912

Homeowner Incentive Program
lakewhatcomHIP.org

Land Use

Bellingham Municipal Code (BMC) 16.80 (Lake Whatcom Reservoir Regulatory Chapter), 15.42 (Stormwater Regulations), 16.55 (Critical Areas Ordinance), Title 22 (Shoreline Master Program) codepublishing.com/wa/bellingham/

Whatcom County Code (WCC) 20.51 (Lake Whatcom Watershed Overlay District & Stormwater Regulations), 16.16 (Critical Areas Ordinance), Title 23 (Shoreline Management Program) codepublishing.com/wa/whatcomcounty/

Lake Whatcom Watershed Annual Build-Out Analysis Reports
lakewhatcom.whatcomcounty.org/resources

Monitoring and Data

Lake Whatcom Monitoring Reports
cedar.wvu.edu/lakewhat_annualreps/

Lake Whatcom Data Catalog
Copies of documents are available at the Whatcom County Public Works Water Resources Library and the Bellingham Public Library

Hazardous Materials

Whatcom County Emergency Management Plan
whatcomready.org/wp-content/uploads/2012/06/Whatcom-County-CEMP-2008.pdf

Whatcom County Disposal of Toxics
whatcomcounty.us/833/Disposal-of-Toxics-Facility

Stormwater Hotline: (360) 778-7979
cob.org/services/environment/stormwater/pages/stormwater-report-form.aspx

Recreation

Whatcom County Parks and Recreation—Reconveyance
whatcomcounty.us/625/Lake-Whatcom-Reconveyance

Lookout Mountain Forest Preserve and Lake Whatcom Park Recreational Trail Plan
whatcomcounty.us/DocumentCenter/View/23920

Whatcom County Comprehensive Parks, Recreation and Open Space Plan
whatcomcounty.us/DocumentCenter/View/14547

City of Bellingham Comprehensive Parks, Recreation and Open Space Plan
cob.org/Documents/planning/comprehensive-plan/2016-pro-plan.pdf

Resources

Aquatic Invasive Species

Lake Whatcom Aquatic Invasive Species Program Annual Reports and Documents
lakewhatcom.whatcomcounty.org/resources

Whatcom Boat Inspections
whatcomboatinspections.com

Aquatic Invasive Species Awareness Course
whatcomboatinspections.com/ais-awareness-course

2019 Inspection Results Story Map
whatcomboatinspections.com/2019-story-map

Whatcom Boat Inspections Hotline: (360) 778-7975

Utilities and Transportation

City of Bellingham Drinking Water Quality Reports
cob.org/services/environment/lake-whatcom/pages/water-quality.aspx

Lake Whatcom Water and Sewer District Consumer Confidence Reports
lwwsd.org/for-customers/quality-consumer-confidence-reports/

City of Bellingham Water Conservation Resources
cob.org/conserve

Whatcom County On-Site Sewage System Program, WCC 24.05
whatcomcounty.us/documentcenter/view/2053

Lake Whatcom Water and Sewer District 2018 Water System Comprehensive Plan
lwwsd.org/resources/water-system-comprehensive-plan/

Lake Whatcom Water and Sewer District 2014 Sewer Comprehensive Plan
lwwsd.org/resources/comprehensive-sewer-plan/

Whatcom Smart Trips
whatcomsmarttrips.org/

Community Energy Challenge
sustainableconnections.org/energy/energychallenge

Education and Engagement

Lake Whatcom Management Program
lakewhatcom.whatcomcounty.org

City of Bellingham Lake Whatcom Stewardship
cob.org/services/environment/lake-whatcom/pages/stewardship-solutions.aspx

WSU Whatcom County Extension Sustainable Landscaping
whatcom.wsu.edu/ch/sustainable.html

Homeowner Incentive Program
lakewhatcomHIP.org

Lake Whatcom Watershed Baseline Survey 2018
lakewhatcom.whatcomcounty.org/LakeWhatcomWatershedBaselineSurveyFindings2018_Final.pdf

Administration

1992 Lake Whatcom Joint Resolution
lakewhatcom.whatcomcounty.org/1992JointResolution.pdf

Lake Whatcom Management Program Work Plans and Progress Reports
lakewhatcom.whatcomcounty.org/resources

Lake Whatcom Meetings and Agendas
lakewhatcom.whatcomcounty.org/news

Lake Whatcom Management Program Contacts
lakewhatcom.whatcomcounty.org/contacts



View from Bloedel Donovan | Photo by T. Ward, 2018

Lake Whatcom Management Program Contacts:

City of Bellingham Public Works—Natural Resources
Clare Fogelsong, (360) 778-7900, cfogelsong@cob.org

Whatcom County Public Works
Gary Stoyka, (360) 778-6230, gstoyka@co.whatcom.wa.us

Lake Whatcom Water and Sewer District
Justin Clary, (360) 734-9224, justin.clary@lwwsd.org



www.lakewhatcom.whatcomcounty.org



Lake Whatcom Management Program Annual Program Review and 2020-2024 Work Plan



A serene landscape photograph featuring a calm body of water in the foreground, which perfectly reflects the sky and the surrounding vegetation. On the left, a tall, dark evergreen tree stands prominently. To its right, a lighter-colored tree with drooping branches leans over the water. In the middle ground, several weathered, vertical wooden posts or pilings emerge from the water's surface. The background shows a distant shoreline with more trees under a clear, bright blue sky. The overall scene conveys a sense of peace and natural beauty.





2020-2024 Lake Whatcom Work Plan



Prepared by the Lake Whatcom
Interjurisdictional Coordinating Team

Lake Whatcom Management Program 2020-2024 Work Plan

February 2020

DRAFT

Adoption Timeline

- February 5th: Public Release/Lake Whatcom Policy Group
- February 12th: Lake Whatcom Water & Sewer District – Regular Commission Meeting
- February 18th: Whatcom County Council – Water Work Session
- February 24th: Bellingham City Council – Natural Resources Committee/Regular Council Meeting
- March 2nd - Deadline for comment consideration
- ~~March 25th – Joint Councils & Commission Meeting~~
- June – LWWSD Commission Approval
- July 7th – Whatcom County Council Approval
- July 20th - Bellingham City Council Approval

Public Notice & Comments

- Public comment period February 7th – March 2nd
- Notification on partner websites, social media
- Comments/Responses matrix available on LWMP website
- Comments included:
 - 8 from individuals
 - 3 from organizations
 - 65 discrete questions/comments



2015-2024 Program Areas

PROGRAM OVERVIEW

Program Areas and Objectives

The Lake Whatcom Management Program (LWMP) focuses efforts in ten program areas. The 2020-2024 Work Plan uses the same program areas as the previous five-year plan. As LWMP partners, the City of Bellingham, Whatcom County, and the Lake Whatcom Water and Sewer District are the leads responsible for accomplishing the work described in this plan.

Additional partners play important roles to help achieve work plan goals. Key partners include: Sudden Valley Community Association, Washington State Departments of Ecology and Natural Resources, WSU Whatcom County Extension, Watershed Advisory Board members, Western Washington Institute for Watershed Studies, Whatcom Conservation District, and Whatcom Land Trust.

1. Land Preservation

Preserve and restore land that might otherwise be susceptible to development or other land disturbance to protect water quality and fish and wildlife habitat.

2. Stormwater

Protect and restore water quality in Lake Whatcom and its tributaries by using best practices to collect, treat, and manage stormwater runoff from developed areas throughout the watershed.

3. Land Use

Prevent water quality and quantity impacts from new development, redevelopment, and forest practices.

4. Monitoring & Data

Collect and manage data to increase our understanding of water quality and pollution sources, reduce uncertainty in the Lake Whatcom loading and response models, and guide management decisions.

5. Hazardous Materials

Prevent water quality impacts associated with improper storage and handling of hazardous materials, and ensure that spill prevention and response programs adequately protect water quality.

6. Recreation

Provide access to recreational opportunities that are consistent with water quality goals.

7. Aquatic Invasive Species

Prevent new aquatic invasive species (AIS) introductions to Lake Whatcom and minimize impacts associated with established invasive species.

8. Utilities & Transportation

Prevent water quality and quantity impacts from water, sewer, and transportation systems.

9. Education & Engagement

Educate and engage watershed residents and visitors to promote and facilitate the adoption of behaviors that protect water quality.

10. Administration

Implement the Lake Whatcom Management Program Work Plan and provide opportunities for public input.



2020-2024 Lake Whatcom Work Plan

PROGRAM AREA

Stormwater

OBJECTIVE: Protect and restore water quality in Lake Whatcom and its tributaries by using best practices to collect, treat, and manage stormwater runoff from developed areas throughout the watershed.

**2020-2024
Estimated Investments:
\$16.9 million**



2.1 Capital Improvements

Construct and retrofit capital facilities to reduce water quality and quantity impacts associated with stormwater runoff.

- 2.1.1. Construct capital stormwater facilities in accordance with capital improvement plans adopted by the City of Bellingham and Whatcom County as part of ongoing watershed-scale planning efforts (TMDL REQUIRED).
- 2.1.2. Complete an evaluation of the effectiveness of built stormwater treatment and flow control facilities, and an assessment of overall performance in reducing phosphorus and bacteria (TMDL REQUIRED).
- 2.1.3. Develop retrofit plans for existing facilities and program projects for design and construction in accordance with resources, budget, and need (TMDL REQUIRED).
- 2.1.4. County will complete two subwatershed master plans to identify specific strategies for target areas.
- 2.1.5. Update capital improvement project list annually (TMDL REQUIRED).
- 2.1.6. Pursue funding opportunities, including grants, for projects identified in capital or retrofit list(s).

2.2 Residential Stormwater Solutions

Address unmanaged runoff and phosphorus from private properties around Lake Whatcom.

- 2.2.1. Provide technical and/or financial assistance for residential-scale retrofits of private property that result in phosphorus- or flow-limiting projects through the Homeowner Incentive Program (HIP) or similar programs that encourage voluntary stewardship by landowners.
- 2.2.2. Evaluate and develop neighborhood-scale retrofit projects in public rights-of-way and community space.

Agate Bay Project | Photo by Whatcom County, 2018



Land Preservation

Key Concepts

- Preserve forested land
- Restore forests on cleared land
- Purchase property for perpetuity

Important Outcomes

- Maintain current water quality benefits of forests
- Increase of mature forest cover
- Maximize value of public investments

Land Preservation

2015 - 2019

Total of **11,030** acres protected

City Property Acquisition Program

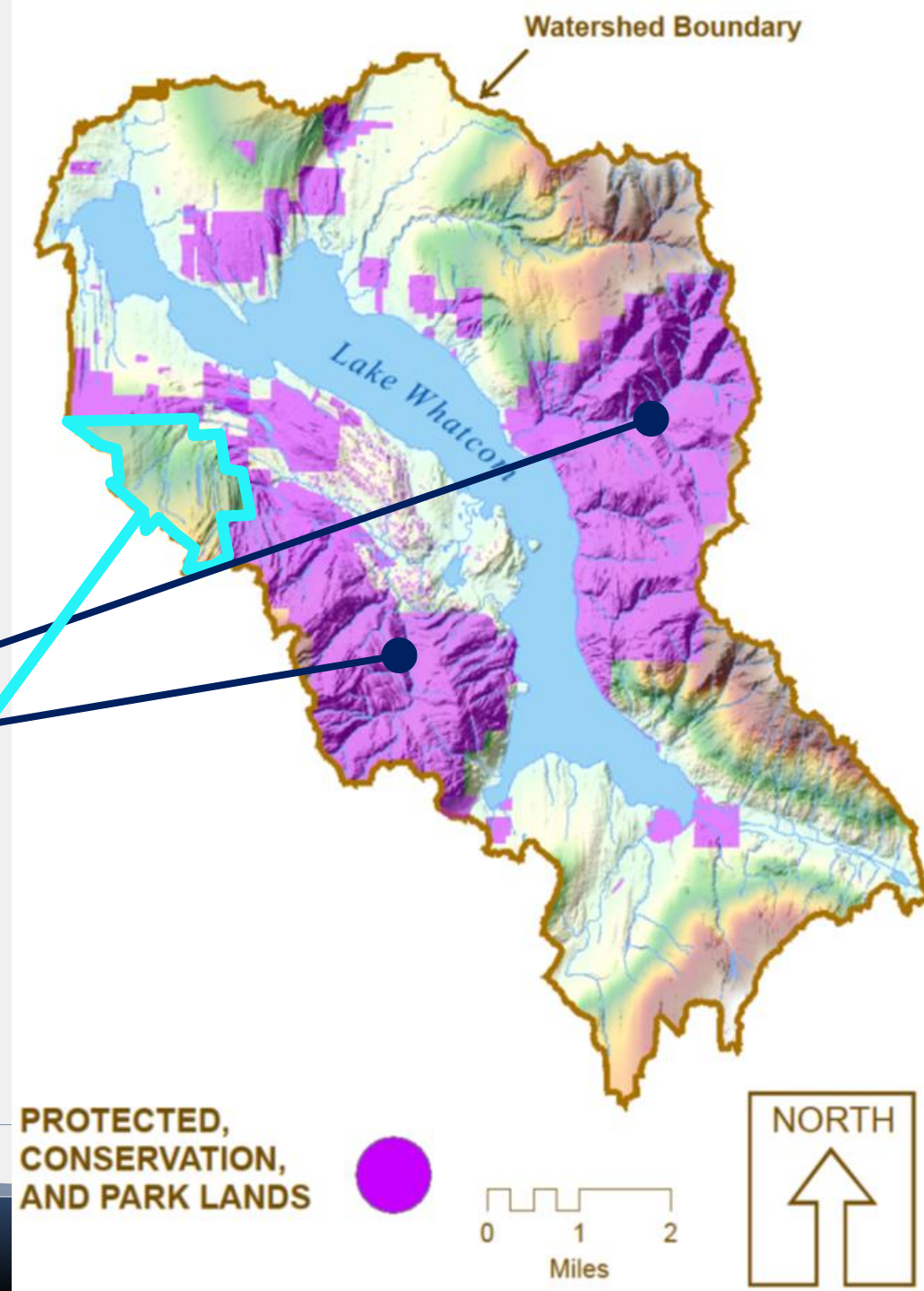
2,207 acres protected
815 development units

Re-conveyance Lands **2014**

7,800 acres protected

Galbraith Mountain Easement **2018**

1,023 acres protected from development in perpetuity



Land Preservation

2015 - 2019

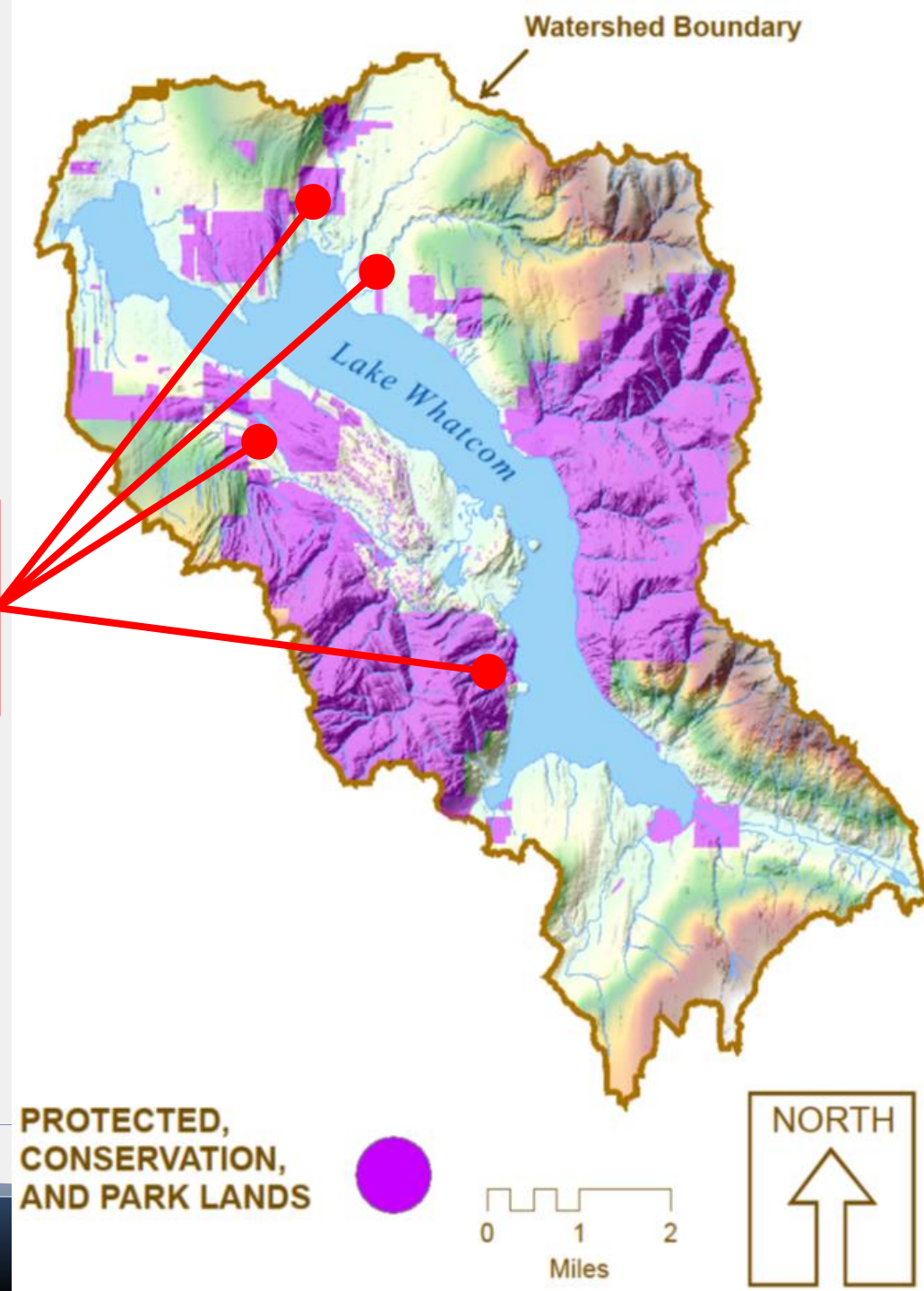
Total of **11,030** acres protected

City Property Acquisition Program

2,207 acres protected
815 development units

15-19

150 acres
26 units



Land Preservation – 2020-2024



Purchase and maintain properties

+

Implement management plans

Measure development reduction

+

Assess forest maturity (baseline)



Stormwater

Key Concepts

Treat runoff for phosphorus and bacteria
Operate and maintain infrastructure
Plan for ongoing improvements

Important Outcomes

Fewer pollutants in lake and streams
Higher level of resident engagement
Coordinated strategies for long-term success

Stormwater Management

Overview

Total of **1,585 acres** treated

Equivalent to **530 acres** matching forest

15% complete, target is **87%**

City and County Capital Projects

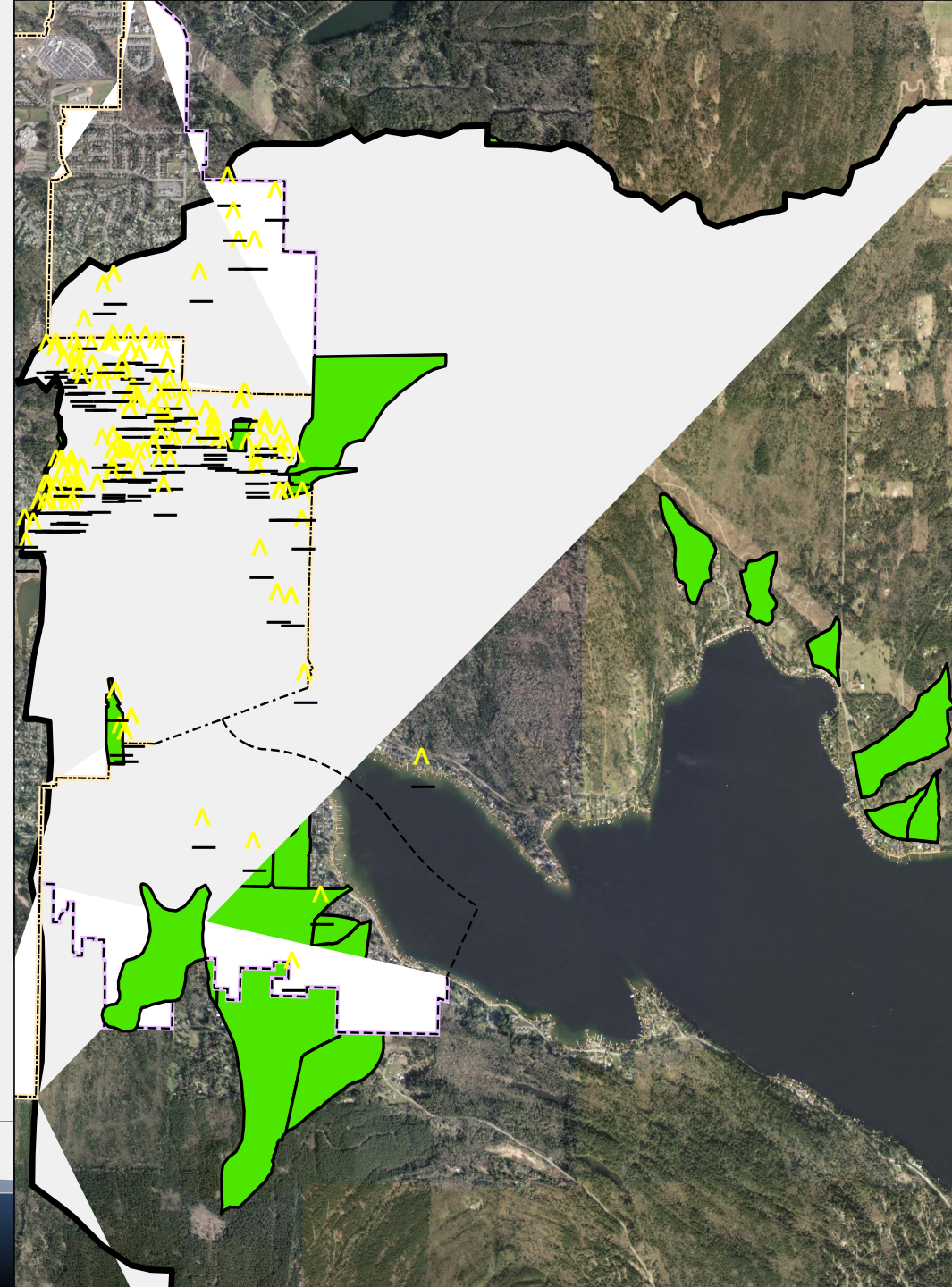
County = 1,109 acres treated, 20% to forest

City = 440 acres treated, 61% to forest

Residential Projects (forested standard)

Homeowner Incentive Program (HIP) = 28 acres treated

Regulations = 7 acres treated

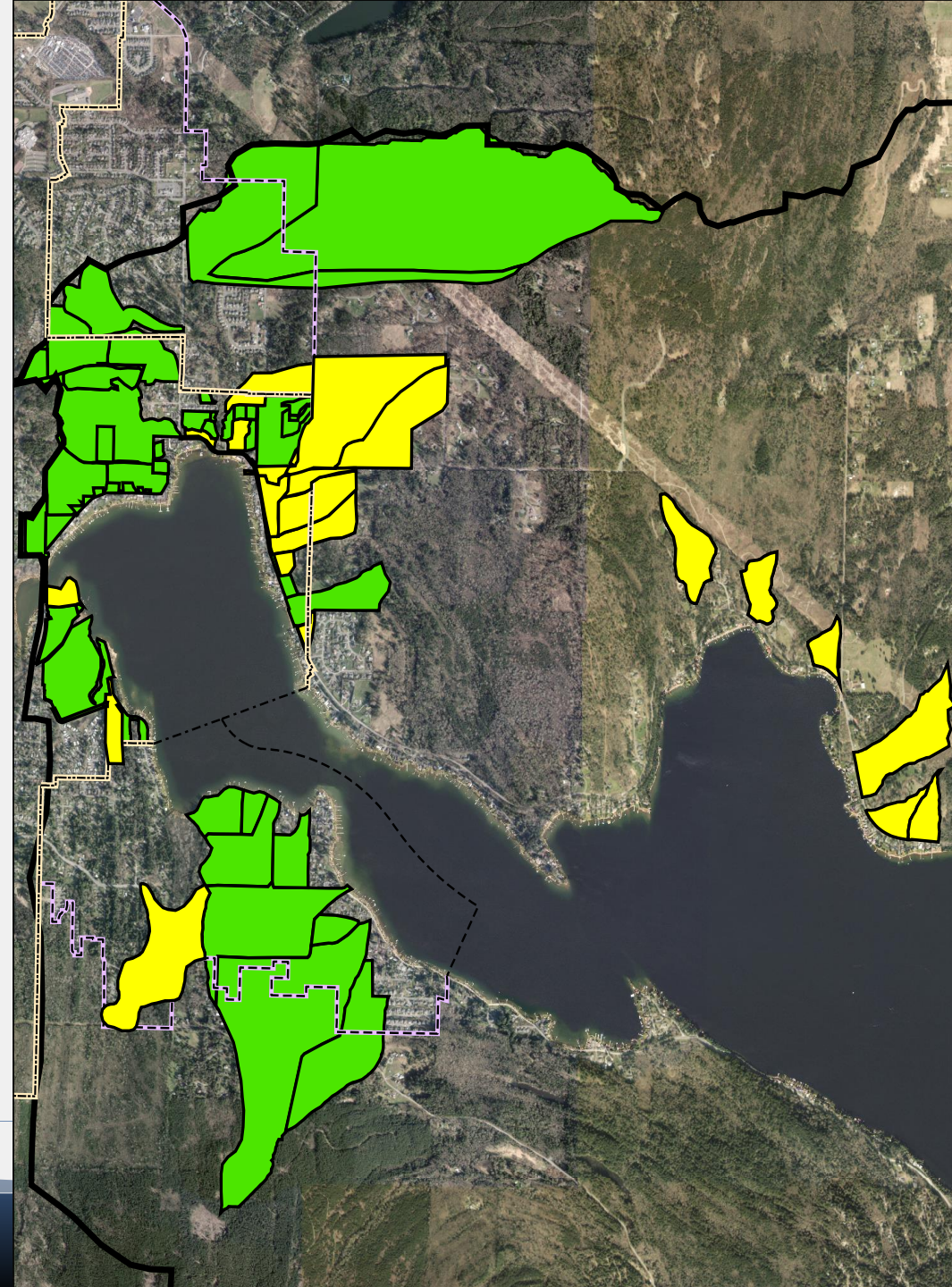


Stormwater Management

2015-2019



- 138 -



Stormwater Management

2020-2024

City Capital Projects

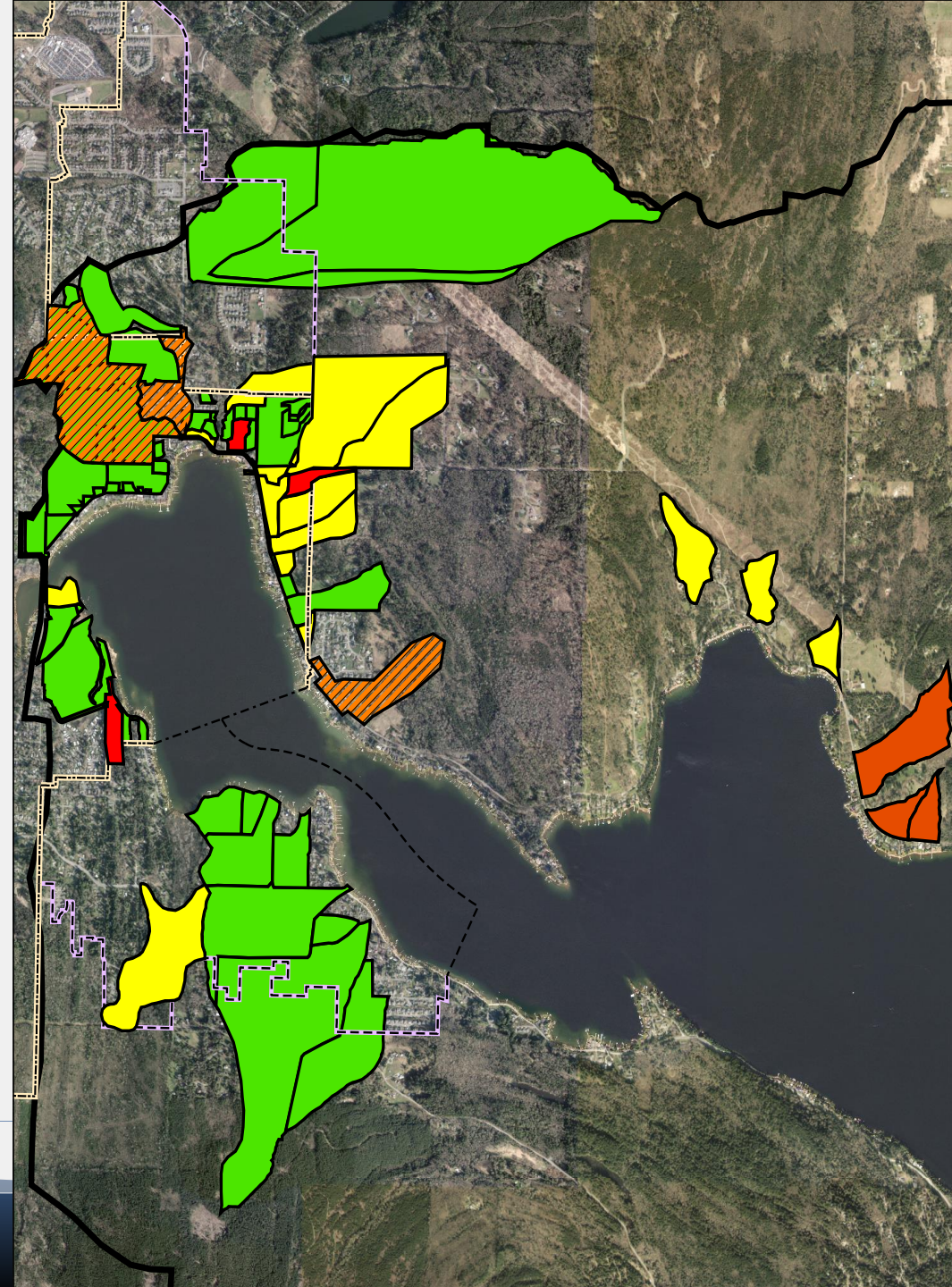
Retrofit Park Place Facility (150 acres)
Rebuild Donald Facility (12 acres)

County Capital Projects/Plans

Construct Edgewater/Northshore Retrofit
Geneva Neighborhood Sub-watershed Plan

Homeowner Incentive Program

Expand Program to Basin 3



Stormwater Management – 2020-2024



Build capital projects

+

Support HIP participants

Measure pollutant reduction

+

Develop small- and large-scale plans



Land Use

Key Concepts

Regulate sources of pollution
Develop practical engineering standards
Align forest practices with Landscape Plan

Important Outcomes

Mitigation of development impacts
Reduction in historical pollutant sources
Appropriate forest management

Land Use

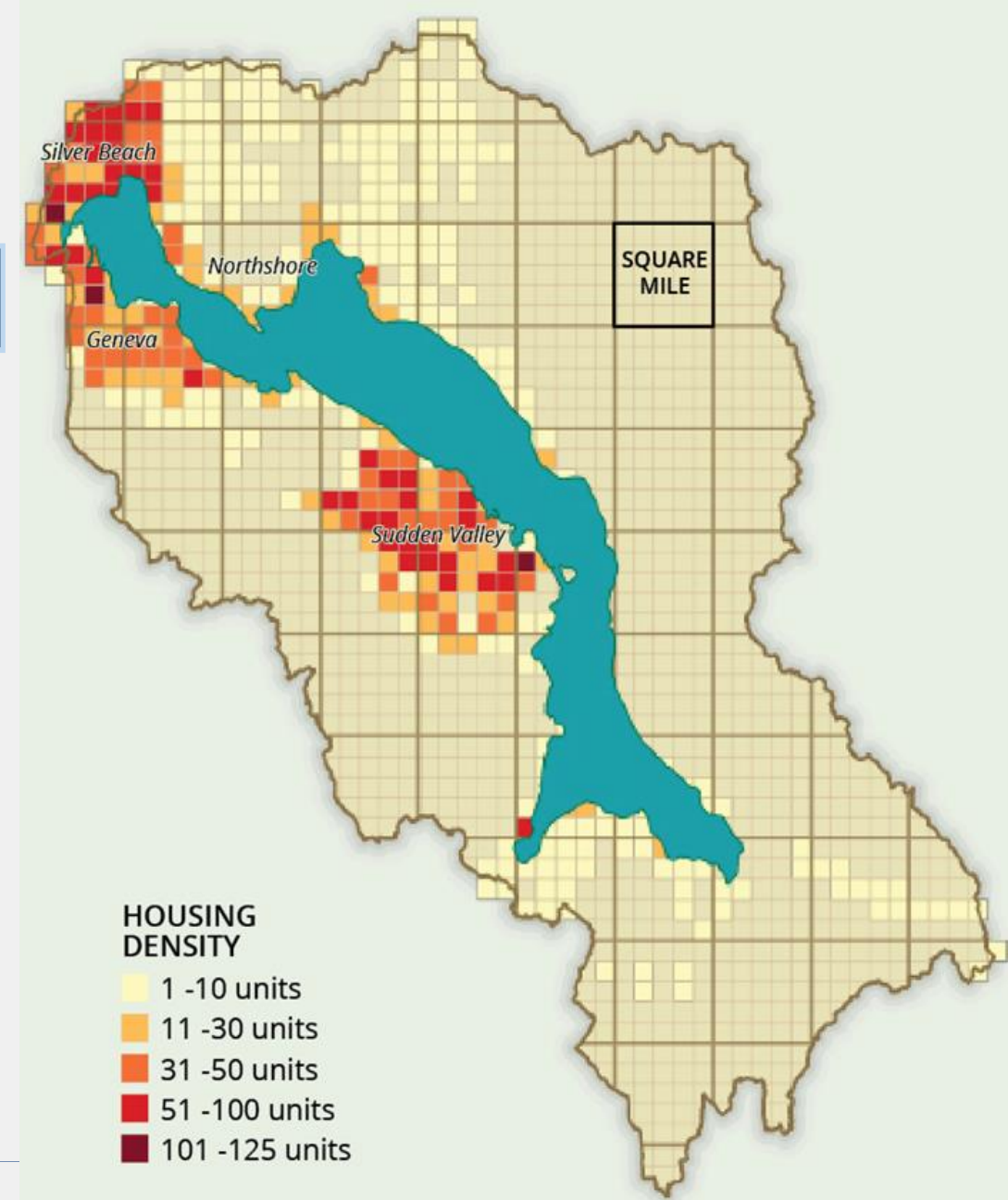
Overview

City Regulations (BMC 15.42 / 16.80) apply to over **450 acres**

County Regulations (Overlay ??) apply to over **3,100 acres**

Sudden Valley Development Standards apply to **2,300+ lots (~1,400 acres)**

Forest Practice Application review

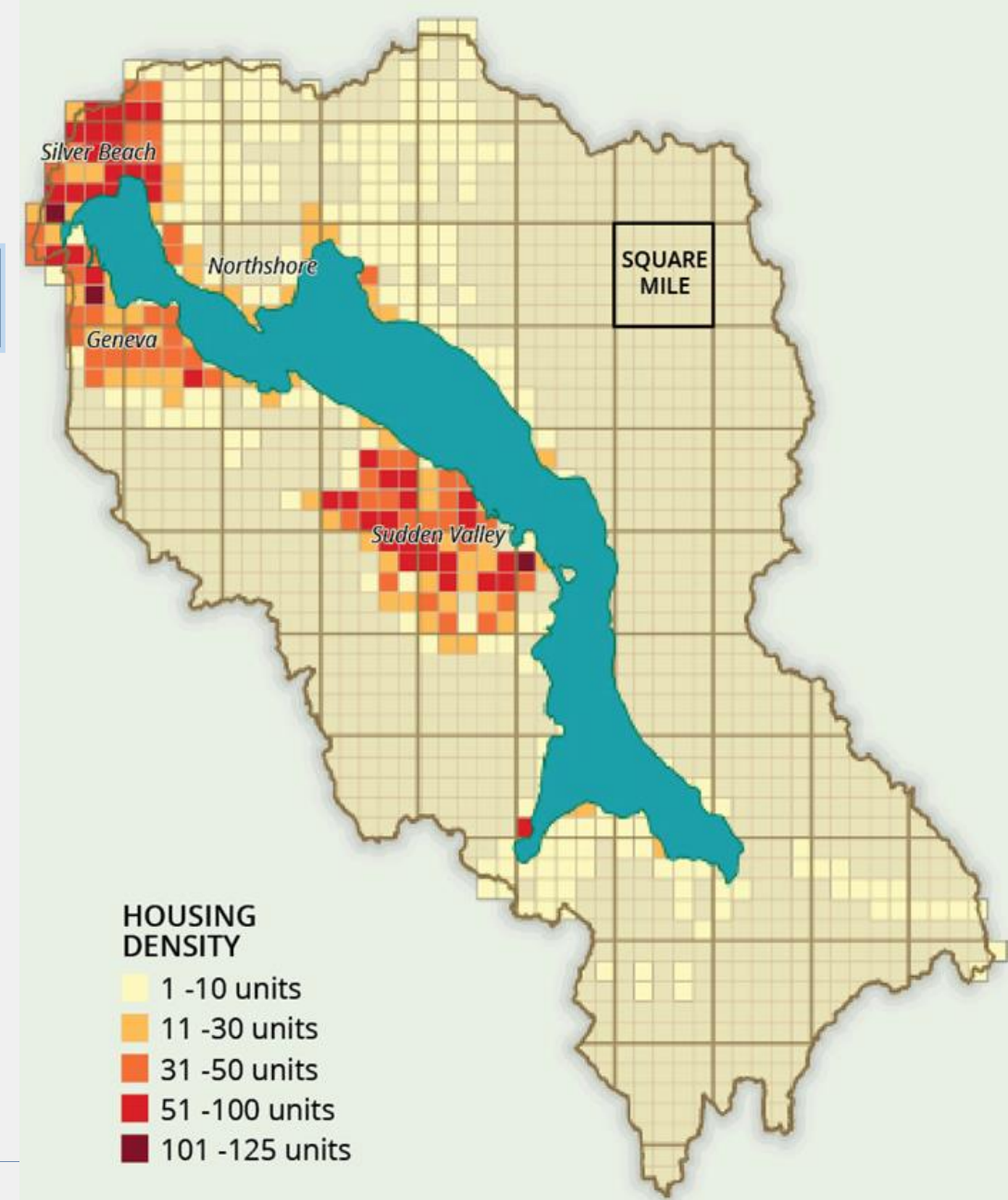


Land Use

2015-2019

Regulation of Short-Term Rentals (STR)

No new development in City 2017-current



Land Use – 2020-2024



Administer development standards

+

Help applicants understand requirements

Track development

+

Monitor forestry activities



Monitoring and Data

Key Concepts

- Continue long-term data collection projects
- Track trends over time
- Create and calibrate data-driven models

Important Outcomes

- Measure changes to lake chemistry
- Monitor health of streams
- Improve response strategy with new data

Monitoring and Data

2015-2019

Peer review of scientific models



Monitoring and Data – 2020-2024



Complete Quality Assurance Project Plan

+

Continue field monitoring

Measure effectiveness of stormwater systems

+

Characterize on-site septic impacts



Hazardous Materials

Key Concepts

- Protect drinking water
- Collect hazardous materials
- Provide direct education to residents

Important Outcomes

- Reduction in use of hazardous materials
- Proper disposal of unwanted chemicals
- Increased awareness of spill reporting

Hazardous Materials

2015-2019

Taught staff from **seven local stores** about pesticide safety and safer pest controls.



Hazardous Materials – 2020-2024



Collect household hazardous waste

+

Remove P-based fertilizers from watershed

Measure amount of P removed

+

Encourage increase in spill reporting



Recreation

Key Concepts

Ensure activities consistent with watershed protection
Maintain amenities for low-impact use
Protect forest functions on recreation lands

Important Outcomes

Uses do not harm water quality
Stronger partnerships with user groups
Increased forest health on public land

Recreation

2015-2019

783,000 visits to watershed parks



Recreation– 2020-2024



Manage public access

+

Provide amenities to prevent pollution

Measure use of trails and facilities

+

Keep users and third-parties informed



Aquatic Invasive Species

Key Concepts

Inspect watercraft at launches
Ensure education reaches boaters
Monitor known invasives while searching for new

Important Outcomes

No new AIS introduced
More awareness of AIS amongst public
Better data on established AIS populations

Aquatic Invasive Species

2015 - 2019

Annual inspection of over **12,000 watercraft** prior to launch

Online AIS awareness course; **8,000 web visitors** per year

Staff of **20 seasonal inspectors**, on the job from sunrise to sunset, April-October

Stations at Bloedel Donovan Park, Sudden Valley Marina, and South Bay WDFW launches – and on-site inspections



Aquatic Invasive Species

2015-2019

Over **56,000** watercraft **inspections**

Nearly **10,000** non-boating **visitors**

Over **10,000** **online** AIS course **sessions**

We found:

- **1,273** **boats** with standing water
- **796** with aquatic plants, and
- **66** that last visited a mussel-infested waterbody



Aquatic Invasive Species – 2020-2024



Prevent new infestations

+

Minimize impacts of existing AIS

Measure effectiveness of program

+

Increase public awareness of AIS



Utilities and Transportation

Key Concepts

Delivery of water and sewer service has impacts
Half of Whatcom County drinks from the lake
Transportation is a source of polluted runoff

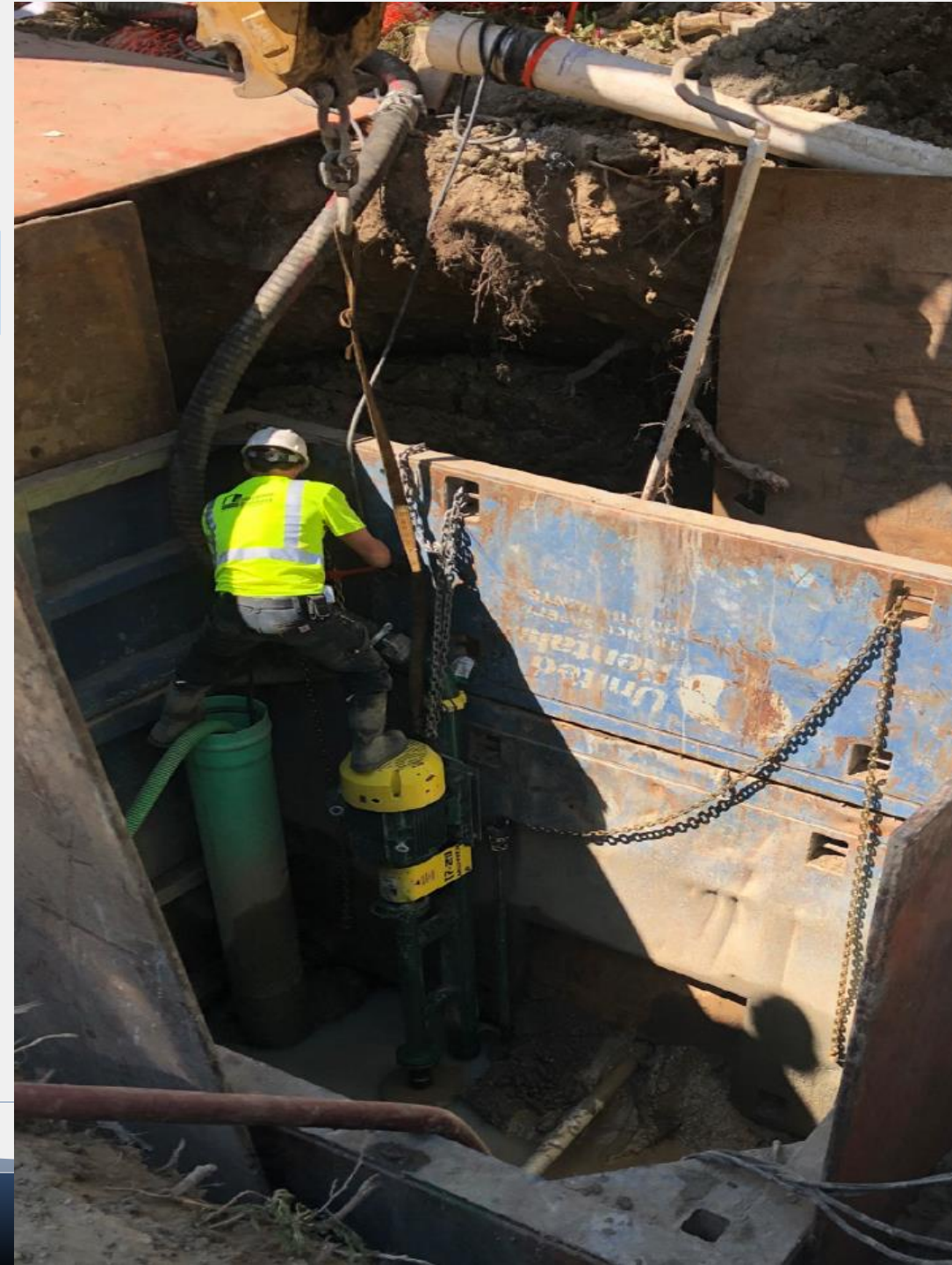
Important Outcomes

Combined water quality and utility projects
Increased conservation of water
Less single-passenger vehicle use in watershed

Utilities and Transportation

2015-2019

Water conservation incentives reduced annual water use by nearly **2,000,000 gallons**.



Utilities and Transportation – 2020-2024



Manage water supply

+

Integrate water quality into utility projects

Calculate water savings

+

Increase non-vehicle trips in watershed



Education and Engagement

Key Concepts

Specific watershed-wide education goals
All program areas benefit from public engagement
Education can lead to stewardship

Important Outcomes

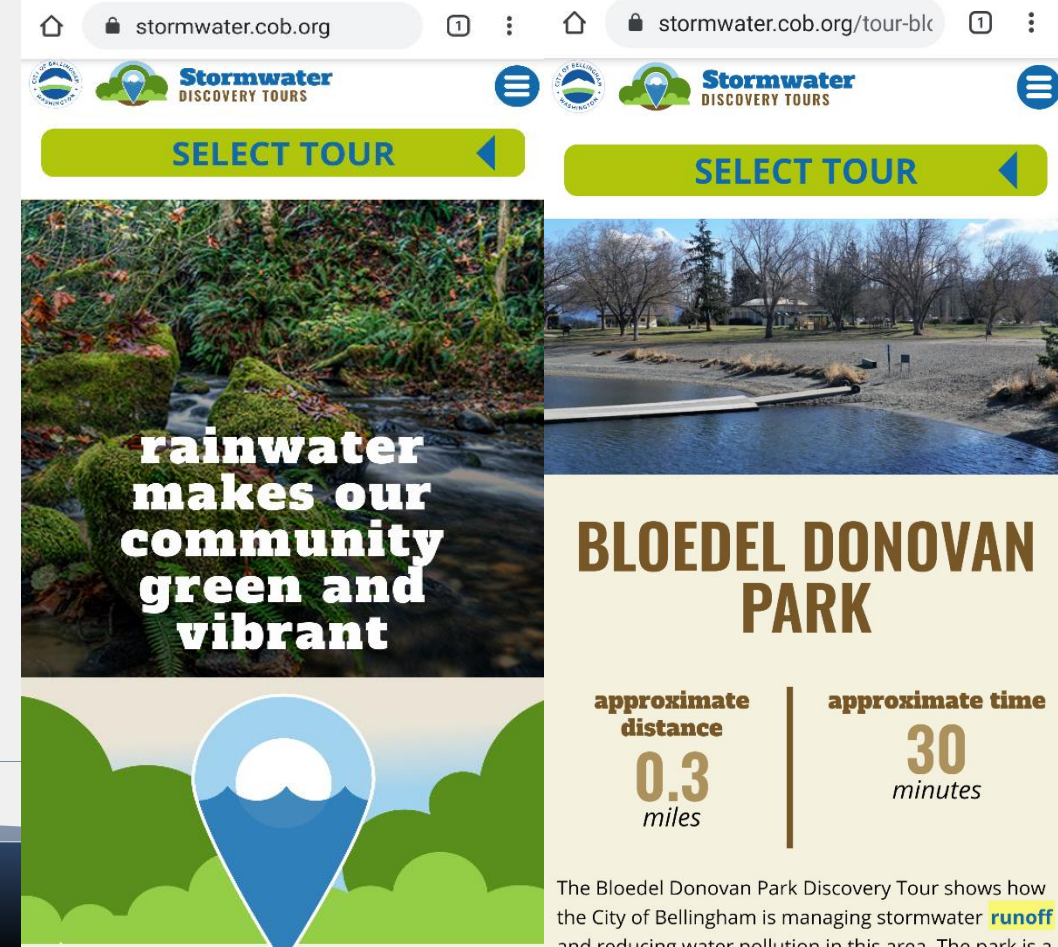
More awareness of large-scale watershed issues
Increased knowledge of sources of problems
Better understanding of small-scale solutions

Education and Engagement

2015-2019

Completed baseline survey of watershed residents

- Nearly **600 responses**
- Range of knowledge across topics



Education and Engagement – 2020-2024



Conduct follow-up surveys

+

Support all program areas

Measure growth in resident knowledge

+

Inspire action with messages and resources



Administration

Key Concepts

Cooperative program
Budgets and work plans change
Regulatory requirements are formalized

Important Outcomes

Increased coordination amongst partners
Consistent support for ongoing efforts
Compliance with state and federal requirements

Administration

2015-2019

Aligned five-year Work Plan with NPDES permit requirements and capital improvement plans

Administration – 2020-2024



Keep elected officials informed

+

Implement five-year Work Plan

Match funding to project needs

+

Program work for 2024-2029

Questions?



RESOLUTION NO. _____

A JOINT RESOLUTION OF THE BELLINGHAM CITY COUNCIL, WHATCOM COUNTY COUNCIL, AND LAKE WHATCOM WATER AND SEWER DISTRICT BOARD OF COMMISSIONERS ADOPTING THE LAKE WHATCOM MANAGEMENT PROGRAM 2020-2024 WORK PLAN

WHEREAS in 1992 and again in 1998 the City of Bellingham, Whatcom County and the precursor to the Lake Whatcom Water and Sewer District jointly formed the Lake Whatcom Management Program and thereby declared their intention to work together to protect and manage Lake Whatcom; and

WHEREAS the three Lake Whatcom Joint Management Program jurisdictions have adopted four previous five-year plans that have provided an essential framework for program cooperation and implementation of joint activities and have resulted in improved water quality and environmental conditions at the lake; and

WHEREAS the Lake Whatcom Management Program 2020-2024 Work Plan defines the major activities and investments needed to continue improving and protecting water quality in the lake and watershed health during the next five years through ten established program areas: land preservation, stormwater, land use, monitoring and data, hazardous materials, recreation, aquatic invasive species, utilities and transportation, education and engagement, and administration.

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

The Bellingham City Council hereby adopts the Lake Whatcom Management Program 2020-2024 Work Plan as the framework for joint management of the lake and for achieving necessary milestones to improve water quality in the lake.

PASSED by the Council this _____ day of _____, 2020.

Council President

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

APPROVED by me this _____ day of _____, 2020.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

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



City Council Agenda Bill

22707

Bill Number

Subject: A Resolution Setting the Date and Time for a Public Hearing Before the Hearing Examiner for Consideration of a Street Vacation Petition for a Portion of Pasco Street Between Samish Way and Abbott Street in Bellingham

Summary Statement: The Bellingham Housing Authority - petitioner - has submitted the vacation petition in order to facilitate future use of undeveloped right-of-way for development of Phase II of their Samish Way property.

The City Council is required to pass a Resolution that sets a Public Hearing date before the Hearing Examiner. The date for this Public Hearing before the Hearing Examiner is August 26, 2020 at 6:00 P.M.

Previous Council Action: **None**

Fiscal Impact: **N/A**

Funding Source: **N/A**

Attachments: 1. SITE MAP
2. RESOLUTION

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|------------------|--------------|-----------------|--------------------|-----------|
| Consent Agenda | 7/20/2020 | Pass Resolution | Steve Sundin, PCDD | 0 minutes |

Recommended Motion:

Council Committee:

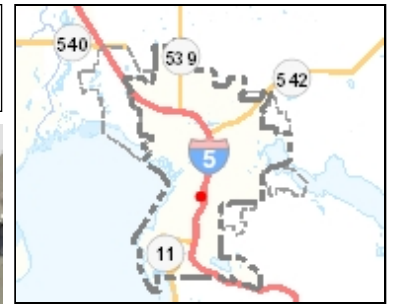
Agenda Bill Contact:

Steve Sundin, Planning and Community Development, 360-778-8300

| Reviewed By | Department | Date |
|-----------------------|----------------------------------|-----------|
| <i>Rick M. Sepler</i> | Planning & Community Development | 7/10/2020 |

Council Action:

| | | |
|--------------------------|-----------|-----------|
| <i>Alan A. Marriner</i> | Legal | 7/13/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



Legend

- Buildings
- Docks
- Tax Parcels**
- <all other values>
- Care Facility
- Hospital
- Schools
- Schools**
- Colleges/Universities
- Elementary, Middle, High Schools
- Private School or Preschool
- Fire Stations
- City Boundary
- Urban Growth Area
- Trails
- Railroads
- Ferries
- Street
- Interstate
- Airport
- Open Channel Streams
- Parks

Notes

Printed: 11/12/2019 12:49:19 PM

124 0 62 124 Feet

THIS MAP IS NOT TO BE USED FOR NAVIGATION

The City of Bellingham has compiled this information for its own use and is not responsible for any use of this information by others. The information found herein is provided simply as a courtesy to the public and is not intended for any third party use in any official, professional or other authoritative capacity. Persons using this information do so at their own risk and by such use agree to defend, indemnify and hold harmless the City of Bellingham as to any claims, damages, liability, losses or suits arising out of such use. Contact the Whatcom County Assessors office (360-778-5050) for the most up to date parcel information.

RESOLUTION NO. _____

A RESOLUTION FIXING THE TIME FOR A PUBLIC HEARING TO CONSIDER A STREET VACATION PETITION FOR THE PORTION OF PASCO STREET BETWEEN THE WEST LINE OF NORTH SAMISH WAY AND THE NORTH LINE OF ABBOTT STREET WITHIN THE SAMISH WAY URBAN VILLAGE IN BELLINGHAM.

WHEREAS, on November 4, 2019 the Bellingham Housing Authority, petitioner, submitted a complete street vacation petition in order to be considered by the City's Technical Review Committee; and

WHEREAS, on November 6, 2019 the Technical Review Committee reviewed the subject petition and recommended approval of the vacation petition because it was determined that it was not necessary for future public circulation needs of the City, and

WHEREAS, the City of Bellingham provided notice to private utility companies on June 10, 2020. At the time of this Resolution two private utilities specified that they may have existing facilities within the subject right-of-way petitioned for vacation.

WHEREAS, on July 6, 2020 the City Council directed staff to waive; all fees associated with the street vacation petition application, the need for an appraisal and the requirement to provide adequate compensation to the City for the subject right-of-way pursuant to the Housing Cooperation Law enumerated in RCW 35.83.030, subsection (8).

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

That a public hearing be held before the Hearing Examiner in the Council chambers of City Hall at 210 Lottie Street on August 26, 2020 at the hour of 6:00 P.M., or there soon after, and that any protests in writing or oral to the vacation be considered at said time and place.

BE IT FURTHER RESOLVED that the City Council delegates the duty of conducting the public hearing on the street vacation petition to the Hearing Examiner, who shall forward findings of fact, conclusions of law and a recommendation to the City Council for final action. The Hearing Examiner shall also make available to the Council a transcript of the hearing together with exhibits.

BE IT FURTHER RESOLVED that the Finance Director shall post notices of said hearing as required by law.

PASSED by the Council this _____ day of _____, 2020.

Council President

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903

APPROVED by me this _____ day of _____, 2020.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903



City Council Agenda Bill

22708

Bill Number

Subject: A Resolution Setting the Date and Time for a Public Hearing Before the Hearing Examiner for Consideration of a Street Vacation Petition for a Portion of Queen Street Generally Between Lakeway and the Skate Park at Civic Field

Summary Statement: The petitioner has submitted the vacation petition in order to facilitate future use of undeveloped right-of-way for development of infill toolkit subdivision.

The City Council is required to pass a Resolution that sets a Public Hearing date before the Hearing Examiner. The date for this Public Hearing before the Hearing Examiner is August 26, 2020 at 6:00 P.M.

Previous Council Action: **None**

Fiscal Impact: **N/A**

Funding Source: **N/A**

Attachments: 1. SITE MAP
2. RESOLUTION

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|------------------|--------------|-----------------|--------------------|-----------|
| Consent Agenda | 7/20/2020 | Pass Resolution | Steve Sundin, PCDD | 0 minutes |

Recommended Motion:

Council Committee:

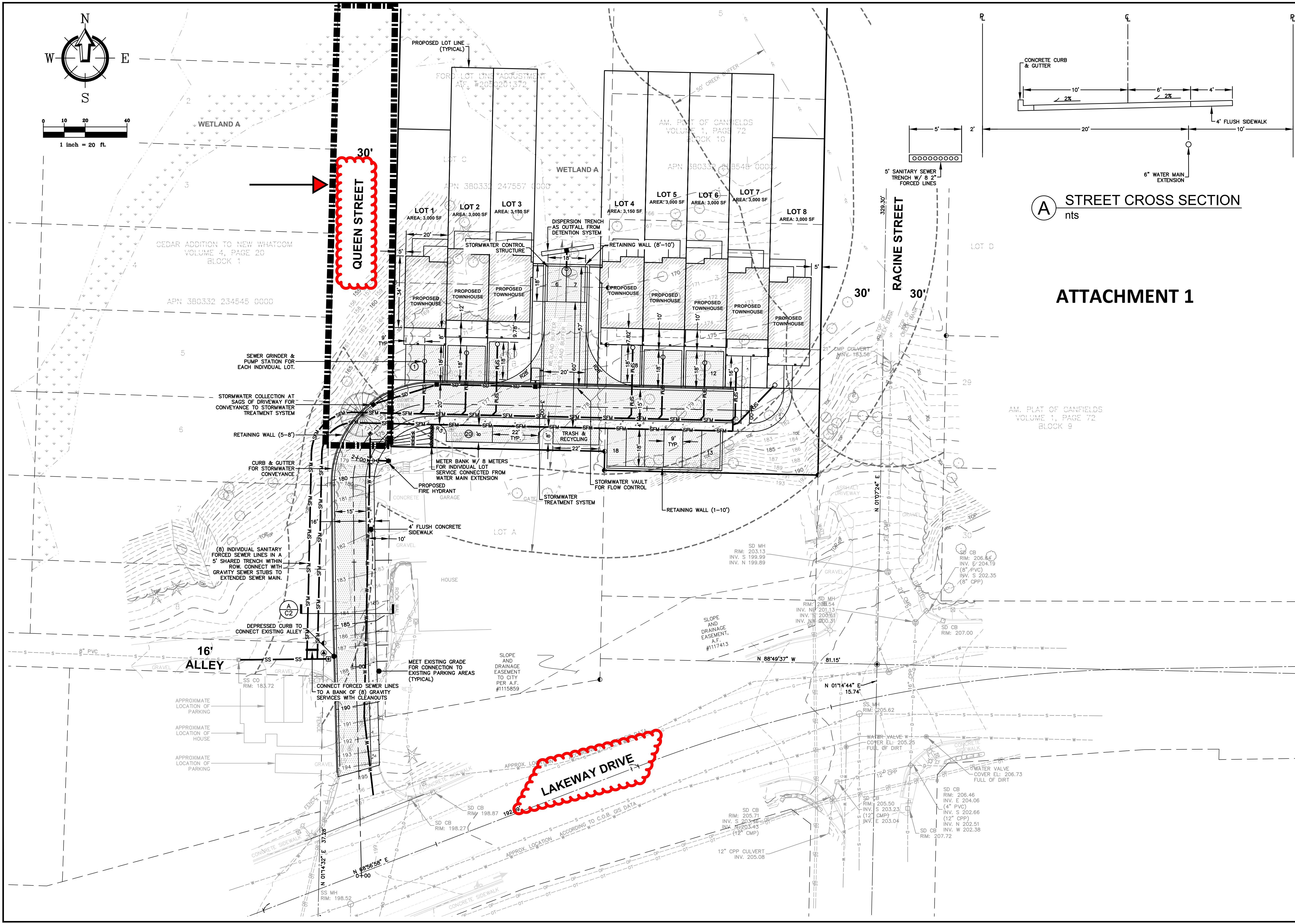
Agenda Bill Contact:

Steve Sundin, Planning and Community Development, 360-778-8300

| Reviewed By | Department | Date |
|-----------------------|----------------------------------|-----------|
| <i>Rick M. Sepler</i> | Planning & Community Development | 7/10/2020 |


Council Action:

| | | |
|--------------------------|-----------|-----------|
| <i>Alan A. Marriner</i> | Legal | 7/13/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



A STREET CROSS SECTION
nts

ATTACHMENT 1



220 West Champion Street, Suite 200
Bellingham, WA 98225
t: 360.650.1408
f: 360.650.1401

FREELAND & ASSOCIATES

| BY: | DESCRIPTION: | DATE: | REV: |
|-----|--------------|-------|------|
| | | | |
| | | | |
| | | | |
| | | | |

CLIENT:

BRENT COWDEN
3463 CEDARVILLE ROAD
BELLINGHAM, WA


CALL BEFORE YOU DIG
FOR BURIED UTILITY LOCATIONS
1-800-424-5655

PROJECT LOCATION:

QUEEN-RACINE
1310 QUEEN STREET
BELLINGHAM, WA 98229

DRAWING #: 18173SP4.DWG
DESIGNED BY: JPS
DRAWN BY: DJP
CHECKED BY: JPS

SHEET CONTENTS:



JOB #: 18173
DATE: 3-6-2020
SCALE: HORIZ: 1"=20'
VERT: N/A

SHEET: **C2**

RESOLUTION NO. _____

A RESOLUTION FIXING THE TIME FOR A PUBLIC HEARING TO CONSIDER A STREET VACATION PETITION FOR THE FULL WIDTH OF QUEEN STREET ABUTTING THE EAST HALF OF LOTS 1-5 AND THE NORTH HALF OF LOT 6, BLOCK 1, CEDAR ADD TO BELLINGHAM AND ALSO ABUTTING LOTS B AND C OF THE FORD LOT LINE ADJUSTMENT IN BELLINGHAM.

WHEREAS, on May 28, 2020 the petitioner submitted a complete street vacation petition in order to be considered by the City's Technical Review Committee; and

WHEREAS, on June 18, 2020 the Technical Review Committee reviewed the subject petition and recommended approval of the vacation petition because it was determined that it was not necessary for future public multi-modal circulation needs of the City, and

WHEREAS, the City of Bellingham provided notice to private utility companies on July 15, 2020.

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

That a public hearing be held before the Hearing Examiner in the Council chambers of City Hall at 210 Lottie Street on August 26, 2020 at the hour of 6:00 P.M., or there soon after, and that any protests in writing or oral to the vacation be considered at said time and place.

BE IT FURTHER RESOLVED that the City Council delegates the duty of conducting the public hearing on the street vacation petition to the Hearing Examiner, who shall forward findings of fact, conclusions of law and a recommendation to the City Council for final action. The Hearing Examiner shall also make available to the Council a transcript of the hearing together with exhibits.

BE IT FURTHER RESOLVED that the Finance Director shall post notices of said hearing as required by law.

PASSED by the Council this _____ day of _____, 2020.

Council President

APPROVED by me this _____ day of _____, 2020.

Mayor

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

(2)

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903



City Council Agenda Bill

22709

Bill Number

Subject: Interagency Agreement Between the City of Bellingham and the University of Washington for Public Outreach Assistance Related to the City's Americans with Disabilities Act (ADA) Transition Plan

Summary Statement: The City's public engagement process for the development of the ADA Transition Plan for Pedestrian Facilities in the Public Right-of-Way has been interrupted by the current Coronavirus pandemic. To successfully re-engage the ADA Advisory Committee and public at large, the City desires to enlist the services of the University of Washington Center for Continuing Education in Rehabilitation to facilitate an inclusive and effective public outreach process. The goal of this to ensure the ADA Transition Plan incorporates the input of citizens with disabilities and their advocates.

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

Fiscal Impact: **Funds are available in the approved budget for the \$7,623 to be paid to the University of Washington for consultation and technical assistance with public outreach.**

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

Attachments: 1. STAFF REPORT
2. IA WITH UNIVERSITY OF WA FOR ADA OUTREACH

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|------------------|--------------|--------------------|----------------------------|-----------|
| Consent Agenda | 7/20/2020 | Authorize Contract | Eric Johnston, PW Director | 0 minutes |

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Kim Brown, ADA Coordinator, 778-7950

Council Action:

| Reviewed By | Department | Date |
|--------------------------|--------------|-----------|
| <i>Eric C. Johnston</i> | Public Works | 7/13/2020 |
| <i>Matthew T. Stamps</i> | Legal | 7/14/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



City of Bellingham
210 Lottie Street
Bellingham, WA 98225

STAFF REPORT

TO: CITY COUNCIL
FROM: ERIC JOHNSTON, PUBLIC WORKS DIRECTOR
CC: MAYOR SETH FLEETWOOD
SUBJECT: INTERAGENCY AGREEMENT BETWEEN THE CITY OF BELLINGHAM AND THE UNIVERSITY OF WASHINGTON FOR THE PUBLIC OUTREACH WITH THE CITY'S AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN.
DATE: 20 July 2020

BACKGROUND:

Public Works staff have been working on updating the City's Americans with Disabilities Act (ADA) Transition plan in accordance with the requirements of ADA Title II Part 35, Subpart D - Program Accessibility 35.150 (d)(3). Additional Information on the project can be found on the City's website at the link below: <https://www.cob.org/gov/access/Pages/mobility-for-all.aspx>

EVALUATION:

The Transition Plan update process involves inclusive and effective public outreach. City staff have had a variety of public meetings to facilitate this outreach over the past year. This public engagement has been interrupted by the current coronavirus pandemic. The University of Washington (UW) Center for Continuing Education in Rehabilitation is charged with assisting state and local governments in complying with the ADA through consultation and technical assistance and has employed a variety of alternative public outreach measures (e.g. telephone and online meetings) in place of public meetings. City staff will coordinate with the UW Center for Continuing Education in Rehabilitation in order to finalize the public outreach portion of the ADA Transition Plan.

RECOMMENDATION ACTION:

Move to approve the consent agenda, authorizing the Mayor to enter into the agreement with the University of Washington.

**INTERAGENCY AGREEMENT
BETWEEN THE CITY OF BELLINGHAM AND THE UNIVERSITY OF
WASHINGTON TO ENSURE EFFECTIVE PUBLIC OUTREACH WITH THE CITY'S
AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN FOR
PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY**

THIS INTERAGENCY AGREEMENT ("Agreement") is entered into by and between the **CITY OF BELLINGHAM**, a Washington municipal corporation (the "**City**"), and the **UNIVERSITY OF WASHINGTON**, an agency of the State of Washington (the "**UW**").

RECITALS

WHEREAS, the City is developing an ADA Transition Plan for Pedestrian Facilities in the Public Right-of-Way to satisfy the requirements of ADA Title II Part 35, Subpart D - Program Accessibility 35.150 (d)(3); and

WHEREAS, the City desires guidance to ensure a public outreach process that is inclusive and effective; and

WHEREAS, the UW Center for Continuing Education in Rehabilitation is charged with assisting state and local governments in complying with the ADA through consultation and technical assistance; and

WHEREAS, the Parties recognize the public benefits of a collaborative approach between the two agencies to meet the statutory requirements and fulfill the goals of the ADA; and

WHEREAS, the Parties desire to enter into an interagency agreement under Chapter 39.34 RCW to accomplish mutually beneficial purposes in the public interest.

NOW, THEREFORE, the Parties hereby agree as follows:

TERMS AND CONDITIONS

1. **PURPOSE.** This Agreement sets forth the terms and conditions upon which the UW will collaborate with the City to facilitate an inclusive and effective public outreach process to ensure the City's ADA Transition Plan for Pedestrian Facilities in the Public Right-of-Way is responsive to and incorporates the input of citizens with disabilities and those advocating for citizens with disabilities.

2. **SCOPE OF WORK.** The UW shall provide consultation and technical assistance to the City to include:

2.1 Weekly phone consultations – ten, one-hour sessions

- 2.2 Support with planning, technical set up, and accommodation services for three Zoom meetings with advisory committee – fifteen hours
- 2.3 Review and provide feedback on City website accessibility pages – four hours
- 2.4 Advise on accessibility accommodations for transition plan community presentations – four hours

3. **PAYMENT.** The City agrees to pay the UW \$210 per hour for consultation and technical assistance and an additional 10% administrative fee. The maximum payable will not exceed \$7,623 (33 hours x \$210 x 1.10).

4. **INDIVIDUALS RESPONSIBLE FOR THIS AGREEMENT.** The following individuals are responsible for the execution and administration of this Agreement for their respective party to:

The UW: Eva L. de Leon, MA, CRC, ADAC
Project Director
Center for Continuing Education in Rehabilitation
University of Washington
6912 220th Street SW, Suite 105
Mountlake Terrace, WA 98043

The City: Kim Brown, M.Ed
City of Bellingham – ADA Coordinator
104 West Magnolia Street, Suite 109
Bellingham, WA 98225

5. **TERMINATION.** The parties hereto may terminate this Agreement by written agreement of all parties hereto, which shall be executed by an authorized representative of each party.

6. **MODIFICATION.** No changes or modification of this Agreement shall be valid or binding upon any party hereto unless such change or modification is in writing and executed by an authorized representative of each party.

7. **EFFECTIVE DATE.** This Agreement shall become effective upon execution of the UW and the City.

EXECUTED this _____ day of _____, 2020 for the **UNIVERSITY OF WASHINGTON Center for Continuing Education in Rehabilitation** by:

Director

EXECUTED this _____ day of _____, 2020 for the **CITY OF BELLINGHAM** by:

Departmental Approval:

Mayor

Public Works Director

Attest:

Approved as to Form:

Finance Director

Office of the City Attorney



City Council Agenda Bill

22710

Bill Number

Subject: **Authorization of A/P Checks Issued July 02, 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 #549289 through #549378 were issued on July 02, 2020 for pay period June 26, 2020 through July 02, 2020 in the amount of \$3,318,046.32

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:

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|------------------|--------------|----------------------------|--------------|-----------|
| Consent Agenda | 7/20/2020 | Authorize Accounts Payable | N/A | 0 minutes |

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Rossner Gideon, Finance Department

Council Action:

| Reviewed By | Department | Date |
|-----------------------------|--------------------|-----------|
| <i>Andrew D. Asbjornsen</i> | Finance Department | 7/14/2020 |
| <i>Matthew T. Stamps</i> | Legal | 7/14/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



City Council Agenda Bill

22711

Bill Number

Subject: **Authorization of A/P Payments Issued July 09, 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 #549393 through #549496 were issued on July 09, 2020 for pay period July 03, 2020 through July 09, 2020 in the amount of \$1,032,785.78

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:

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|------------------|--------------|----------------------------|--------------|-----------|
| Consent Agenda | 7/20/2020 | Authorize Accounts Payable | N/A | 0 minutes |

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Rossner Gideon, Finance Department

Council Action:

| Reviewed By | Department | Date |
|-----------------------------|--------------------|-----------|
| <i>Andrew D. Asbjornsen</i> | Finance Department | 7/14/2020 |
| <i>Matthew T. Stamps</i> | Legal | 7/14/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 7/14/2020 |



City Council Agenda Bill

22712

Bill Number

Subject: **Authorization of Payroll Labor Cost Payments For the Period Dated June 16 to June 30, 2020**

Summary Statement: For payroll payments related to the period of June 16 to June 30, 2020

Totals \$ 3,821,685.78

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 | 7/20/2020 | Authorize Payroll | N/A | 0 minutes |

Recommended Motion:

Council Committee:

Agenda Bill Contact:

I. Wilson, HR Payroll, 778-8222

Council Action:

Reviewed By

Andrew D. Asbjornsen

Department

Finance Department

Date

7/14/2020

Matthew T. Stamps

Legal

7/14/2020

Seth M. Fleetwood

Executive

7/14/2020



City Council Agenda Bill

22686

Bill Number

Subject: An Ordinance Expanding the Approved List of Transportation Projects that May Be Funded with the Two-Tenths of One Percent (0.002) Sales and Use Tax

Summary Statement: The proposed ordinance expands the list of transportation improvements that may be funded with the two-tenths of one percent (0.002) sales and use tax imposed under the authority granted to Transportation Benefit Districts to include the following transportation improvement project contained in the City's adopted Transportation Improvement Program (TIP): Project #3: Climate Action Plan & Whatcom Transportation Authority (WTA) Transit Plan.

Previous Council Action: Formation of Transportation Benefit District in 2010; absorption of the TBD in 2015; adoption of 2021-2026 TIP

Fiscal Impact: The Transportation Fund provides direction for budget preparation; allows for submittal of grant applications; and allows obligation of grant funding for the three projects identified in the resolution.

Funding Source: N/A

Attachments: 1. ORDINANCE

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|---------------------------------|--------------|----------------|----------------------------|------------|
| Public Hearing - Vote Requested | 7/06/2020 | Pass Ordinance | Eric Johnston, PW Director | 10 minutes |

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Chad Schulhauser, City Engineer 778-7910

Council Action: 7/6/2020 Lisa Anderson / Daniel Hammill moved for first and second reading. **MOTION CARRIED 7-0.**

| Reviewed By | Department | Date |
|--------------------------|--------------|-----------|
| <i>Eric C. Johnston</i> | Public Works | 6/30/2020 |
| <i>Matthew T. Stamps</i> | Legal | 6/30/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 6/30/2020 |

ORDINANCE _____

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON EXPANDING THE APPROVED LIST OF TRANSPORTATION IMPROVEMENTS THAT MAY BE FUNDED WITH THE TWO TENTHS OF ONE PERCENT (0.002) SALES AND USE TAX COLLECTED IN BELLINGHAM UNDER THE AUTHORITY GRANTED TO TRANSPORTATION BENEFIT DISTRICTS IN CHAPTER 36.73 RCW TO INCLUDE TRANSPORTATION IMPROVEMENTS THAT IMPLEMENT THE CITY'S CLIMATE ACTION PLAN AND WHATCOM TRANSPORTATION AUTHORITY'S TRANSIT PLAN AS DESCRIBED IN PROJECT #3 IN THE CITY'S ADOPTED SIX-YEAR (2021-2026) TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, RCW 35.21.225 authorizes the legislative authority of a city to establish a transportation benefit district, which exists as a quasi-municipal corporation and independent taxing authority and district that can raise revenue for specific transportation projects pursuant to the provisions of Chapter 36.73 RCW; and

WHEREAS, the Bellingham City Council adopted Ordinance No. 2010-07-040 on July 12, 2010 forming Bellingham Transportation District No. 1 ("TBD"), with geographic boundaries comprised of the corporate limits of the City, and with a governing board consisting of the members of the Bellingham City Council, acting ex officio and independently; and

WHEREAS, Ordinance No. 2010-07-040 provided that funds generated by the TBD shall be used for the following three projects included in the City's adopted Six-Year (2011-2016) Transportation Improvement Program ("TIP"): Annual Arterial Pavement Resurfacing Program; Non-Motorized Transportation Options; and Transit Enhancement Options ("TBD Projects"); and

WHEREAS, the TBD board adopted Resolution 2010-1 on August 9, 2010 providing for a ballot proposition to be submitted to voters to impose a two-tenths of one percent (0.002) sales and use tax within the district for a period of ten years to fund the TBD Projects as authorized under RCW 36.73.040 and RCW 82.14.0455; and

WHEREAS, Bellingham voters approved imposition of the proposed sales and use tax at the November 2010 election; and

WHEREAS, in 2015, the Washington Legislature adopted Chapter 36.74 RCW to enable cities and counties to absorb any TBD that shares identical boundaries with the city or county and thereby assume all of the TBD's rights, powers, functions and obligations under Chapter 36.73 RCW, with the result that the TBD ceases to exist as a separate entity; and

WHEREAS, the Bellingham City Council adopted Ordinance No. 2015-12-056 on December 14, 2015 absorbing the TBD and assuming all its rights, powers, functions and obligations pursuant to the authority granted in Chapter 36.74 RCW, with the result that the TBD ceased to exist as a separate entity; and

WHEREAS, in recognition that the TBD no longer exists as an entity, all tax revenue remitted to the City under Chapter 36.73 RCW and RCW 82.14.0455 shall be referred to hereinafter as the “Transportation Fund” and TBD Projects shall be referred to hereinafter as “Transportation Fund Projects”; and

WHEREAS, the Bellingham City Council adopted Resolution No. 2016-19 on June 20, 2016, removing Transit Enhancement Options from the list of approved Transportation Fund Projects and further providing that the Transportation Fund shall be allocated in a manner that generally balances expenditures from the Transportation Fund equally between the remaining two Transportation Fund Projects (i.e., between the (1) Annual Arterial Pavement Resurfacing Program and (2) Non-Motorized Transportation Options); and

WHEREAS, the Bellingham City Council adopted Resolution 2020-19 on June 8, 2020 adopting a new Six-Year (2021-2026) Transportation Improvement Program, which includes a new project known as Project #3: Climate Action Plan & Whatcom Transportation Authority (“WTA”) Transit Plan (“Project #3”); and

WHEREAS, City staff recommend that Project #3 be added to the list of approved Transportation Fund Projects so that it may be funded wholly or in part by the Transportation Fund; and

WHEREAS, Project #3 consists of transportation improvements that further the City’s Climate Action Plan and support WTA’s public transit system in Bellingham; and

WHEREAS, Project #3 improvements are intended to reduce greenhouse gas emissions by implementing projects that facilitate and encourage electric vehicle use and public transit options; and

WHEREAS, by way of example and not limitation, Project #3 improvements may include accessible pathways to transit stops, transit bus queue jumps at traffic signals, electric-powered WTA buses, electric bus charging facilities at WTA stations, electric vehicle charging stations in Bellingham and the group purchase of e-bikes and e-cars; and

WHEREAS, the Bellingham City Council finds that Project #3 is a “transportation improvement” within the meaning of RCW 36.73.015; and

WHEREAS, the Bellingham City Council finds that Project #3 improvements would further many of the objectives listed in RCW 36.73.020(1), including reducing the risk of transportation facility failure, improving safety, improving travel time, improving air quality, increasing daily and peak period trip capacity, promoting cost-effectiveness and optimal performance of the system through time, and improving modal connectivity; and

WHEREAS, City Council held a public hearing on July 6, 2020, with proper notice provided, to take public comment on the proposal to include Project #3 as a Transportation Fund Project; and

WHEREAS, the Bellingham City Council, having considered the recommendation of City staff, and having considered public comment on the proposal (if any), hereby finds that it is in the public interest to include Project #3 as a Transportation Fund Project which may be paid for wholly or in part by the Transportation Fund; and

WHEREAS, it is the intent of City Council that Transportation Fund revenue will be allocated to the various Transportation Fund Projects as follows: approximately 40% to Project #1 Annual Street Pavement Resurfacing Program; approximately 40% to Project #2 Non-Motorized Transportation Improvements; and approximately 20% to Project #3 Climate Action Plan & Whatcom Transportation Authority (WTA) Transit Plan improvements, subject to adjustment by City Council through the annual public process of adopting the City's Transportation Improvement Program based upon funding needs (taking into account other available funding sources), project readiness and strategic priorities established by the City and WTA in their respective adopted plans;

WHEREAS, contemporaneously with the consideration of this Ordinance, City Council is considering the adoption of a separate resolution to continue and extend the two-tenths of one percent (0.002) sales and use tax for an additional ten years (beyond the expiration of the initial 10-year period in 2021) as authorized under RCW 82.14.0455 in order to provide funding for the approved Transportation Fund Projects.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM, EXERCISING THE ASSUMED POWERS OF TRANSPORTATION BENEFIT DISTRICT NO. 1, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The funds generated by the two-tenths of one percent (0.002) sales and use tax imposed within the City of Bellingham under the authority granted to transportation benefit districts in Chapter 36.73 RCW ("Transportation Fund") shall be used for the following transportation improvements contained in the City's Transportation Improvement Program:

- Project #1: Annual Street Pavement Resurfacing Program;
- Project #2: Non-Motorized Transportation Improvements; and
- Project #3: Climate Action Plan & Whatcom Transportation Authority ("WTA") Transit Plan

(collectively, the "Transportation Fund Projects").

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:



City Council Agenda Bill

22690

Bill Number

Subject: **An Ordinance Authorizing Issuance of Water and Sewer Refunding and Revenue Bonds**

Summary Statement: The attached ordinance authorizes the issuance of bonds to refinance, or refund, a number of existing water and sewer revenue bonds. Municipal borrowing rates are near record lows, providing an excellent opportunity to realize significant savings on the City's existing debt. Depending on market conditions at the time of sale, the City would refinance some or all of existing revenue bonds from 2011, 2012, 2013 and 2015, which have a combined outstanding principal of nearly \$64,000,000. This refunding is expected to save the Water and Sewer Funds an average of \$500,000-\$600,000 annually with total net present value savings of over \$10,000,000.

Previous Council Action: **Ordinances 2011-08-041, 2012-02-006, 2013-08-059 and 2015-09-039, issuing the associated bonds.**

Fiscal Impact: **An average annual savings to the Water and Sewer Fund of \$500,000-\$600,000**

Funding Source: **Water Fund and Sewer Fund**

Attachments: 1. ORDINANCE

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|--|--------------|-----------------|--|------------|
| Committee Briefing - Vote Requested | 7/06/2020 | Vote to Approve | Andrew Asbjornsen, Finance Director | 10 minutes |

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Forrest Longman, 778-8005

Council Action: 7/6/2020 Gene Knutson /
Pinky Vargas moved for first and second
reading. **MOTION CARRIED 7-0.**

| Reviewed By | Department | Date |
|-----------------------------|--------------------|-----------|
| <i>Andrew D. Asbjornsen</i> | Finance Department | 6/30/2020 |
| <i>Matthew T. Stamps</i> | Legal | 6/30/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 6/30/2020 |

CITY OF BELLINGHAM, WASHINGTON
WATER AND SEWER REVENUE AND REFUNDING BONDS

ORDINANCE NO. 2020-__ -__

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF WATER AND SEWER REVENUE AND REFUNDING BONDS OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$64,000,000 TO REFUND CERTAIN OUTSTANDING WATER AND SEWER REVENUE BONDS, FINANCE CAPITAL IMPROVEMENTS TO THE WATER AND SEWER SYSTEM, MAKE A DEPOSIT TO THE RESERVE ACCOUNT (IF REQUIRED), AND PAY COSTS OF ISSUANCE; DELEGATING AUTHORITY TO APPROVE THE METHOD OF SALE AND FINAL TERMS OF THE BONDS; AND OTHER MATTERS RELATED THERETO.

PASSED: JULY 20, 2020

PREPARED BY:

PACIFICA LAW GROUP LLP

Seattle, Washington

CITY OF BELLINGHAM
ORDINANCE NO. 2020-__ -__
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Exhibit A: Bond Form

* This Table of Contents is provided for convenience only and is not a part of this ordinance.

CITY OF BELLINGHAM, WASHINGTON

ORDINANCE NO. 2020-__ -__

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF WATER AND SEWER REVENUE AND REFUNDING BONDS OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$64,000,000 TO REFUND CERTAIN OUTSTANDING WATER AND SEWER REVENUE BONDS, FINANCE CAPITAL IMPROVEMENTS TO THE WATER AND SEWER SYSTEM, MAKE A DEPOSIT TO THE RESERVE ACCOUNT (IF REQUIRED), AND PAY COSTS OF ISSUANCE; DELEGATING AUTHORITY TO APPROVE THE METHOD OF SALE AND FINAL TERMS OF THE BONDS; AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Bellingham, Washington (the “City”), owns, operates and maintains a combined water supply and distribution system and sewage collection and disposal system (the “System”); and

WHEREAS, the City has issued and has outstanding the following water and sewer revenue bonds:

| Bond Issue | Issue Date | Authorizing Ordinance | Original Principal Amount | Outstanding Principal Amount |
|---|------------|-----------------------|---------------------------|------------------------------|
| Water and Sewer Revenue Bonds, 2011 | 9/27/2011 | 2011-08-041 | \$ 42,665,000 | \$ 38,845,000 |
| Water and Sewer Revenue Refunding Bonds, 2012 | 3/29/2012 | 2012-02-006 | 3,275,000 | 1,820,000 |
| Water and Sewer Revenue Bonds, 2013 | 8/27/2013 | 2013-08-059 | 15,785,000 | 15,570,000 |
| Water and Sewer Revenue Refunding Bond, 2015 | 11/10/2015 | 2015-09-039 | 4,035,000 | 2,861,000 |

(collectively, the “Outstanding Parity Bonds”); and

WHEREAS, the ordinances authorizing the Outstanding Parity Bonds (the “Outstanding Parity Bond Ordinances”) provide that the Outstanding Parity Bonds may be prepaid or defeased and called for redemption, in whole or in part, prior to their stated dates of maturity (the “Refunding Candidates”); and

WHEREAS, after due consideration it appears to this Council that all or a portion of the Refunding Candidates (as selected for refunding as described herein, the “Refunded Bonds”) may

be prepaid or defeased and refunded by the proceeds of water and sewer revenue refunding bonds at a savings to the City and its ratepayers; and

WHEREAS, the City Council has approved certain improvements of and intensions to the System as identified in the capital improvement programs of the City (as further defined herein, the “Projects”); and

WHEREAS, the Outstanding Parity Bond Ordinances provide that additional water and sewer revenue bonds may be issued on a parity of lien with the Outstanding Parity Bonds if certain conditions are met; and

WHEREAS, the City Council has determined that the conditions to the issuance of parity bonds have been or will be met and that it is in the best interests of the City and its ratepayers that the City issue one or more series of tax-exempt and/or taxable water and sewer revenue and refunding bonds in the aggregate principal amount of not to exceed \$64,000,000 (the “Bonds”) for the purpose of prepaying or defeasing and redeeming the Refunded Bonds, financing the Projects, making a deposit to the debt service reserve account (if necessary), and paying costs of issuance for each series of Bonds; and

WHEREAS, the City Council wishes to delegate authority to the Mayor and the Finance Director (each, a “Designated Representative”), for a limited time, to approve the method of sale, to select the Refunded Bonds, and to approve the interest rates, maturity dates, redemption terms and principal maturities for each series of Bonds within the parameters set by this ordinance; and

WHEREAS, the Bonds authorized herein shall be sold by negotiated or competitive public sale as set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. As used in this ordinance, the following words have the following meanings:

Account means one of a variety of ways to track individual assets, liabilities, fund balances, revenues, and expenses so that each item is separately and clearly distinguishable from all other accounts and provides a clear audit trail of sources and uses.

Acquired Obligations mean the Government Obligations acquired by the City under the terms of this ordinance and each Escrow Agreement to effect the prepayment or defeasance and refunding of the Refunded Bonds, but only to the extent that the same are acquired at Fair Market Value.

Adjusted Net Revenue means Net Revenue adjusted by an independent licensed professional engineer or certified public accountant in accordance with the requirements of the Parity Conditions and Section 17 of this ordinance.

Annual Debt Service means, for any fiscal year, the aggregate amount required in such year for the payment of the principal of and interest on the Parity Bonds then outstanding (except the principal maturity of Term Bonds) to which the term Annual Debt Service refers, plus the principal of any Term Bonds subject to a mandatory sinking fund payment or mandatory prior redemption requirement from a Sinking Fund Account for that fiscal year.

Average Annual Debt Service means, as of any calculation date, the sum of the Annual Debt Service for the remaining years to the last scheduled maturity of any Parity Bonds then outstanding, divided by the number of those years.

Beneficial Owner means any person that has or shares the power, directly or indirectly, to make investment decisions concerning ownership of any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries).

Bond Counsel means Pacifica Law Group LLP or an attorney at law or a firm of attorneys, selected by the City, of nationally recognized standing in matters pertaining to the tax-exempt nature of interest on bonds issued by states and their political subdivisions.

Bond Fund means, collectively, the Principal and Interest Account, the Reserve Account and any Sinking Fund Account(s).

Bond Purchase Contract means one or more, if any, bond purchase contracts, forward delivery contracts or other agreements for the purchase of a series of Bonds sold by negotiated sale to the Underwriter, executed by a Designated Representative pursuant to this ordinance.

Bond Register means the registration books showing the name, address and tax identification number of each Registered Owner of a series of Bonds, maintained for the Bonds in the manner required pursuant to Section 149(a) of the Code.

Bond Registrar means, initially, the fiscal agent of the State, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, effecting transfer of ownership of the Bonds and paying interest on and principal of the Bonds.

Bonds means the tax-exempt and/or taxable water and sewer revenue and refunding bonds, of the City authorized to be issued in one or more series pursuant to this ordinance.

Capital Reserve Accounts mean, collectively, those special accounts in the Water Fund and the Sewer Fund of the City previously combined and now known as the “Cash (Restricted for Capital)” accounts.

Certificate of Award means one or more, if any, certificates awarding a series of Bonds sold by competitive sale to the successful bidder, executed by a Designated Representative pursuant to this ordinance.

City means the City of Bellingham, Washington, a municipal corporation duly organized and existing under and by virtue of the laws of the State.

Code means the Internal Revenue Code of 1986 as in effect on the date of issuance of any Tax-Exempt Bonds or (except as otherwise referenced herein) as it may be amended to apply to obligations issued on the date of issuance of the Tax-Exempt Bonds, together with applicable proposed, temporary and final regulations promulgated, and applicable official public guidance published, under the Code.

Commission means the United States Securities and Exchange Commission.

Costs of Maintenance and Operation means all necessary operating expenses, current maintenance expenses, expenses of reasonable upkeep and repairs, and insurance and administrative expenses of the System, and reasonable pro rata budget charges for services provided to the System by City departments, but excluding depreciation, payments for debt service or into reserve accounts, costs of capital additions to or replacements of the System, municipal taxes, extraordinary items under then applicable accounting standards, and payments to the City in lieu of taxes.

Continuing Disclosure Certificate means one or more written undertakings for the benefit of the owners and Beneficial Owners of any Bonds as required by Section (b)(5) of the Rule.

Council or **City Council** means the legislative body of the City as duly and regularly constituted from time to time.

Coverage Requirement means Net Revenue equal to 1.25 times Maximum Annual Debt Service. For calculating the Coverage Requirement for Variable Interest Rate Bonds, such Future Parity Bonds shall be assumed to bear interest at a fixed rate equal to the higher of (i) 6% per annum or (ii) (a) the highest variable rate borne during the preceding 24 months by any outstanding Variable Interest Rate Bonds or, (b) if no such Variable Interest Rate Bonds are outstanding at the time of calculation, the rate borne by other variable rate debt the interest rate for which is determined by reference to an index comparable to the index to be used to determine the interest rate on the Future Parity Bonds proposed to be issued.

Following the full redemption, refunding or defeasance of all 2011 Bonds, the definition of "Coverage Requirement" shall be amended to read "means Net Revenue equal to 1.25 times Annual Debt Service. For calculating the Coverage Requirement for Variable Interest Rate Bonds, such Future Parity Bonds shall be assumed to bear interest at a fixed rate equal to the higher of (i) 6% per annum or (ii) (a) the highest variable rate borne during the preceding 24 months by any outstanding Variable Interest Rate Bonds or, (b) if no such Variable Interest Rate Bonds are outstanding at the time of calculation, the rate borne by other variable rate debt the interest rate for which is determined by reference to an index comparable to the index to be used to determine the interest rate on the Future Parity Bonds proposed to be issued."

Coverage Stabilization Account means the account of that name maintained pursuant to Section 11(b) of this ordinance.

Designated Representative means the Finance Director and the Mayor, or the designee of such officers. The signature of one Designated Representative shall be sufficient to bind the City.

DTC means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York.

Escrow Agent means U.S. Bank National Association, and its successors.

Escrow Agreement means one or more Escrow Deposit Agreements between the City and the Escrow Agent with respect to the refunding of a series of the Refunded Bonds.

Fair Market Value means the price at which a willing buyer would purchase an investment from a willing seller in a bona fide, arm's-length transaction, except for specified investments as described in Treasury Regulation § 1.148-5(d)(6), including United States Treasury obligations, certificates of deposit, guaranteed investment contracts, and investments for yield restricted defeasance escrows. Fair Market Value is generally determined on the date on which a contract to purchase or sell an investment becomes binding, and, to the extent required by the applicable regulations under the Code, the term "investment" will include a hedge.

Federal Tax Certificate means one or more certificates executed by the Finance Director setting forth the requirements of the Code for maintaining the tax exemption of interest on a series of Tax-Exempt Bonds to be dated as of the date of closing for such Bonds.

Finance Director means the Finance Director of the City or the successor to such officer.

Future Parity Bonds mean any revenue bonds of the City issued after the date of issuance of the Bonds having a charge or lien upon the Revenue of the System for payment of the principal thereof and interest thereon equal in priority to the charge or lien upon the Revenue of the System for the payment of the principal of and interest on the Outstanding Parity Bonds and the Bonds.

Government Obligations mean those obligations now or hereafter defined as such in chapter 39.53 RCW constituting direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, as such chapter may be hereafter amended or restated.

Letter of Representations mean the Blanket Issuer Letter of Representations from the City to DTC, as amended from time to time.

Maximum Annual Debt Service means the maximum amount of Annual Debt Service that will become due in any fiscal year hereafter on the Parity Bonds then outstanding.

MSRB means the Municipal Securities Rulemaking Board or any successors to its functions.

Net Revenue means the Revenue of the System less the Costs of Maintenance and Operation.

Official Statement means one or more disclosure document(s) prepared and delivered in connection with the issuance of one or more series of Bonds.

Outstanding Parity Bond Ordinances mean the ordinances authorizing the issuance of the Outstanding Parity Bonds as described in the recitals to this ordinance.

Outstanding Parity Bonds mean the outstanding 2011 Bonds, 2012 Bonds, 2013 Bonds, and 2015 Bond.

Outstanding Subordinate Lien Bonds mean revenue bonds or other obligations of the City having a lien upon the Revenue of the System junior and inferior to the lien thereon for the payment of the principal of and interest on the Parity Bonds. The Outstanding Subordinate Lien Bonds include, as of the date of this ordinance: (i) Public Works Trust Fund (Water Main Replacement Project) issued July 25, 2002; (ii) Drinking Water State Revolving Fund (Water Pre Treatment Project) issued May 27, 2015; and (iii) Water Pollution Control Revolving Fund/Department of Ecology (Roeder Lift Station Project) issued June 1, 2018.

Parity Bonds mean the Outstanding Parity Bonds, the Bonds and any Future Parity Bonds.

Parity Conditions mean the requirements for the issuance of Future Parity Bonds set forth in the Outstanding Parity Bond Ordinances and in Section 17 of this ordinance.

Permitted Investment means any investment that is a legal investment for cities in the State.

Principal and Interest Account means, together, the “Cash (Restricted for Debt Payment)” accounts within the Water Fund and the Sewer Fund, used for the payment of the principal of and interest on the Outstanding Parity Bonds, the Bonds and any Future Parity Bonds.

Project Fund means the project or capital improvements fund or account created in the office of the Finance Director.

Projects mean those capital improvement projects relating to the System identified in the capital improvement program of the City, as such capital improvement program may be amended, updated, supplemented or replaced from time to time by the City.

Record Date means the close of business for the Bond Registrar that is 15 days preceding any interest and/or principal payment or redemption date.

Refunded Bonds mean all or a portion of the Refunding Candidates as designated by a Designated Representative for refunding pursuant to this ordinance.

Refunding Account means the account by that name established pursuant to Section 10 of this ordinance.

Refunding Candidates mean the outstanding 2011 Bonds, 2012 Bonds, 2013 Bonds and 2015 Bond.

Registered Owner means any person named as a registered owner of the Bonds in the Bond Register. So long as the Bonds of a series are held in book entry only form, DTC or its nominee shall be deemed to be the sole Registered Owner.

Reserve Account means, together, the “Cash (Restricted for Debt Service Reserve)” accounts within the Water Fund and the Sewer Fund, used for the purpose of securing the payment of the principal of and interest on the Parity Bonds.

Reserve Insurance means, in lieu of cash and investments, insurance equal to the Reserve Requirement for any Future Parity Bonds then outstanding for which such insurance is obtained, but no insurance may be used to satisfy the Reserve Requirement for Future Parity Bonds unless (i) the insurance policy is non-cancelable, and (ii) the insurer as of the time of issuance of such insurance is rated in one of the two highest rating categories (without regard to gradation) by both Moody’s Investors Service, Inc. and S&P Global Ratings.

Following the full redemption, refunding or defeasance of all of the Outstanding Parity Bonds, the definition of “Reserve Insurance” shall be amended to read “means, in lieu of cash and investments, insurance equal to the Reserve Requirement for any Future Parity Bonds then outstanding for which such insurance is obtained, but no insurance may be used to satisfy the Reserve Requirement for Future Parity Bonds unless (i) the insurance policy is non-cancelable, and (ii) the insurer as of the time of issuance of such insurance is rated in one of the two highest rating categories (without regard to gradation) by either Moody’s Investors Service, Inc. or S&P Global Ratings.”

Reserve Requirement means an amount equal to the least of (a) 125% of Average Annual Debt Service, (b) Maximum Annual Debt Service or (c) 10% of the proceeds of the Parity Bonds then Outstanding. For calculating the Reserve Requirement for Variable Interest Rate Bonds, such Variable Interest Rate Bonds shall be assumed to bear interest at a fixed rate equal to the higher of (i) 6% per annum or (ii) (a) the highest variable rate borne during the preceding 24 months by any outstanding Variable Interest Rate Bonds or, (b) if no such Variable Interest Rate Bonds are outstanding at the time of calculation, the rate borne by other variable rate debt the interest rate for which is determined by reference to an index comparable to the index to be used to determine the interest rate on the Variable Interest Rate Bonds proposed to be issued.

Following the full redemption, refunding or defeasance of all of the Outstanding Parity Bonds, the Reserve Requirement shall be amended to read “means the amount set forth in the ordinance authorizing the Parity Bonds if such Parity Bonds are secured by the Reserve Account or another reserve fund or account.

Revenue of the System or Revenue means all earnings, revenue and money received by the City from or on account of the operation of the System, except proceeds from the sale of property of the System, but including income from investments of money in the Bond Fund or from any other investments of such earnings and revenue except the income from investments

irrevocably pledged to the payment of revenue bonds of the System pursuant to a plan of refunding or retirement adopted by the City. Revenue of the System also shall include any federal or state reimbursements of operating expenses to the extent such expenses constitute Costs of Maintenance and Operation.

Rule means the Commission's Rule 15c2-12 under the Securities Exchange Act of 1934, as may be amended from time to time.

Sale Document means a Bond Purchase Contract or Certificate of Award, if any, executed by a Designated Representative in connection with the sale of a series of Bonds pursuant to this ordinance, which shall provide for the name, principal and interest payment dates and amounts, redemption/prepayment rights, and other terms to describe such Bonds as determined by a Designated Representative.

Sinking Fund Account means any account created in the Bond Fund to amortize the principal or make mandatory redemptions of Term Bonds.

State means the State of Washington.

System means the combined water supply and distribution system and sewerage collection and disposal system of the City as it now exists and as the same may be added to, improved and extended for as long as any Parity Bonds remain outstanding. The Council may, by ordinance, combine with and include as a part of the System any other utility owned and operated by the City.

Taxable Bonds mean any Bonds of a series determined to be issued on a taxable basis pursuant to this ordinance.

Tax-Exempt Bonds mean any Bonds of a series determined to be issued on a tax-exempt basis under the Code pursuant to this ordinance.

Term Bonds mean any Parity Bonds identified as such in the ordinance or resolution authorizing the issuance thereof, the payment of which is provided for by a requirement for mandatory deposits of money by the City into a Sinking Fund Account in the Bond Fund or for mandatory redemption of those Term Bonds.

2011 Bonds mean the outstanding Water and Sewer Revenue Bonds, 2011, of the City authorized by Ordinance No. 2011-08-041 and dated September 27, 2011.

2012 Bonds mean the outstanding Water and Sewer Revenue Refunding Bonds, 2012, of the City authorized by Ordinance No. 2012-02-006 and dated March 29, 2012.

2013 Bonds mean the outstanding Water and Sewer Revenue Bonds, 2013, of the City authorized by Ordinance No. 2013-08-059 and dated August 27, 2013.

2015 Bond means the outstanding Water and Sewer Revenue Refunding Bond, 2015, of the City authorized by Ordinance No. 2015-09-039 and dated November 10, 2015.

Underwriter means any underwriter for each series of Bonds, in the case of a negotiated sale, or initial purchaser or purchasers for each series of Bonds, in the case of a competitive sale, as selected by a Designated Representative pursuant to this ordinance.

Variable Interest Rate Bonds mean those Parity Bonds bearing interest at a variable rate.

Section 2. Interpretation. In this ordinance, unless the context otherwise requires:

(a) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this ordinance, refer to this ordinance as a whole and not to any particular article, section, subdivision or clause hereof, and the term “hereafter” shall mean after, and the term “heretofore” shall mean before the date of this ordinance;

(b) Words importing the singular number shall mean and include the plural number and vice versa;

(c) Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons;

(d) Any headings preceding the text of the several articles and sections of this ordinance, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this ordinance, nor shall they affect its meaning, construction or effect; and

(e) All references herein to “articles,” “sections” and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof.

Section 3. Compliance with Parity Conditions. The Council finds and determines as required by the provisions of the Outstanding Parity Bond Ordinances relating to the issuance of Future Parity Bonds as follows:

First: The Bonds are being issued for the purpose of providing funds to prepay or defease and refund prior to their maturity all or a portion of the Refunding Candidates and to finance capital improvements to the System.

Second: At the time of the passage and approval of this ordinance and at the time of the issuance and delivery of the Bonds, there is not nor will there be any deficiency in the Bond Fund or any account therein.

Third: This ordinance contains the provisions and covenants required to be included herein by the provisions of the Outstanding Parity Bond Ordinances relating to the issuance of Future Parity Bonds.

Fourth: The Council has been assured that prior to the issuance and delivery of a series of Bonds it will have on file a certificate demonstrating compliance with the Parity Conditions.

The Parity Conditions having been complied with or assured, the payments required herein to be made out of the Revenue of the System to pay and secure the payment of the principal of and interest on the Bonds shall constitute a lien and charge upon such Revenue of the System equal in rank to the lien and charge thereon of the payments to be made into the Bond Fund to pay and secure the payment of the principal of and interest on the Outstanding Parity Bonds.

Section 4. Findings and Determinations. The Council finds and determines that the Revenue of the System and benefits to be derived from the operation and maintenance of the System at the rates to be charged for water and sanitary sewage disposal service from the entire System will be more than sufficient to meet all Costs of Maintenance and Operation and the debt service requirements of the Outstanding Parity Bonds and the Outstanding Subordinate Lien Bonds and to permit the setting aside into the Principal and Interest Account of the Bond Fund out of the Revenue of the System amounts sufficient to pay the principal of and interest on the Bonds when due.

The Council further finds and determines that it has exercised due regard for the Costs of Maintenance and Operation (and the cost of operation and maintenance as contemplated by RCW 35.92.100) and for debt service requirements and that it has not obligated the City to set aside and pay into the Bond Fund a greater amount of the Revenue of the System than in its judgment will be available over and above such Costs of Maintenance and Operation (and such cost of operation and maintenance).

Section 5. Authorization and Description of the Bonds. For the purpose of prepaying or defeasing and refunding the Refunded Bonds, paying the costs of the Projects, making a deposit to the Reserve Account (if required), and paying costs of issuance of the Bonds, the City shall issue and sell one or more series of tax-exempt and/or taxable water and sewer revenue and refunding bonds in the principal amount of not to exceed \$64,000,000 (the "Bonds"). The Bonds authorized herein may be issued in one or more series and from time to time pursuant to the authorization set forth in this resolution subject to the conditions set forth in Section 20 hereof.

The Bonds shall be designated the "City of Bellingham, Washington, Water and Sewer Revenue and Refunding Bonds" with any series or other designation as determined by a Designated Representative. The Bonds of a series shall be dated as of their date of initial issuance and delivery to the applicable Underwriter; shall be fully registered as to both principal and interest; shall be in the denomination of \$5,000 each, or any integral multiple thereof, within a series and maturity; shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification; shall bear interest from their date payable on the dates and commencing as provided in the applicable Sale Document; and shall be subject to optional and/or mandatory redemption and mature on the dates and in the principal amounts set forth in the applicable Sale Document, as approved and executed by a Designated Representative pursuant to Section 20 of this ordinance.

The Bonds shall be an obligation only of the Bond Fund and shall be payable and secured as provided herein. The Bonds do not constitute an indebtedness or general obligation of the City within the meaning of the constitutional provisions and limitations of the State.

Section 6. Registration, Exchange and Payments.

(a) *Bond Registrar/Bond Register.* The City hereby specifies and adopts the system of registration approved by the Washington State Finance Committee from time to time through the appointment of a state fiscal agent. The City shall cause a bond register to be maintained by the Bond Registrar. So long as any Bonds of a series remain outstanding, the Bond Registrar shall make all necessary provisions to permit the exchange or registration or transfer of Bonds at its designated office. The Bond Registrar may be removed at any time at the option of the Finance Director upon prior notice to the Bond Registrar and a successor Bond Registrar appointed by the Finance Director. No resignation or removal of the Bond Registrar shall be effective until a successor shall have been appointed and until the successor Bond Registrar shall have accepted the duties of the Bond Registrar hereunder. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance. The Bond Registrar shall be responsible for its representations contained in the certificate of authentication of the Bonds.

(b) *Registered Ownership.* The City and the Bond Registrar, each in its discretion, may deem and treat the Registered Owner of each Bond of a series as the absolute owner thereof for all purposes (except as otherwise provided in this ordinance or in the Continuing Disclosure Certificate), and neither the City nor the Bond Registrar shall be affected by any notice to the contrary. Payment of any such Bond shall be made only as described below, but such Bond may be transferred as provided herein. All such payments made as described below shall be valid and shall satisfy and discharge the liability of the City upon such Bond to the extent of the amount or amounts so paid.

(c) *DTC Acceptance/Letters of Representations.* The Bonds of a series initially shall be held in fully immobilized form by DTC acting as depository. The City has executed and delivered to DTC the Letter of Representations. Neither the City nor the Bond Registrar shall have any responsibility or obligation to DTC participants or the persons for whom they act as nominees (or any successor depository) with respect to the Bonds in respect of the accuracy of any records maintained by DTC (or any successor depository) or any DTC participant, the payment by DTC (or any successor depository) or any DTC participant of any amount in respect of the principal of or interest on Bonds, any notice which is permitted or required to be given to Registered Owners under this ordinance (except such notices as shall be required to be given by the City to the Bond Registrar or to DTC (or any successor depository)), or any consent given or other action taken by DTC (or any successor depository) as the Registered Owner. For so long as any Bonds are held by a depository, DTC or its successor depository or its nominee shall be deemed to be the Registered Owner for all purposes hereunder, and all references herein to the Registered Owners shall mean DTC (or any successor depository) or its nominee and shall not mean the owners of any beneficial interest in such Bonds.

(d) *Use of Depository.*

(1) The Bonds of a series shall be registered initially in the name of “Cede & Co.”, as nominee of DTC, with one Bond of each series maturing on each of the maturity dates for the Bonds of such series in a denomination corresponding to the total principal therein designated to mature on such date. Registered ownership of such immobilized Bonds, or any portions thereof, may not thereafter be transferred except (A) to any successor of DTC or its nominee, provided that any such successor shall be qualified under any applicable laws to provide the service proposed to be provided by it; (B) to any substitute depository appointed by the Finance Director pursuant to subsection (2) below or such substitute depository’s successor; or (C) to any person as provided in subsection (4) below.

(2) Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by the Finance Director to discontinue the system of book entry transfers through DTC or its successor (or any substitute depository or its successor), the Finance Director may hereafter appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(3) In the case of any transfer pursuant to clause (A) or (B) of subsection (1) above, the Bond Registrar shall, upon receipt of all outstanding Bonds, together with a written request on behalf of the Finance Director, issue a single new Bond for each maturity of that series then outstanding, registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the Finance Director.

(4) In the event that (A) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (B) the Finance Director determines that it is in the best interest of the Beneficial Owners of the Bonds that such owners be able to obtain physical bond certificates, the ownership of such Bonds may then be transferred to any person or entity as herein provided, and shall no longer be held by a depository. The Finance Director shall deliver a written request to the Bond Registrar, together with a supply of physical Bonds, to issue Bonds as herein provided in any authorized denomination. Upon receipt by the Bond Registrar of all then outstanding Bonds of a series together with a written request on behalf of the Finance Director to the Bond Registrar, new Bonds of such series shall be issued in the appropriate denominations and registered in the names of such persons as are requested in such written request.

(e) *Registration of Transfer of Ownership or Exchange; Change in Denominations.* The transfer of any Bond may be registered and Bonds may be exchanged, but no transfer of any such Bond shall be valid unless it is surrendered to the Bond Registrar with the assignment form appearing on such Bond duly executed by the Registered Owner or such Registered Owner’s duly authorized agent in a manner satisfactory to the Bond Registrar. Upon such surrender, the Bond Registrar shall cancel the surrendered Bond and shall authenticate and deliver, without charge to the Registered Owner or transferee therefor, a new Bond(s) (or Bonds at the option of the new Registered Owner) of the same date, series, maturity and interest rate and for the same aggregate principal amount in any authorized denomination, naming as Registered Owner the person or

persons listed as the assignee on the assignment form appearing on the surrendered Bond, in exchange for such surrendered and cancelled Bond. Any Bond may be surrendered to the Bond Registrar and exchanged, without charge, for an equal aggregate principal amount of Bonds of the same date, series, maturity, and interest rate, in any authorized denomination. The Bond Registrar shall not be obligated to register the transfer of or to exchange any Bond during the 15 days preceding any principal payment or redemption date.

(f) *Bond Registrar's Ownership of Bonds.* The Bond Registrar may become the Registered Owner of any Bond with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the right of the Registered Owners or Beneficial Owners of Bonds.

(g) *Place and Medium of Payment.* Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be calculated on the basis of a year of 360 days and twelve 30-day months. For so long as all Bonds are held by a depository, payments of principal thereof and interest thereon shall be made as provided in accordance with the operational arrangements of DTC referred to in the Letter of Representations. In the event that the Bonds are no longer held by a depository, interest on the Bonds shall be paid by check or draft mailed to the Registered Owners at the addresses for such Registered Owners appearing on the Bond Register on the Record Date, or upon the written request of a Registered Owner of more than \$1,000,000 of Bonds (received by the Bond Registrar at least by the Record Date), such payment shall be made by the Bond Registrar by wire transfer to the account within the United States designated by the Registered Owner. Principal of the Bonds shall be payable upon presentation and surrender of such Bonds by the Registered Owners at the designated office of the Bond Registrar.

If any Bond shall be duly presented for payment and funds have not been duly provided by the City on such applicable date, then interest shall continue to accrue thereafter on the unpaid principal thereof at the rate stated on such Bonds until it is paid.

Section 7. Redemption and Purchase of Bonds.

(a) *Redemption of Bonds.* The Bonds of each series shall be subject to mandatory redemption to the extent, if any, as set forth in the applicable Sale Document and as approved by a Designated Representative pursuant to Section 20. The Bonds of each series shall be subject to optional redemption and/or prepayment on the dates, at the prices and under the terms set forth in the applicable Sale Document approved by a Designated Representative pursuant to Section 20.

(b) *Purchase of Bonds.* The City reserves the right to accept an offer to purchase any of the Bonds at any time at a price deemed reasonable by a Designated Representative.

(c) *Selection of Bonds for Redemption.* If the Bonds are held in book-entry only form, the selection of particular Bonds within a series and maturity to be redeemed shall be made in accordance with the operational arrangements then in effect at DTC. If the Bonds are no longer held by a depository, the selection of such Bonds to be redeemed and the surrender and reissuance

thereof, as applicable, shall be made as provided in the following provisions of this subsection (c) or as otherwise provided in the applicable Sale Document. If the City redeems at any one time fewer than all of the Taxable Bonds of series having the same maturity date, the particular Taxable Bonds or portions of Taxable Bonds of such series and maturity to be redeemed shall be selected on a pro rata pass-through distribution of principal basis. In the event that only a portion of the principal sum of a Taxable Bond is redeemed, upon surrender of such Taxable Bond at the designated office of the Bond Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of the Registered Owner, a Taxable Bond or Bonds of like series, maturity and interest rate in any of the denominations herein authorized. If the City redeems at any one time fewer than all of the Tax-Exempt Bonds having the same maturity date within a series, the particular Tax-Exempt Bonds or portions of Tax-Exempt Bonds of such series and maturity to be redeemed shall be selected by lot (or in such manner determined by the Bond Registrar) in increments of \$5,000. In the case of a Tax-Exempt Bond of a denomination greater than \$5,000, the City and the Bond Registrar shall treat each Tax-Exempt Bond of such series as representing such number of separate Tax-Exempt Bonds each of the denomination of \$5,000 as is obtained by dividing the actual principal amount of such Tax-Exempt Bonds of such series by \$5,000. In the event that only a portion of the principal sum of a Tax-Exempt Bond is redeemed, upon surrender of such Tax-Exempt Bond at the principal office of the Bond Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of the Registered Owner, a Tax-Exempt Bond or Bonds of like maturity, series, and interest rate in any of the denominations herein authorized. To the extent the City optionally redeems or purchases for retirement any Term Bond, any remaining mandatory sinking fund payment or mandatory prior redemption requirements for such Term Bond shall be reduced on a pro rata basis.

(d) *Notice of Redemption or Prepayment.*

(1) Official Notice. For so long as the Bonds of a series are held by a depository, notice of redemption (which notice may be conditional) shall be given in accordance with the operational arrangements of DTC as then in effect, and neither the City nor the Bond Registrar will provide any notice of redemption to any Beneficial Owners. Thereafter (if the Bonds are no longer held in uncertificated form), notice of redemption shall be given in the manner hereinafter provided. Unless waived by any owner of Bonds to be redeemed, official notice of any such redemption shall be given by the Bond Registrar on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 20 days and not more than 60 days prior to the date fixed for redemption to the Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such Registered Owner to the Bond Registrar.

All official notices of redemption shall be dated and shall state:

- (A) the redemption date,
- (B) the redemption price,

(C) if fewer than all outstanding Bonds are to be redeemed, the identification by maturity (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,

(D) any conditions to redemption,

(E) that (unless such notice is conditional) on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and

(F) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the designated office of the Bond Registrar.

On or prior to any redemption date, unless any condition to such redemption has not been satisfied or waived or notice of such redemption has been rescinded, the City shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date. The City retains the right to rescind any redemption notice and the related optional redemption of Bonds by giving notice of rescission to the affected registered owners at any time on or prior to the scheduled redemption date. Any notice of optional redemption that is so rescinded shall be of no effect, and the Bonds for which the notice of optional redemption has been rescinded shall remain outstanding.

(2) Effect of Notice; Bonds Due. If an unconditional notice of redemption has been given, or if the conditions set forth in a conditional notice of redemption have been satisfied or waived, the Bonds of such series or portions of Bonds to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Bond Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. All Bonds which have been redeemed shall be canceled by the Bond Registrar and shall not be reissued.

(3) Additional Notice. In addition to the foregoing notice, further notice shall be given by the City as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed. Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bonds as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the series and maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed. Each further notice of redemption may be sent at least 20 days before the redemption date to each party entitled to receive notice pursuant to the Continuing Disclosure Certificate and with such additional information as the City shall deem appropriate, but such mailings shall not be a condition precedent to the redemption of such Bonds.

(4) Amendment of Notice Provisions. The foregoing notice provisions of this Section 7, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 8. Form of the Bonds. The Bonds of each series shall be in substantially the following form set forth in Exhibit A, which is incorporated herein by this reference, with such changes thereto as may be approved by a Designated Representative.

Section 9. Execution of the Bonds. The Bonds of each series shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Finance Director of the City and the seal of the City shall be impressed, imprinted or otherwise reproduced thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form set forth in Exhibit A, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be an officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bond may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. Any Bond may be signed and attested on behalf of the City by such persons who at the date of the actual execution of such Bond, are the proper officers of the City, although at the original date of such Bond any such person shall not have been such officer of the City.

Section 10. Refunding Plan; Application of Bond Proceeds.

(a) *Project Fund and Reserve Account.* Net proceeds of any series of Bonds received by the City allocable to the financing of the Projects shall be deposited in the Project Fund which is hereby authorized to be created, and used to pay those costs and payment of costs of issuance and sale of such series of Bonds (unless paid by the Escrow Agent pursuant to (b) below) as set forth in the closing memorandum for such series of Bonds. Principal proceeds in an amount necessary to meet the Reserve Requirement shall be deposited to the Reserve Account.

(b) *Refunding Plan.* For the purpose of realizing a aggregate debt service savings and benefiting the ratepayers of the City, the Council proposes to refund and defease the Refunded Bonds as set forth herein. The Refunded Bonds shall include those Refunding Candidates designated by a Designated Representative when the Bonds are sold pursuant to the Sale Document. Net proceeds of any series of Bonds allocable to the refunding of the Refunded Bonds (less any required deposit to the Reserve Account to be funded with Bond proceeds) shall be deposited with the Escrow Agent pursuant to the Escrow Agreement to be used immediately upon receipt thereof to defease the Refunded Bonds as authorized by the ordinances authoring the

issuance of the Refunded Bonds and to pay costs of issuance of such Bonds as set forth in the closing memorandum for such series of Bonds.

A portion of the proceeds deposited with the Escrow Agent shall be used to defease the Refunded Bonds and discharge the obligations thereon on the applicable call date by the purchase of certain Government Obligations (which obligations so purchased, are herein called "Acquired Obligations"), bearing such interest and maturing as to principal and interest in such amounts and at such times which, together with any necessary beginning cash balance, will provide for the payment of:

(1) interest on the Refunded Bonds due and payable on and prior to the respective first call dates for the Refunded Bonds; and

(2) the redemption prices of the Refunded Bonds on the respective first call dates for the Refunded Bonds.

Such Acquired Obligations shall be purchased at a yield not greater than the yield permitted by the Code and regulations relating to acquired obligations in connection with refunding bond issues. Each Designated Representative is authorized to select a bidding agent, if any, (and authorizes the Designated Representative to appoint any successor or replacement bidding agent) for the purchase of the Acquired Obligations to be deposited with the Escrow Agent.

(c) *Escrow Agent/Escrow Agreement.* The City hereby appoints U.S. Bank National Association as the Escrow Agent for the Refunded Bonds (the "Escrow Agent"). A beginning cash balance, if any, and the Acquired Obligations shall be deposited irrevocably with the Escrow Agent in an amount sufficient to defease the Refunded Bonds. The proceeds of the Bonds remaining after acquisition of the Acquired Obligations and provision for the necessary beginning cash balance shall be utilized to pay expenses of the acquisition and safekeeping of the Acquired Obligations and expenses of the issuance of the Bonds.

In order to carry out the purposes of this section, each Designated Representative is authorized and directed to execute and deliver to the Escrow Agent, one or more Escrow Agreements.

(d) *Call for Redemption of Refunded Bonds.* The City hereby irrevocably sets aside sufficient funds out of the purchase of Acquired Obligations from proceeds of the Bonds to make the payments described above. The City hereby irrevocably calls the Refunded Bonds for redemption on their first call dates in accordance with the provisions of the authorizing ordinances authorizing the redemption and retirement of the Refunded Bonds prior to their fixed maturities.

Said defeasance and call for redemption of the Refunded Bonds shall be irrevocable after the issuance of such series of Bonds and delivery of the Acquired Obligations to the Escrow Agent.

The Escrow Agent is hereby authorized and directed to provide for the giving of notices of the redemption of the Refunded Bonds in accordance with the applicable provisions of their authorizing ordinances. The costs of publication of such notices shall be an expense of the City.

The Escrow Agent is hereby authorized and directed to pay to the Finance Director, or, at the direction of the Finance Director, to the paying agent for the Refunded Bonds, sums sufficient to pay, when due, the payments specified in this section. All such sums shall be paid from the moneys and Acquired Obligations deposited with the Escrow Agent, and the income therefrom and proceeds thereof. All such sums so paid to said Finance Director shall be credited to the Refunding Account. All moneys and Acquired Obligations deposited with the Escrow Agent and any income therefrom shall be held, invested (but only at the direction of the Finance Director) and applied in accordance with the provisions of this ordinance and with the laws of the State for the benefit of the City and owners of the Refunded Bonds.

The City will take such actions as are found necessary to see that all necessary and proper fees, compensation and expenses of the Escrow Agent for the Refunded Bonds shall be paid when due.

Section 11. Priority of Payments from Revenue of the System.

(a) *Priority and Application of Revenue of the System.* The Revenue of the System shall be used only for the following purposes and in the following order of priority:

First, to pay the Costs of Maintenance and Operation of the System;

Second, to make all payments required to be made into the Principal and Interest Account in the Bond Fund to pay the interest on any Parity Bonds;

Third, to make all payments required to be made into the Principal and Interest Account in the Bond Fund to pay the maturing principal of any Parity Bonds;

Fourth, to make all payments required to be made into any Sinking Fund Account for the payment of the principal or mandatory redemption of any Term Bonds;

Fifth, to make all payments required to be made into the Reserve Account created to secure the payment of the Parity Bonds, *following the full redemption, refunding or defeasance of all of the Outstanding Parity Bonds, into any other reserve account created to secure the payment of the principal of and interest on Parity Bonds, an amount necessary to provide for or maintain the Reserve Requirement applicable to such Parity Bonds*, and to make all payments required to be made pursuant to a reimbursement agreement in connection with Reserve Insurance, except that if there is not sufficient money to make all payments under reimbursement agreements the payments will be made on a pro rata basis;

Sixth, to make all payments required to be made into any revenue bond redemption fund or revenue warrant redemption fund and debt service account or reserve account created to pay and secure the payment of the principal of and interest on any revenue bonds or revenue warrants of the City, including the Outstanding Subordinate Lien Bonds, having a lien upon the Revenue of the System junior and inferior to the lien thereon for the payment of the principal of and interest on the Parity Bonds;

Seventh, to make all payments required to be made into the Capital Reserve Accounts; and

Eighth, to retire by redemption or purchase in the open market any outstanding System revenue bonds or System revenue warrants of the City, to make necessary additions, betterments and improvements to and extensions of the System, or for any other lawful City purposes.

(b) *Coverage Stabilization Account.* The Finance Director is hereby authorized to create a Coverage Stabilization Account. The City hereby determines that the maintenance of a Coverage Stabilization Account will moderate fluctuations in Net Revenues and help to alleviate the need for short-term rate adjustments. Money in the Coverage Stabilization Account will be transferred as determined from time to time by the City. The City may make payments into the Coverage Stabilization Account from Revenue of the System at any time. Money in the Coverage Stabilization Account may be withdrawn at any time and used for the purpose for which the Revenue of the System may be used. Amounts withdrawn from the Coverage Stabilization Account shall increase Revenue of the System for the period in which they are withdrawn, and amounts deposited in the Coverage Stabilization Account shall reduce Revenue of the System for the period during which they are deposited. Credits to or from the Coverage Stabilization Account that occur within 90 days after the end of a fiscal year may be treated as occurring within such fiscal year.

Section 12. Bond Fund. The Bond Fund has previously been created in the office of the Finance Director and within such Fund the Principal and Interest Account, the Reserve Account and any Sinking Fund Account(s) are included.

(a) *Principal and Interest Account.* The Principal and Interest Account in the Bond Fund shall be drawn upon for the sole purpose of paying the principal of and premium, if any, and interest on all Parity Bonds as the same shall become due.

As long as the Bonds remain outstanding, the City obligates and binds itself to set aside and pay into the Principal and Interest Account out of the Revenue of the System the following fixed amounts necessary, together with other money then on hand and available in the Principal and Interest Account, to pay the principal of and the interest on the Bonds as the same respectively become due and payable. Such payments shall be made into the Principal and Interest Account when and in the amounts needed to pay when due interest on each interest payment date on the Bonds and the principal of or mandatory sinking fund requirement for the Bonds on each principal payment date.

(b) *Reserve Account.* The Reserve Account has been created in the Bond Fund as a common reserve fund and, except as provided below, shall be used solely for the purpose of securing the payment of the principal of and the interest on all Parity Bonds. The Bonds shall be secured by the Reserve Account.

Following the full redemption, refunding or defeasance of all of the Outstanding Parity Bonds, the City may create separate reserve funds and/or accounts and establish separate Reserve Requirements, if any, to secure the payment of the principal of and interest on Future Parity Bonds.

Terms related to any such reserve funds and/or accounts shall be provided for in the Parity Bond Ordinance authorizing the issuance of such Future Parity Bonds.

(1) *Funding for the Bonds.* The City covenants that on or prior to the issuance of each series of Bonds it shall have on deposit in the Reserve Account the Reserve Requirement for such Bonds. If required, a portion of the proceeds of each series of Bonds shall be deposited to the Reserve Account to satisfy the Reserve Requirement.

(2) *Funding for Future Parity Bonds.* The City covenants and agrees that, in the event it issues any Future Parity Bonds, it will comply with Section 17(d) of this ordinance.

Investments in the Reserve Account shall be valued at least semiannually and immediately upon a withdrawal at the fair market value of such investments. The rating of an insurer providing Reserve Insurance must satisfy the rating requirement in the definition of "Reserve Insurance." In the event the rating of an insurer providing Reserve Insurance falls below the foregoing rating requirements, the City shall be under no obligation to obtain replacement Reserve Insurance or make deposits into the Reserve Account as a result of such downgrade.

(3) *Maintenance of Reserve Account.* The City further covenants and agrees that when the required deposits have been made into the Reserve Account, it will at all times maintain required amounts therein. The City may on each principal payment date recalculate the Reserve Requirement with respect to the Parity Bonds then secured by the Reserve Account (and shall be permitted to recalculate the Reserve Requirement on the issuance date of any Future Parity Bonds).

Whenever there is a sufficient amount in the Bond Fund, including the accounts therein, to pay the principal of, premium, if any, and interest on all outstanding Parity Bonds then secured by the Reserve Account, the money in the Reserve Account may be used to pay such principal, premium, if any, and interest.

(4) *Withdrawals from Reserve Account.* Money in the Reserve Account may be withdrawn to pay the principal of and premium, if any, and interest on any outstanding Parity Bonds then secured by the Reserve Account, as long as the money or Reserve Insurance, as the case may be, left remaining on deposit in the Reserve Account is at least equal to the Reserve Requirement for the Parity Bonds secured by the Reserve Account then outstanding.

(5) *Use of Reserve Account for Refunding Parity Bonds.* In the event that any Parity Bonds are refunded, the money in the Reserve Account may be used to retire such Parity Bonds or may be transferred to any reserve account which may be created to secure the payment of any bonds issued to refund such Parity Bonds, as long as the money left remaining in the Reserve Account is at least equal, together with Reserve Insurance, to the applicable Reserve Requirement.

(6) *Use of Reserve Account for Payment of Debt Service.* In the event the money in the Bond Fund over and above the amount therein set aside and credited to the Reserve Account is insufficient to meet maturing installments of either interest on or principal of and interest on the outstanding bonds payable out of the Bond Fund, such deficiency shall be made up

from the Reserve Account by the withdrawal of money or proceeds of Reserve Insurance therefrom, as the case may be. Any deficiency created in the Reserve Account by reason of any such withdrawal or claim against Reserve Insurance shall then be made up out of the Revenue of the System (or out of other funds of the City on hand and legally available therefor), after making necessary provision for the payments required to be made by subparagraphs First through Fourth, inclusive, of Section 11 of this ordinance.

(c) *Sinking Fund Account.* In the event that a portion of a series of Bonds is subject to mandatory sinking fund redemption as set forth in the applicable Sale Document, the Finance Director is hereby authorized to create Sinking Fund Accounts, as necessary, in the Bond Fund to amortize the principal or make mandatory redemptions of such Term Bonds.

(d) *Investment of Money in the Bond Fund.* Money in the Bond Fund may be invested in Permitted Investments, but only to the extent that the same are acquired at Fair Market Value. Investments of money in the Bond Fund shall mature on or prior to the date on which such money shall be needed for required interest or principal payments. Investments of money in the Reserve Account shall mature not later than the last maturity of any then-outstanding Parity Bonds. Investments of money in any Sinking Fund Account shall mature on or prior to the date when such money shall be needed to pay or make a mandatory redemption of the Term Bonds. All interest earned and income or profits derived by virtue of investments of money in the Bond Fund shall be deposited in the Principal and Interest Account in the Bond Fund and used to meet any of the required deposits therein, except that earnings on amounts in the Reserve Account shall be retained therein if and to the extent necessary to maintain the Reserve Account at the Reserve Requirement. Notwithstanding the provisions for the deposit of earnings, any earnings which are subject to a federal tax or rebate requirement may be withdrawn from the Bond Fund for deposit into a separate fund or account for that purpose.

Section 13. Capital Reserve Accounts. Money in the Capital Reserve Accounts shall be used for the following purposes: (i) to make up any deficiency in the Bond Fund or any accounts therein; (ii) to pay the cost of repairs to and renewals and replacements of the System; and (iii) to pay extraordinary maintenance and operation expenses.

The City covenants and agrees for as long as any of the Parity Bonds remain outstanding that it will budget for and deposit into the Capital Reserve Accounts in each fiscal year out of the Revenue of the System (or out of other funds of the City on hand and legally available therefor) an amount, together with the money already on deposit therein, which is sufficient in the judgment of the Council to provide for reasonably anticipated repairs to and renewals and replacements of the System and other contingencies.

Section 14. Lien of the Bonds. The amounts pledged to be paid out of the Revenue of the System into the Bond Fund to pay the principal of and interest on the Bonds, including amounts to be deposited in the Reserve Account, are declared to be a prior lien and charge upon such Revenue of the System superior to all other charges of any kind or nature except the Costs of Maintenance and Operation of the System, and equal in rank to the charges upon such Revenue of the System to pay and secure the payment of the principal of and interest on the Outstanding Parity Bonds and any Future Parity Bonds.

Section 15. Covenants. The City covenants and agrees with the owners of the Bonds for as long as the Bonds remain outstanding as follows:

(a) *Maintenance and Operations.* The City shall at all times maintain, preserve and keep the properties of the System in good repair, working order and condition, and will make all necessary and proper additions, betterments, renewals and repairs thereto, and improvements, replacements and extensions thereof, and will at all times operate or cause the properties of the System and the business in connection therewith to be operated in an efficient manner and at a reasonable cost.

(b) *Establishment and Collection of Rates and Charges.* The City shall establish, maintain and collect rates and charges for all services and facilities provided and all commodities sold or supplied by the System which shall be fair and nondiscriminatory, and shall adjust such rates and charges from time to time so that:

(1) The Revenue of the System will at all times be sufficient (i) to pay all Costs of Maintenance and Operation on a current basis, (ii) to pay when due all amounts which the City is obligated to pay into the Bond Fund and the accounts therein, and (iii) to pay all taxes, assessments or other governmental charges lawfully imposed on the System or the revenue therefrom or payments in lieu thereof and any and all other amounts that the City may now or hereafter become obligated to pay from the Revenue of the System by law or contract; and

(2) The Net Revenue in each fiscal year will be at least equal to the Coverage Requirement.

(c) *Sale or Disposition of the System.* The City will not sell or otherwise dispose of the System in its entirety unless simultaneously with such sale or other disposition, provision is made for the payment into the Bond Fund of cash or Government Obligations sufficient together with interest to be earned thereon to pay the principal of and interest on all Parity Bonds then outstanding.

The City will not sell, lease, mortgage or in any manner encumber or otherwise dispose of any part of the System, including all additions and improvements thereto and extensions thereof at any time made, that are used, useful or material in the operation of the System, unless provision is made for the replacement thereof or for payment into the Bond Fund of the greatest of the following:

(1) An amount that will be in the same proportion to the net amount of Parity Bonds then outstanding (defined as the total amount of the Parity Bonds less the amount of cash and investments in the Bond Fund and accounts therein) that the Revenue of the System from the portion of the System sold or disposed of for the preceding year bears to the total Revenue of the System for such period; or

(2) An amount that will be in the same proportion to the net amount of Parity Bonds then outstanding (as defined above) that the Net Revenue from the portion of the System sold or disposed of for the preceding year bears to the total Net Revenue for such period; or

(3) An amount that will be in the same proportion to the net amount of Parity Bonds then outstanding (as defined above) that the depreciated cost value of the facilities sold or disposed of bears to the depreciated cost value of the entire System immediately prior to such sale or disposition.

Notwithstanding any other provision of this subsection, the City in its discretion may sell or otherwise dispose of any of the works, plant, properties or facilities of the System or any real or personal property comprising a part of the same which shall have become unserviceable, inadequate, obsolete or unfit to be used in the operation of the System, or no longer necessary, material to or useful in such operation, without making any deposit into the Bond Fund. In no event shall such proceeds be treated as Revenue of the System for purposes of this ordinance.

(d) *Liens Upon the System.* The City will not at any time create or permit to accrue or to exist any lien or other encumbrance or indebtedness upon the System or the Revenue of the System, or any part thereof, prior or superior to the lien thereon for the payment of the Parity Bonds, and will pay and discharge, or cause to be paid and discharged, any and all lawful claims for labor, materials or supplies that, if unpaid, might become a lien or charge upon the Revenue of the System, or any part thereof, prior to or superior to the lien of the Parity Bonds, or that might impair the security of the Parity Bonds.

(e) *Books and Accounts.* The City shall keep proper books, records and accounts with respect to the operations, income and expenditures of the System in accordance with proper accounting procedures and any applicable rules and regulations prescribed by the State. The City shall prepare balance sheets and annual financial and operating statements within 120 days of the close of each fiscal year (as of which date such statements may be unaudited) showing in reasonable detail the financial condition of the System as of the close of the previous year, and the income and expenses for such year, including the amounts paid into the Bond Fund and into any and all special funds or accounts created pursuant to or described in this ordinance, the status of all funds and accounts as of the end of such year, and the amounts expended for maintenance, renewals, replacements, and capital additions to the System. Such statements shall be sent to the owner of any Parity Bond upon written request therefor being made to the City.

(f) *No Free Service.* The City will not furnish or supply or permit the furnishing or supplying of any commodity, service or facility in connection with the operation of the System free of charge to any person, firm or corporation public or private, other than the City or Whatcom County, or to aid the poor or infirm and for fire-fighting purposes, so long as any Parity Bonds are outstanding.

(g) *Fire and Extended Coverage Insurance.* The City will at all times carry fire and extended coverage and such other forms of insurance with responsible insurers and with policies payable to the City on such of the buildings, equipment, works, plants, facilities and properties of the System as are ordinarily carried by municipal or privately owned utilities engaged in the

operation of like systems, or will implement and maintain a self-insurance or an insurance pool program with reserves adequate, in the judgment of the Council, to protect the System and the owners of the Parity Bonds against loss.

(h) *Public Liability and Property Damage Insurance.* The City will at all times keep or arrange to keep in full force and effect such policies of public liability and property damage insurance with responsible insurers and with policies payable to the City against such claims for damages as are ordinarily carried by municipal or privately owned utilities engaged in the operation of like systems, or will implement and maintain a self-insurance or an insurance pool program with reserves adequate, in the judgment of the Council, to protect the System and the owners of the Parity Bonds against loss.

(i) *Collection of Delinquent Accounts.* The City will, on at least an annual basis, determine all accounts that are delinquent and will take all necessary action to enforce payment of such accounts against those property owners whose accounts are delinquent.

Section 16. Tax Covenants. The City will take all actions necessary to assure the exclusion of interest on the Tax-Exempt Bonds from the gross income of the owners of the Tax-Exempt Bonds to the same extent as such interest is permitted to be excluded from gross income under the Code as in effect on the date of issuance of the Tax-Exempt Bonds, including but not limited to the following:

(a) *Private Activity Bond Limitation.* The City will assure that the proceeds of the Tax-Exempt Bonds are not so used as to cause the Tax-Exempt Bonds to satisfy the private business tests of Section 141(b) of the Code or the private loan financing test of Section 141(c) of the Code.

(b) *Limitations on Disposition of Project.* The City will not sell or otherwise transfer or dispose of (i) any personal property components of the projects financed or refinanced with proceeds of Tax-Exempt Bonds other than in the ordinary course of an established government program under Treasury Regulation Section 1.141-2(d)(4) or (ii) any real property components of the projects financed or refinanced with proceeds of Tax-Exempt Bonds, unless it has received an opinion of nationally recognized bond counsel to the effect that such disposition will not adversely affect the treatment of interest on the Tax-Exempt Bonds as excludable from gross income for federal income tax purposes.

(c) *Federal Guarantee Prohibition.* The City will not take any action or permit to suffer any action to be taken if the result of such action would be to cause any of the Tax-Exempt Bonds to be “federally guaranteed” within the meaning of Section 149(b) of the Code.

(d) *Rebate Requirement.* The City will take any and all actions necessary to assure compliance with Section 148(f) of the Code, relating to the rebate of excess investment earnings, if any, to the federal government, to the extent that such section is applicable to the Tax-Exempt Bonds.

(e) *No Arbitrage.* The City will not take, or permit or suffer to be taken, any action with respect to the proceeds of the Tax-Exempt Bonds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken, on the date of

issuance of the Tax-Exempt Bonds would have caused the Tax-Exempt Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code.

(f) *Registration Covenant.* The City will maintain a system for recording the ownership of each Tax-Exempt Bond that complies with the provisions of Section 149 of the Code until all Tax-Exempt Bonds have been surrendered and canceled.

(g) *Record Retention.* The City will retain its records of all accounting and monitoring it carries out with respect to the Tax-Exempt Bonds for at least three years after the Tax-Exempt Bonds mature or are redeemed (whichever is earlier); however, if the Tax-Exempt Bonds are redeemed and refunded, the City will retain its records of accounting and monitoring at least three years after the earlier of the maturity or redemption of the obligations that refunded the Tax-Exempt Bonds.

(h) *Compliance with Federal Tax Certificate.* The City will comply with the provisions of the Federal Tax Certificate with respect to the Tax-Exempt Bonds, which are incorporated herein as if fully set forth herein. The covenants of this section will survive payment in full or defeasance of the Tax-Exempt Bonds.

Section 17. Future Parity Bonds The City covenants and agrees that the City will not issue any bonds or other obligations having a greater or equal priority of lien upon the Revenue of the System and the money in the Bond Fund to pay and secure the payment of the principal of and interest on such bonds or other obligations than the lien created on such Revenue of the System and money to pay and secure the payment of the principal of and interest on the Parity Bonds, except that it reserves the right,

First, to issue Future Parity Bonds for the purpose of providing funds to acquire, construct or replace any equipment, facilities, additions, betterments or other capital improvements to the System or for any other purpose for which the City is authorized by law to issue revenue bonds, or

Second, to issue Future Parity Bonds for the purpose of refunding at or prior to their maturity any outstanding Parity Bonds, and to pledge and bind itself to make payments into the Bond Fund out of the Revenue of the System which will be sufficient to pay and secure the payment of the principal of and interest on such Future Parity Bonds, which payments shall rank equally with the payments required by this ordinance to be made into the Bond Fund and the accounts therein to pay and secure the payment of principal of and interest on the Bonds, upon compliance with the following conditions:

(a) *No Bond Fund Deficiency.* At the time of the issuance of such Future Parity Bonds there shall be no deficiency in the Bond Fund or any accounts therein.

(b) *Payable Out of Bond Fund.* Each ordinance providing for the issuance of such Future Parity Bonds shall provide for the payment of the principal thereof and premium, if any, and interest thereon out of the Bond Fund.

(c) *Use of Bond Fund Money in Refunding.* All money held in the Bond Fund and the accounts therein for the purpose of paying or securing the payment of the principal of and interest on Parity Bonds being refunded shall either be used to pay the principal of and interest on such bonds or be maintained in the Bond Fund and accounts therein to pay and secure the payment of such refunding Future Parity Bonds.

(d) *Reserve Requirement.* With respect to Future Parity Bonds secured by the Reserve Account or a separate reserve fund or account, each ordinance providing for the issuance of such Future Parity Bonds shall provide for the deposit into the Reserve Account or other reserve account of (i) an amount of Future Parity Bond proceeds that, taking into account amounts on deposit in the Reserve Account including any Reserve Insurance, will satisfy the Reserve Requirement upon issuance of the Future Parity Bonds, (ii) Reserve Insurance that, taking into account amounts on deposit in the Reserve Account including any other Reserve Insurance, will satisfy the Reserve Requirement upon issuance of the Future Parity Bonds, or (iii) to the extent that the Reserve Requirement is not fully funded at the time of issuance of those Future Parity Bonds, from Net Revenue in approximately equal annual installments so that the balance in the Reserve Account equals the Reserve Requirement within five years from the date of issuance of those Future Parity Bonds.

(e) *Rate Covenant.* The City will covenant in each ordinance providing for the issuance of such Future Parity Bonds to establish, maintain and collect rates and charges for all services and facilities provided by the System so that the Net Revenue will be sufficient to meet the Coverage Requirement.

(f) *Parity Certificate.* Prior to the delivery of such Future Parity Bonds the City shall have on file:

(i) A certificate of the Finance Director showing that the Net Revenue as shown in the City's audited financial statements for any 12-month period selected by the City out of the 24-month period next preceding the date of issuance of Future Parity Bonds would be sufficient to meet the Coverage Requirement commencing with the first full fiscal year following the date on which interest on such Future Parity Bonds will not be paid from the proceeds of such Future Parity Bonds; or

(ii) a certificate from an independent licensed professional engineer experienced in the design, construction and operation of municipal utilities, or from a certified public accountant (which certificate may not be dated more than 90 days prior to the date of delivery of such Future Parity Bonds), showing that in his professional opinion the Net Revenue, determined and adjusted as hereinafter provided for each fiscal year after the issuance of such Future Parity Bonds (the "Adjusted Net Revenue"), will equal at least the Coverage Requirement.

The Adjusted Net Revenue shall be the Net Revenue for a period of any 12 consecutive months out of the 24 months immediately preceding the month of delivery of such proposed Future Parity Bonds as adjusted by such engineer or accountant to take into consideration changes in Net Revenue estimated to occur under one or more of the following conditions for each year after such

delivery for so long as any Parity Bonds, including the Future Parity Bonds proposed to be issued, shall be outstanding:

(1) any increase or decrease in Net Revenue that would result if any change in rates and charges effective on or approved by the Council prior to the date of such certificate and subsequent to the beginning of such 12 month period had been in force during the full 12 month period;

(2) any increase or decrease in Net Revenue estimated by such engineer or accountant to result from any additions, betterments or improvements to or extensions of any facilities of the System which (i) became fully operational during such 12 month period, (ii) were under construction at the time of such certificate, or (iii) will be acquired, constructed or installed from the proceeds of sale of the Future Parity Bonds proposed to be issued;

(3) the additional Net Revenue which would have been received if any customers added to the System during such 12 month period were customers for the entire period;

(4) the additional Net Revenue estimated to be received from any person, firm, association, or private or municipal corporation under any executed water or sanitary sewage service contract, which Net Revenue is not included in any of the sources of Net Revenue previously described in this subsection (f)(ii); and

(5) any increase or decrease in Net Revenue as a result of any actual or reasonably anticipated changes in the Costs of Maintenance and Operation subsequent to the 12 month period.

Such engineer or accountant shall base his certification upon, and his certificate shall have attached thereto, financial statements of the System audited by the State (unless such an audit is not available for a 12 month period within the preceding 24 months) and certified by the Finance Director, showing income and expenses for the period upon which the same is based.

The certificate referenced herein shall be conclusive and the only evidence required to show compliance with the provisions and requirements of this subsection (f).

(g) *No Parity Certificate for Certain Refunding Future Parity Bonds.* In the event that any Future Parity Bonds provided for in this section are issued for the purpose of refunding at or prior to maturity any or all of the then outstanding Parity Bonds, and the issuance of such refunding Future Parity Bonds does not require a greater amount to be paid out of the Revenue of the System for principal and interest over the life of such refunding Future Parity Bonds than would be required to be paid out of such Revenue of the System for principal and interest over the life of the Parity Bonds being refunded, then the certificate required in subsection (f) of this section need not be obtained to permit such refunding Future Parity Bonds to be issued on a parity with any Parity Bonds then outstanding.

(h) *Inapplicability to Certain Future Parity Bonds.* Nothing contained herein shall prevent the City from issuing Future Parity Bonds to refund maturing Parity Bonds of the City for

the payment of which money is not otherwise available. Such Future Parity Bonds may be Variable Interest Rate Bonds.

Section 18. Subordinate Lien Obligations. Nothing contained herein shall prevent the City from issuing revenue bonds or other obligations with a charge or lien upon the Revenue of the System subordinate to the payments required to be made therefrom into the Bond Fund and the accounts therein.

Section 19. Defeasance In the event that the City, to effect the payment, retirement or redemption of any Bond, sets aside in the Principal and Interest Account of the Bond Fund or in another special account, cash or noncallable Government Obligations, or any combination of cash and/or noncallable Government Obligations, in amounts and maturities which, together with the known earned income therefrom, are sufficient to redeem or pay and retire such Bond in accordance with its terms and to pay when due the interest and redemption premium, if any, thereon, and such cash and/or noncallable Government Obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Principal and Interest Account of the Bond Fund for the payment of the principal of and interest on such Bond. The owner of a Bond so provided for shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive payment of principal, premium, if any, and interest from the Principal and Interest Account of the Bond Fund or such special account, and such Bond shall be deemed to be not outstanding under this ordinance.

In the event that the refunding plan provides that the Bonds being refunded or the refunding bonds to be issued be secured by money and/or government obligations pending the prior redemption of the portion of the Bonds being refunded and if such refunding plan also provides that certain money and/or Government Obligations are pledged irrevocably for the prior redemption of those Bonds included in the refunding plan, then only the debt service which is not defeased and the refunding bonds, the payment of which is not so secured by the refunding plan, shall be included in any computation of the Coverage Requirement for the issuance of Future Parity Bonds and the annual computation of coverage for determining compliance with the rate covenant.

The City shall give written notice of defeasance to the owners of all Bonds to each party entitled to receive notice in accordance with Section 22.

Section 20. Sale of the Bonds

(a) *Sale.* The Council has determined that it would be in the best interest of the City to delegate to the Designated Representatives, for a limited time, the authority to authorize the Bonds to be issued in one or more series, to designate each series of Bonds as Tax-Exempt Bonds or Taxable Bonds, to select the Refunded Bonds from the Refunding Candidates, and to approve the method of sale, final interest rates, maturity dates, redemption terms and principal maturities for each series of Bonds. The Designated Representatives are each hereby authorized to approve the issuance, from time to time, on a single date or on multiple dates to be determined to be in the best interest of the City, of one or more series of Bonds and to approve a competitive bond sale or a negotiated bond sale for each series of Bonds, as set forth below.

(b) *Negotiated Bond Sale.* If a Designated Representative determines that a series of the Bonds are to be sold by negotiated public sale, a Designated Representative shall solicit proposals from one or more qualified underwriting firms and shall select one or more Underwriters that submit the proposal(s) that is in the best interest of the City. Such series of Bonds shall be sold to such Underwriter(s) pursuant to the terms of a Bond Purchase Contract.

(c) *Competitive Sale.* If a Designated Representative determines that one or more series of the Bonds are to be sold at a competitive public sale, a Designated Representative shall: (1) establish the date of the public sale; (2) establish the criteria by which the successful bidder will be determined; (3) request that a good faith deposit in an amount not less than one percent of the principal amount of the offering accompany each bid; (4) cause notice of the public sale to be given; and (5) provide for such other matters pertaining to the public sale as he or she deems necessary or desirable. Such Bonds shall be sold to the Underwriter pursuant to the terms of a Certificate of Award.

(d) *Sale Parameters.* Subject to the terms and conditions set forth in this Section 20, each Designated Representative is hereby authorized to approve the method of sale, to designate each series of Bonds as Tax-Exempt Bonds or Taxable Bonds, to select the Refunded Bonds from the Refunding Candidates, and to approve the final interest rates, aggregate principal amount, principal maturities, and redemption rights for each series of Bonds in the manner provided herein so long as:

(1) the aggregate principal (face) amount of all Bonds issued pursuant to this ordinance does not exceed \$64,000,000,

(2) the final maturity date for any series of Bonds issued under this ordinance is no later than December 1, 2044,

(3) any series of Bonds sold for the purpose of refunding all or a portion of the Refunded Bonds are sold for a price that results in a minimum aggregate net present value debt service savings over the Refunded Bonds to be refunded of at least 5.00%,

(4) the true interest cost for the Bonds of a series (in the aggregate) does not exceed 4.00%, and

(5) the aggregate purchase price for the Bonds of a series shall not be less than 98% of the aggregate stated principal amount of the Bonds.

Subject to the terms and conditions set forth in this section, each Designated Representative is hereby authorized to execute one or more Sale Document on behalf of the City. Following the execution of a Sale Document, a Designated Representative shall provide a report to the Council describing the final terms of the Bonds approved pursuant to the authority delegated in this section. The authority granted to the Designated Representatives by this Section 20 to execute any Sale Document shall expire one year (365 days) after the effective date of this ordinance. If a Sale Document for the Bonds has not been executed by such date, the authorization for the issuance of such Bonds shall be rescinded, and such Bonds shall not be issued nor their sale approved unless

such Bonds shall have been re-authorized by ordinance of the Council. The ordinance re-authorizing the issuance and sale of such Bonds may be in the form of a new ordinance repealing this ordinance in whole or in part or may be in the form of an amendatory ordinance approving a Sale Document or establishing terms and conditions for the authority delegated under this Section 20.

(e) *Delivery of Bonds; Documentation.* The proper officials of the City, including the Finance Director, the Mayor and the City Clerk, are authorized and directed to undertake all action necessary for the prompt execution and delivery of the Bonds to the applicable Underwriter and further to execute all closing certificates and documents required to effect the closing and delivery of the Bonds in accordance with the terms of the Sale Document. Such documents may include, but are not limited to, documents related to a municipal bond insurance policy delivered by an insurer to insure the payment when due of the principal of and interest on all or a portion of the Bonds as provided therein, if such insurance is determined by a Designated Representative to be in the best interest of the City.

Section 21. Preliminary and Final Official Statements. Each Designated Representative is hereby authorized to deem final the preliminary Official Statement(s) relating to a series of Bonds for the purposes of the Rule. Each Designated Representative is further authorized to approve for purposes of the Rule, on behalf of the City, the final Official Statement(s) relating to the issuance and sale of a series of Bonds and the distribution of the final Official Statement pursuant thereto with such changes, if any, as may be deemed to be appropriate.

Section 22. Undertaking to Provide Ongoing Disclosure. The City covenants to execute and deliver at the time of issuance of a series of Bonds a Continuing Disclosure Certificate. Each Designated Representative is hereby authorized to execute and deliver a Continuing Disclosure Certificate upon the issuance, delivery and sale of a series of Bonds with such terms and provisions as such officer shall deem appropriate and in the best interests of the City.

Section 23. Amendments

(a) *Amendments without Bondowners' Consent.* The Council from time to time and at any time may pass an ordinance or ordinances supplemental hereto, which ordinance or ordinances thereafter shall become a part of this ordinance, for any one or more of the following purposes:

(1) To add to the covenants and agreements of the City contained in this ordinance other covenants and agreements thereafter to be observed which shall not adversely affect the interests of the owners of the Bonds, or to surrender any right or power herein reserved to or conferred upon the City.

(2) To make such provisions for the purpose of curing any ambiguities or of curing, correcting or supplementing any defective provision contained in this ordinance in regard to matters or questions arising under this ordinance as the Council may deem necessary or desirable and not inconsistent with this ordinance and which shall not adversely affect the interests of the owners of the Bonds in any material respect.

Any such supplemental ordinance of the City may be passed without the consent of the owners of the Bonds at any time outstanding.

(b) *Amendments with Bondowners' Consent.* With the consent of the owners of the Bonds then outstanding, the Council may pass an ordinance or ordinances supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this ordinance or of any supplemental ordinance.

Section 24. Lost, Stolen or Destroyed Bonds. In case the Bonds shall be lost, stolen or destroyed, the Bond Registrar may execute and deliver a new Bond or Bonds of like date, number and tenor to the Registered Owner thereof upon the Registered Owner's paying the expenses and charges of the City and the Bond Registrar in connection therewith and upon filing with the City evidence satisfactory to the City that such Bond was actually lost, stolen or destroyed and of his/her ownership thereof, and upon furnishing the City and/or the Bond Registrar with indemnity satisfactory to the City and the Bond Registrar.

Section 25. Severability; Ratification. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds. All acts taken pursuant to the authority granted in this ordinance but prior to its effective date are hereby ratified and confirmed.

Section 26. Corrections by Clerk. Upon approval of the City Attorney and Bond Counsel and without further action of the Council, the City Clerk is hereby authorized to make necessary corrections to this ordinance, including but not limited to the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; ordinance numbering and section/subsection numbering; and other similar necessary corrections

Section 27. Effective Date This ordinance shall be effective 15 days after its final passage.

PASSED by the City Council of the City of Bellingham, Washington, at a regular meeting thereof held this 20th of July, 2020.

By _____
Council President

APPROVED by me this 20th of July, 2020.

By _____
Mayor

ATTEST

Finance Director

APPROVED AS TO FORM

Office of City Attorney

CERTIFICATION

I, the undersigned, Finance Director of the City of Bellingham, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. 2020-__ - __ (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular time and meeting place thereof on July 20, 2020, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect after its passage; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of July, 2020.

CITY OF BELLINGHAM, WASHINGTON

Finance Director

EXHIBIT A

UNITED STATES OF AMERICA

NO. _____

\$ _____

STATE OF WASHINGTON

CITY OF BELLINGHAM

WATER AND SEWER REVENUE AND REFUNDING BOND, 20__ [(TAXABLE)/(TAX-EXEMPT)]

INTEREST RATE: _____ %

MATURITY DATE: _____, 20[__]

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____

The City of Bellingham, Washington, a municipal corporation organized and existing under and by virtue of the laws of the State of Washington (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from _____, 20__, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, payable on _____ 1, 20__, and semiannually thereafter on the first days of each succeeding _____ and _____. Both principal of and interest on this bond are payable in lawful money of the United States of America. The fiscal agent of the State of Washington has been appointed by the City as the authenticating agent, paying agent and registrar for the bonds of this issue (the "Bond Registrar"). For so long as the bonds of this issue are held in fully immobilized form, payments of principal thereof and interest thereon shall be made as provided in accordance with the operational arrangements of The Depository Trust Company ("DTC") referred to in the Blanket Issuer Letter of Representations (the "Letter of Representations") from the City to DTC.

Both principal of and interest on this bond shall be payable in accordance with Ordinance No. 2020-__ -__ duly passed by the City Council on July 20, 2020 (the "Bond Ordinance"). Capitalized terms used in this bond have the meanings given such terms in the Bond Ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Registration Certificate hereon shall have been manually signed by or on behalf of the Bond Registrar or its duly designated agent.

This bond is issued pursuant to the Bond Ordinance to provide a portion of the funds necessary to defease and refund certain outstanding water and sewer revenue bonds of the City, [to pay costs of capital improvements to the System][, to make a deposit to the Reserve Account,] and to pay costs of issuance.

[The City may redeem this bond as provided in the Official Statement.]

This bond is payable solely from the special funds of the City defined as the “Bond Fund” in the Bond Ordinance. The City has irrevocably obligated and bound itself to pay into the Bond Fund out of the Revenue of the System or from such other moneys as may be provided therefor certain amounts necessary to pay and secure the payment of the principal and interest on this bond. The bond is not a general obligation of the City.

The bond is issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and duly adopted ordinances of the City. The City hereby covenants and agrees with the owner of this bond that it will keep and perform all the covenants of this bond and of the Bond Ordinance to be by it kept and performed, and reference is hereby made to the Bond Ordinance for a complete statement of such covenants. The City does hereby pledge and bind itself to set aside from Revenue of the System and to pay into the Bond Fund and the Reserve Account the various amounts required by the Bond Ordinance to be paid into and maintained in such Fund and account, all within the times provided by the Bond Ordinance. To the extent more particularly provided by the Bond Ordinance, the amounts so pledged to be paid from the Revenue of the System into the Bond Fund and the accounts therein shall be a lien and charge thereon equal in rank to the lien and charge upon said revenue of the Outstanding Parity Bonds and the amounts required to pay and secure the payment of revenue bonds of the City hereafter issued on a parity with the bonds of this issue and superior to all other liens and charges of any kind or nature except the Costs of Maintenance and Operation of the System.

The pledge of Revenue of the System and other obligations of the City under the Bond Ordinance may be discharged at or prior to the maturity or prepayment of the bond upon the making of provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of Bellingham, Washington has caused this bond to be executed by the manual or facsimile signatures of the Mayor and the Finance Director and the seal of the City imprinted, impressed or otherwise reproduced hereon as of this ____ day of _____, 2020.

[SEAL]

CITY OF BELLINGHAM, WASHINGTON

By /s/ manual or facsimile
Mayor

ATTEST:

/s/ manual or facsimile
Finance Director

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Water and Sewer Revenue Refunding Bonds, 20__ [(Taxable)/(Tax-Exempt)], of the City of Bellingham, Washington, dated _____, 20__.

WASHINGTON STATE FISCAL AGENT,
as Bond Registrar

By _____



City Council Agenda Bill

22691

Bill Number

Subject: An Ordinance Amending the 2019-2020 Biennial Budget Increasing Appropriations and Estimated Revenues in the General Fund for COVID-19 Recovery

Summary Statement: This ordinance increases appropriations and estimated revenues in the General Fund by \$900,000 to support economic and social recovery from the COVID-19 pandemic.

The state allocated \$2.7 million of CARES Act funding to the City of Bellingham. This action proposes to use \$500,000 on grants for businesses in Bellingham's commercial core, \$200,000 on grants for childcare providers and \$200,000 to address food security issues. Together with the \$500,000 Council appropriated for the Drop-In Shelter, this accounts for \$1.4 million of the City's CARES Act allotment. The City intends to use the remaining funds as reimbursement for expenditures related to COVID-19 response.

Previous Council Action: Adoption of the 2019-2020 Biennial Budget; 6/22/2020 passage of ordinance appropriating CARES Act funding for the Drop-In Center

Fiscal Impact: \$900,000

Funding Source: Federal Grant - CARES Act

Attachments: 1. ORDINANCE

| Meeting Activity | Meeting Date | Recommendation | Presented By | Time |
|--|--------------|----------------|--|-----------|
| Committee Briefing - Vote Requested | 7/06/2020 | Pass Ordinance | Andrew Asbjornsen, Finance Director | 5 minutes |

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Forrest Longman, 778-8005

Council Action: 7/6/2020 Gene Knutson /
Lisa Anderson moved for first and second
reading. **MOTION CARRIED 7-0.**

| Reviewed By | Department | Date |
|-----------------------------|--------------------|-----------|
| <i>Andrew D. Asbjornsen</i> | Finance Department | 6/30/2020 |
| <i>Matthew T. Stamps</i> | Legal | 6/30/2020 |
| <i>Seth M. Fleetwood</i> | Executive | 6/30/2020 |



MEMORANDUM

TO: BELLINGHAM CITY COUNCIL
FROM: FORREST LONGMAN, BUDGET MANAGER
CC: MAYOR SETH FLEETWOOD; ANDY ASBJORNSEN, FINANCE DIRECTOR
SUBJECT: CARES ACT BUDGET ADJUSTMENT
DATE: JULY 6, 2020

The proposed ordinance adds \$900,000 in revenues and expenditures in the General Fund related to economic and social recovery from COVID-19.

The CARES Act provided \$2.7 million to the City of Bellingham to facilitate recovery from COVID-19. This funding can be used in a variety of ways. To date, Council has appropriated \$500,000 for the new temporary Drop-in Shelter.

This ordinance appropriates additional CARES Act funding: \$500,000 for grants to business in Bellingham's commercial core; \$200,000 for grants for childcare business; and \$200,000 to address food security issues. With the previous council action, this accounts for \$1.4 million of the CARES Act allocation.

The City intends to use the remaining \$1.3 million as reimbursement for expenses incurred by the City from the COVID-19 pandemic response. A future budget ordinance will be brought forward for that purpose if expenses exceed existing appropriations.

If passed by Council, the attached ordinance will amend the 2019-2020 Biennial Budget as follows:

Fund 001 - General Fund

Non-Departmental

Revenue

| | |
|-----------------------------|-------------------|
| Federal Grant Revenue | \$ 900,000 |
| TOTAL REVENUE CHANGE | \$ 900,000 |

Expense

| | |
|-----------------------------|-------------------|
| Non-Departmental | \$ 900,000 |
| TOTAL EXPENSE CHANGE | \$ 900,000 |

| | |
|-----------------------------------|-------------|
| RESERVE CONTRIBUTION/(USE) | \$ - |
|-----------------------------------|-------------|

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2019-2020 BIENNIAL BUDGET INCREASING APPROPRIATIONS AND ESTIMATED REVENUES IN THE GENERAL FUND

WHEREAS, the COVID-19 pandemic and associated shut down of businesses has had an unprecedented economic impact; and

WHEREAS, the unemployment rate in Whatcom County reached 17.7% in April and remains in double-digits; and

WHEREAS, many businesses are struggling to stay open; and

WHEREAS, the CARES Act provided \$2.7 million in funding to the City of Bellingham to defray the impacts of COVID-19; and

WHEREAS, the CARES Act includes grants to local businesses and investments in human services as eligible expenses; and

WHEREAS, the City intends to use the CARES Act funding in coordination with Whatcom County and other cities within the county to maximize assistance available to the community; and

WHEREAS, the City will use \$900,000 of the CARES Act allocation to support local businesses and childcare services and address food security.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

The 2019-2020 Biennial Budget is hereby amended to increase the estimated revenues and appropriation authority in the General Fund, non-departmental by \$900,000.

PASSED by the Council this _____ day of _____, 2020.

Council President

APPROVED by me this _____ day of _____, 2020.

Mayor

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
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