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DEC 20 2017

WHATCOM COUNTY COUNCIL

COUNCILMEMBERS  
Barbara Brenner  
Rud Browne  
Barry Buchanan  
Todd Donovan  
Ken Mann  
Satpal Sidhu  
Carl Weimer

CLERK OF THE COUNCIL  
Dana Brown-Davis, C.M.C.  
COUNTY COURTHOUSE  
311 Grand Avenue, Suite #105  
Bellingham, WA 98225-4038  
(360) 778-5010



WHATCOM COUNTY COUNCIL

APPLICATION FOR APPOINTMENT TO FILL AT-LARGE,  
POSITION B, VACANCY ON THE WHATCOM COUNTY COUNCIL

NAME: SETH M. KINSLEY FLEETWOOD  
RESIDENCE ADDRESS: 1003 17th STREET  
CITY: BELLEVUE, WA ZIP CODE: 98225  
MAILING ADDRESS (IF DIFFERENT THAN RESIDENCE): \_\_\_\_\_

DAY TELEPHONE: 360-671-3299 EVENING TELEPHONE: \_\_\_\_\_ CELL PHONE: 360-739-1284  
E-MAIL ADDRESS: SETH@OPENACCESS.ORG  
ARE YOU A REGISTERED RESIDENT VOTER OF WHATCOM COUNTY? YES  
ARE YOU A US CITIZEN? YES NO ( )  
OCCUPATION (IF RETIRED, PLEASE INDICATE FORMER OCCUPATION): ATTORNEY

PROFESSIONAL/COMMUNITY BACKGROUND\*: FORMER MEMBER WHATCOM COUNTY COUNCIL;  
FORMER MEMBER BELLEVUE CITY COUNCIL; FORMER BOARD MEMBER BELLEVUE  
CITY CLUB; FORMER MEMBER GREENWAYS ADVISORY COMMITTEE.

EDUCATION\*: SEASIDE HIGH SCHOOL; UNIVERSITY OF WASHINGTON;  
WILLAMETTE UNIVERSITY COLLEGE OF LAW

BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THE COUNTY COUNCIL\*: I WOULD SERVE ONLY FOR THE YEAR,  
I LOVE PUBLIC INTEREST WORK. I AM EXPERIENCED AND WELL ACQUAINTED WITH A  
SERIES OF ISSUES THAT WILL BE IMPORTANT IN THE COMING YEAR THAT INCLUDE;  
HOUSING AFFORDABILITY, CRIMINAL JUSTICE, LAKE WHATCOM, GROWTH ISSUES.

REFERENCES (PLEASE INCLUDE NAME AND DAYTIME TELEPHONE NUMBER):  
JACK WEISS 360-738-2103  
LAURIE CASKEY-SCHREIBER 360-220-7921  
PETER FRAZIER 360-201-0390  
BARBARA RYAN 360-671-8376  
BOB HALL 360-527-1701

SIGNATURE OF APPLICANT: [Signature] DATE: 12/20/17

\*YOU MAY ATTACH A RESUME OR DETAILED SUMMARY OF EXPERIENCE, QUALIFICATIONS, AND INTERESTS  
THIS IS A PUBLIC DOCUMENT. THE ABOVE INFORMATION WILL BE AVAILABLE TO THE COUNTY COUNCIL, COUNTY EXECUTIVE, AND THE PUBLIC.



# Complete

Referrer

Date Taken 2018-1-3 00:22

Location US - WA

**1 Name**

Seth Mckinstry Fleetwood

**2 Which of the five Council districts do you live in?**

1

**3 If you are selected to fill this one year At-Large position do you plan to run for election for this position in 2018?**

No, I am only offering to do this for the one year

**4 Lake Whatcom is the drinking water source for about half of the County, and the County has entered into an plan to cleanup the lake to ensure it remains a good source of water far into the future. That plan is slated to take about 50 years to complete. Which statement best represents your thoughts on this effort?**

50 years to clean up our drinking water source is too long, so I support speeding up that effort and would be willing to raise taxes or divert funds from other County programs to do that.

**5**

**There are many human needs in our community. Please check below all the areas that you believe need greater effort.**

- The county food banks
- Long-term affordable housing
- Programs to address domestic violence and sexual assault
- Emergency shelter for the homeless
- Mental health programs
- Substance abuse programs
- Incarceration prevention programs
- Low income medical and dental programs

**6 If on question #5 you said any efforts need to increase, which of these statements best represents your belief in the County's role in funding such efforts.**

I would and have supported thoughtful combinations that incorporate aspects of B, C and E.

**Voters recently rejected a ballot measure to fund a new County jail. What do you think the County should do now to address this situation?**

I would engage the constituencies who promoted the last two losing ballot measures and determine whether they are yet inclined to earnestly consider a new, less expensive, plan that possesses qualities that incorporate needed compromise, so as to gain the support of a winning coalition. Conditions at the current jail are inhumane. As a contract criminal defense attorney at Lummi Nation I recently had occasion to ask 6 defendants, who had been transported from the Whatcom County Jail to the Lummi Tribal Court, about their impressions of the current jail. I asked them, "Do you think we need a new jail?" They responded in unison and loudly, "Yes!!" They described conditions that include: 32 bunks in one room with one shower and, often, they will wheel in what they call "boats" (temporary beds) to house up to 8 more people in the same room, sleeping mats that are "dirty" and "never cleaned", ventilation that creates "terrible air quality" with people "physically sick" with headaches, "small food portions" and recreation for only one hour a week and the rest of their time they are in their cells, no television, the "drunk tank" does not have a toilet and only a hole in the floor, "mold in the vents", floors "that are visually bending", and "cracks in the wall that you can stick your fingers in". They said the place literally stinks. I am only reporting impressions provided by the inmates themselves. Even if leadership succeeds in building a coalition that results in agreement on proceeding with a new jail plan we must invest in improved conditions at the current jail as an interim measure.

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**8 Individual's property rights are an important issue in Whatcom County. What are your thoughts on how current governmental rules regarding land use and environmental protection impact a person's property rights**

A rule imposes some form of limitation on the use of property. A rich body of constitutional, state and local laws determine the question of whether a rule is acceptable or overreaching. I support following the law. There is an appropriate line between governments use of its law making power to protect the health and welfare of the public and overreach that interferes with an individual's property rights. When there is conflict in that regard our courts settle the question. During my time on the Whatcom County Council I gave deference to the views of our professional attorneys when they held a strong opinion on the legality, or lack thereof, of a particular proposed rule. So each rule gets its own special scrutiny. Of course there are times when a proposed rule presents a close call and the decision becomes political. I was prepared on a number of occasions to support land use rules that I believed were in the public interest.

- 9 **The recent "Hirst" decision from the Supreme Court has affected many people's ability to drill wells to develop their property, and has caused the County to take a broader look at water rights and in-stream flow protections. Do you have any thoughts on how the Council should proceed on this issue?**

I recognize this is a highly contentious issue in our County with many people holding contrary and highly charged viewpoints. Seeking to find outcomes that mollify a broad constituency will take care and creativity. With that said, as a very preliminary observation, I think it would be appropriate to support efforts to assist in the process of helping to identify water availability in a way that creates a less burdensome and costly obligation on the part of private landowners.

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- 10 **Whatcom County sits in a unique geographical position and has one of the last undeveloped deep water ports on the west coast. In 2017 the County Council entered into a contract with an outside legal firm to gain information about what authority the County does, and does not have, regarding dealing with the various potential impacts from an increase in exports of fossil fuels from Cherry Point. Do you believe spending County money on such a legal analysis was a good idea?**

Yes. By one means or another, the County must be fully equipped with a clear understanding of its regulatory authority in dealing with impacts from increased fuel exports so as to adequately protect the health and welfare of the public. The County attorneys indicated a lack of expertise in this area of law which necessitates acquirement of needed information through outside counsel.

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- There is always an argument about what role the County plays in job creation and economic development, and how much County funding should be devoted to those things. What is your opinion on the County's role in this area?**

I recall, very distinctly, developing a point of view on this question during the 8 years I served on the Whatcom County Council. Each year the economic development organization, which underwent various name changes, would come before the Council and request an appropriation to help fund their organization, a request that I would always support. Recruitment of new business, not just retention and expansion of existing business, was usually the primary object of the organization. Each year the grand ambition of recruiting a major new business to our region would fail to achieve the hopeful outcome. It seemed our investment did not pay off. Of course, that experience requires us to consider the question of what is the fundamental role of the County in economic development. It strikes me that the County's primary role is ensuring that we maintain the highest quality of essential public services, that we possess a fair regulatory process, and that we properly size and locate our various zoning districts to ensure adequate space for business. I am not opposed to the support of funding economic development organizations that strive to achieve the noble goal of economic development. However, I would challenge the proponents to define the outcomes they seek and the reasons for why we should have confidence it can be achieved through the strategies they propose.

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