

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2018-047

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	IE	12/19/17	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>RECEIVED</p> <p>JAN 23 2018</p> <p>WHATCOM COUNTY COUNCIL</p> </div>	1/30/18	Finance/Council
Division Head:	CR	1-17-18			
Dept. Head:	TH	1/17/18			
Prosecutor:	LG	01/18/18			
Purchasing/Budget:	BB	1/18/18			
Executive:	TS	1/22/18			

TITLE OF DOCUMENT: Amendment No. 2 to 2016 Interlocal Agreement Whatcom County & Whatcom Conservation District Lake Whatcom Homeowner Incentive Program Assistance

ATTACHMENTS: Contract Information Sheet, Attorney Review, Memorandum, Interlocal Agreement Amendment

SEPA review required? () Yes (X) NO SEPA review completed? () Yes () NO	Should Clerk schedule a hearing? () Yes (X) NO Requested Date:
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SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: *(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)*

The Lake Whatcom Homeowner Incentive Program (HIP) is a non-regulatory program that provides technical assistance and cost share incentives for homeowners who voluntarily elect to install stormwater best management practices (BMPs) that reduce phosphorus runoff into Lake Whatcom for the purpose of meeting Total Maximum Daily Load (TMDL) requirements. The Whatcom Conservation District is providing technical assistance to homeowners installing HIP-approved BMPs on priority parcels in basins 1 and 2 of the Lake Whatcom watershed through this interlocal agreement. This amendment modifies the scope of work to provide additional assistance to support homeowners participating in the HIP Do-It-Yourself (DIY) native landscaping program in 2018.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

Jon Hutchings
DIRECTOR



MEMORANDUM

TO: The Honorable Jack Louws, Whatcom County Executive, and
Honorable Members of the Whatcom County Council

THROUGH: Jon Hutchings, Public Works Director *JH*

FROM: Cathy Craver, Senior Planner *CC*
Ingrid Enschede, Program Specialist *IE*

DATE: January 9, 2018

RE: Amendment to Interlocal Agreement between Whatcom County and the Whatcom
Conservation District for Lake Whatcom Homeowner Incentive Program Assistance

RECEIVED

JAN 18 2018

JACK LOUWS
COUNTY EXECUTIVE

Enclosed are two (2) originals of an interlocal agreement amendment (contract #201610015) between Whatcom County and the Whatcom Conservation District (District) for your review and signature. This agreement is for additional technical assistance to support the Lake Whatcom Homeowner Incentive Program (HIP).

▪ **Background and Purpose**

HIP is a joint City of Bellingham and Whatcom County non-regulatory program that provides technical assistance and financial incentives to homeowners who voluntarily install stormwater best management practices (BMP) that reduce phosphorus loading from their property to Lake Whatcom. The District is currently providing technical assistance to owners of priority parcels where HIP improvements will have the most phosphorus reducing potential and additional support as needed for critical areas, database management, and other program-specific tasks. This is the second amendment to this interlocal agreement, providing additional assistance for the HIP Do-It-Yourself (DIY) Native Landscaping program.

▪ **Funding Amount and Source**

This agreement is funded through cost center 123211. The agreement is currently for \$271,794. This second amendment adds an additional \$33,698 from the 2018 budget for a new total of \$305,492. The City of Bellingham will reimburse Whatcom County for HIP expenditures in excess of the approved \$100,000 annual HIP budget according to the 2017-2019 Interlocal Agreement between the City of Bellingham and Whatcom County for the Lake Whatcom Homeowner Incentive Program (contract # 201611031).

▪ **Differences from Previous Contract**

This amendment adds a third task to the scope of work to provide assistance with the HIP Do-It-Yourself (DIY) Native Landscaping program on parcels with lower phosphorus producing potential. It also includes amended language for the term allowing this agreement to be administratively renewed by mutual written consent for a period of one year with 2019 budget authority.

Please contact Ingrid Enschede at extension 6229 with any questions about this agreement.

Enclosures

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
201610015 - 2

Originating Department:	Public Works
Division/Program:	Stormwater
Contract or Grant Administrator:	Ingrid Enschede, Program Specialist
Contractor's / Agency Name:	Whatcom Conservation District

Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes No
 Yes No If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 201610015

Does contract require Council Approval? Yes No If No, include WCC: _____
 (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

Is this a grant agreement? Yes No If yes, grantor agency contract number(s): _____ CFDA#: _____

Is this contract grant funded? Yes No If yes, Whatcom County grant contract number(s): _____

Is this contract the result of a RFP or Bid process? Contract _____
 Yes No If yes, RFP and Bid number(s): _____ Cost Center: 123211

Is this agreement excluded from E-Verify? No Yes If no, include Attachment D Contractor Declaration form.

If YES, indicate exclusion(s) below:

- | | |
|---|--|
| <input type="checkbox"/> Professional services agreement for certified/licensed professional. | <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). |
| <input type="checkbox"/> Contract work is for less than \$100,000. | <input type="checkbox"/> Work related subcontract less than \$25,000. |
| <input type="checkbox"/> Contract work is for less than 120 days. | <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA. |
| <input checked="" type="checkbox"/> Interlocal Agreement (between Governments). | |

Contract Amount:(sum of original contract amount and any prior amendments):
 \$ 271,794.00
 This Amendment Amount:
 \$ 33,698.00
 Total Amended Amount:
 \$ 305,492.00

Council approval required for; all property leases, contracts or bid awards **exceeding \$40,000**, and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, **except when:**

1. Exercising an option contained in a contract previously approved by the council.
2. Contract is for design, construction, r-o-w acquisition, professional services, or other capital costs approved by council in a capital budget appropriation ordinance.
3. Bid or award is for supplies or equipment included approved in the budget.
4. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.

Summary of Scope: The Lake Whatcom Homeowner Incentive Program (HIP) is a non-regulatory program that provides technical assistance and cost share incentives for homeowners who voluntarily elect to install stormwater best management practices (BMPs) that reduce phosphorus runoff into Lake Whatcom for the purpose of meeting TMDL requirements. The Whatcom Conservation District will provide technical assistance to homeowners implementing HIP projects on priority residential properties in the Lake Whatcom watershed through this agreement. This amendment adds another year to the original agreement.

Term of Contract: Two years Expiration Date: 12/31/2018

Contract Routing:	1. Prepared by: <u>Ingrid Enschede</u>	Date: <u>12/19/2017</u>
	2. Attorney signoff: <u>Daniel L. Gibson</u> <i>DG</i>	Date: <u>12/19/17</u>
	3. AS Finance reviewed: <u>M Caldwell</u> <i>BB</i>	Date: <u>12/29/17</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____ <i>✓</i>	Date: <u>1/16/18</u>
	6. Submitted to Exec.: _____	Date: _____
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____

WHATCOM COUNTY
CONTRACT NO.
201610015-2

AMENDMENT No. 2
TO
2016 INTERLOCAL AGREEMENT
WHATCOM COUNTY & WHATCOM CONSERVATION DISTRICT
LAKE WHATCOM HOMEOWNER INCENTIVE PROGRAM ASSISTANCE

WHEREAS, an Interlocal Agreement (Whatcom County Contract No. 201610015) was entered into between Whatcom County (County) and the Whatcom Conservation District (District) on November 10, 2016 for the purpose of providing assistance for the Lake Whatcom Homeowner Incentive Program (HIP); and,

WHEREAS, the District hired a HIP Coordinator to work with homeowners to plan and install HIP approved phosphorus reducing best management practices on parcels offering the greatest potential for phosphorus reduction according to the terms of this agreement; and,

WHEREAS, this agreement was amended on June 28, 2017 (Amendment No. 1) to provide additional budget authority to complete the original scope of work through the end of the 2018 and allow the District to provide additional technical assistance for HIP projects involving critical areas at the request of the County; and,

WHEREAS, the District has agreed to provide additional technical assistance for HIP Do-It-Yourself (DIY) Native Landscaping projects beginning in 2018 on parcels that have a lower potential for phosphorus reduction; and,

WHEREAS, the County and the City of Bellingham (City) entered into an interlocal agreement in January 2017 (Whatcom County Contract No. 201611031) defining each jurisdiction's responsibilities in the funding and implementation of a joint HIP through, at minimum, 2019; and,

WHEREAS, the County and District intend to continue this agreement through 2019, the term of the County and City interlocal agreement for the funding and implementation of HIP, subject to 2019 budget authority and a contract renewal for 2019; and,

WHEREAS, the City will reimburse the County for expenses related to the management and administration of the HIP above the County's annual contribution according to the terms of the interlocal agreement; and,

NOW BE IT THEREFORE AGREED, that the revised clause VI, scope of work, budget, and proof of insurance coverage in this amendment adding **\$33,698** be adopted to replace the original clause VI and Exhibits A, B and C.

VI. Term (Amended): This AGREEMENT shall be effective for services performed from the date of signature through December 31, 2018. The duration of this AGREEMENT may be administratively renewed by mutual written consent of the parties, for a period of up to one year.

SCOPE OF WORK:

The Whatcom Conservation District shall perform the work described in Exhibit A-2, Revised Scope of Work, attached hereto. Exhibit A-2 will replace Exhibit A-1 from amendment number 1 to the original contract.

COMPENSATION SCHEDULE:

As consideration for the services provided by the District, the County agrees to compensate the Contractor for services rendered at an amended sum not to exceed **\$305,492** at the rates set forth in Exhibit B-2, Amended Budget, attached hereto. Exhibit B-2 will replace Exhibit B-1 from amendment number 1 to the original contract. This figure includes all costs incidental to and necessary for carrying out the scopes of work as presented in Exhibits A-2. The sum shall be paid for expenses accrued as invoiced monthly by the

District. Payment is contingent and based on successful progress in performance of the scope of work as determined by the County.

INSURANCE:

Exhibit C-1, showing current Evidence of Coverage, will replace Exhibit C.

This Amendment shall be made part of the original agreement by and between the County and the District. Unless specifically stated herein, all other terms and conditions of the original agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have signed this Agreement this _____ day of _____, 2018.

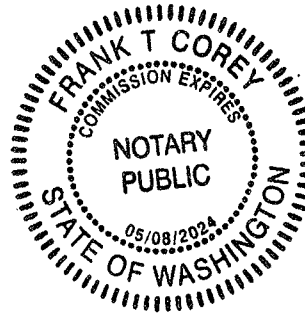
WHATCOM CONSERVATION DISTRICT

By *L.R. Helm*
Larry Helm, Chairman

01/16/18
Date

Approved as to form:

[Signature]
George J. Boggs,
Whatcom Conservation District Attorney



STATE OF WASHINGTON)
COUNTY OF WHATCOM) ss

On this 16 day of January, 2018, before me personally appeared LARRY HELM to me known to be the Chairman of the Whatcom Conservation District and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Frank T. Corey
NOTARY PUBLIC in and for the State of Washington,
residing at: Lynden

My commission expires 05/08/2024

WHATCOM COUNTY

By: _____
Jack Louws, Whatcom County Executive, Date _____

Recommended for Approval:

Approved as to form:



Jon Hutchings
Public Works Director

1/17/18
Date



Daniel L. Gibson
Chief Civil Deputy Prosecutor

01/18/18
Date

STATE OF WASHINGTON)
COUNTY OF WHATCOM) ss

On this ___ day of _____, 2018, before me personally appeared JACK LOUWS to me known to be the County Executive of Whatcom County and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington,
residing at: _____

My commission expires _____

EXHIBIT A-2 – REVISED SCOPE OF WORK
Lake Whatcom Homeowner Incentive Program Assistance

Project Description

The Lake Whatcom Homeowner Incentive Program (HIP) is a joint City of Bellingham (City) and Whatcom County (County) non-regulatory program that provides technical assistance and financial incentives for homeowners who voluntarily elect to install stormwater best management practices (BMPs) that reduce phosphorus runoff into Lake Whatcom. The first iteration of HIP was developed under a Washington State Department of Ecology grant from 2011 to 2015. At the end of that pilot period, the City conducted an extensive program evaluation. Findings from this evaluation informed program improvements. A new and improved version of HIP was rolled out in spring of 2017. The new HIP area includes residential parcels draining to Lake Whatcom basins 1 and 2 in both the City of Bellingham and Whatcom County. One major improvement is to focus efforts on parcels offering the greatest potential for phosphorus reductions. These are shoreline parcels, parcels draining to streams, and parcels with large lawns (high priority parcels). Other homeowners in the program area are offered lesser incentives through the HIP Do-It-Yourself (DIY) Native Landscaping Program (low priority parcels).

On behalf of the City and County, the County requested assistance from the Whatcom Conservation District (District) to implement the HIP for both priority parcels and DIY native landscaping parcels by providing staff support. Assistance to priority parcels will be primarily provided through a HIP Project Coordinator to work with homeowners in both jurisdictions with additional assistance provided by other District staff as needed. Assistance to DIY native landscaping parcels will be provided by a Resource Specialist with additional assistance provided by other District staff as needed.

Task 1. Program Administration

The District will provide program administration and coordinate with City/County staff. Program administration tasks will support both task 2 and 3 including:

- Invoicing
- Attending regular coordination meetings, providing communication of program activities, and contacting City/County staff with questions and/or problems in a timely manner
- Ensuring accurate documentation of projects, maintenance agreements, and data required to calculate phosphorus reduction
- Providing input to City/County staff on program improvement, adaptive management, improving outreach, and revised eligibility criteria
- Assisting with program promotion and providing information about HIP
- Other administrative support as needed

Deliverables and Timelines:

- Submit invoices with a progress report summarizing landowner contacts, BMPs installed, and work performed during the invoice period every month
- Attend coordination meetings with City and County staff monthly or as needed
- Participate in program evaluation annually or as needed
- Develop and maintain a HIP project database with monthly and annual reporting capability

Task 2. Homeowner Assistance for High Priority Parcels

The District will provide a HIP Project Coordinator who will serve as the primary point of contact for homeowners voluntarily participating in HIP and who qualify for assistance through the target program for high priority parcels. Additional support will be provided as needed by other District staff. Homeowner assistance responsibilities include:

2a. HIP Project Coordinator Training

The HIP Project Coordinator will work with City and County staff, other District staff, and attend professional development trainings to receive training as needed. Training activities may include but are not limited to:

- Attending meetings with City and County staff
- Site visits of past HIP projects
- Shadowing City and County staff on new HIP site visits
- Attending professional development trainings
- Working with DISTRICT technical experts
- Other applicable training activities

2b. Program Implementation

Engaging homeowners

- Providing assistance with landowner recruitment
- Responding to homeowner inquiries; answering questions via email, phone, and in person
- Clearly explaining program purpose, opportunities, and limitations; eligible and ineligible improvements; and instilling realistic expectations in the landowners
- Conducting site visits to answer questions, promote the program, verify parcel eligibility, and identify opportunities for phosphorus reduction improvements on the parcel
- Conveying important messages regarding water quality and landowner stewardship
- Facilitating the Homeowner Acknowledgement process and securing landowner signatures
- Other homeowner engagement activities as needed

Completing Pre-Design Reports

- Identifying site constraints and working with homeowners to develop conceptual project designs
- Providing technical assistance to complete a critical areas checklist and identify and map critical areas as needed
- Working with Whatcom County and City of Bellingham staff to troubleshoot designing around critical areas or other special site-specific considerations as needed
- Completing a Pre-Design Report with site-specific information, design constraints, and conceptual project plan
- Other Pre-Design activities as needed

Working with private contractors that provide design and construction services for HIP

- Responding to questions from designers and contractors regarding HIP
- Facilitating the completion of soil investigations and BMP designs
- Answering questions from suppliers about material specifications
- Other coordination with private designers and construction professionals as needed

Facilitating homeowner projects from start to finish

- Once a participant agrees to move forward, the HIP Project Coordinator becomes the liaison between homeowner, professionals, and jurisdiction to provide one consistent point of contact.
- Connects homeowner to designers and contractors by providing a list of HIP certified professionals
- Advocates for projects maximizing phosphorus reduction
- Connects homeowners to approved materials as needed by providing lists and criteria
- Facilitates signing of the maintenance agreement/easement between the homeowner and City/County
- Provides assistance filling out required forms and documents
- Reviews submittals or completeness and forwards to City or County staff for review and permitting
- Reviews and approves design plan amendments and facilitates any necessary additional permit review
- Oversees pre-construction (erosion control), facility installation, and permanent stabilization
- Completes final close out inspection and documentation
- Reviews and approves reimbursement requests and forwards for payment
- Other HIP project facilitation activities as needed

Deliverables and Timelines:

- Complete Pre-Design Reports and provide to homeowners
- Submit HIP project application forms to City/County staff for review and approval
- Submit records of completed HIP projects to City/County staff including generic as-built information, signed maintenance agreements, inspection records, database entries, and other records as determined by the HIP staff team

Task 3. Homeowner Assistance for Do-It-Yourself Native Landscaping Parcels

The District will provide staff to serve as the primary point of contact for homeowners participating in HIP's DIY Native Landscaping program for smaller residential properties that have less potential to export phosphorus to Lake Whatcom. Additional support will be provided as needed by other District staff. Homeowner assistance responsibilities include but not limited to:

Training & Coordination

- Learn HIP requirements & processes to be able to explain program requirements to homeowners
- Learn about Lake Whatcom specific water quality challenges and benefits of native landscaping to reduce phosphorus in runoff to be able to answer homeowner questions
- Attending meetings with City and County staff
- Site visits of past HIP projects
- Shadowing City and County staff on new HIP site visits
- Attending professional development trainings
- Working with District technical experts
- Other applicable training activities
- Share information on DIY site visits with City and County staff through a shared database

Workshop Assistance

- Co-teach DIY Native Landscaping workshop with city & county staff with the option to take over more teaching responsibility over time
- Provide assistance with workshop registration
- Help revise and improve workshop materials developed in 2017

Site Visits: on-site assistance to workshop attendees

- Answer questions about how the program works
- Provide assistance developing site plans including identifying and measuring planting areas
- Provide assistance with plant selection and planting plans
- Provide assistance with HIP DIY Native Landscaping project applications

Project Close Out

- Conduct final project inspection
- Provide assistance completing maintenance agreement
- Provide assistance with reimbursement process

Deliverables and Timelines:

- Co-teach DIY Native Landscaping workshops
- Maintain DIY project site visit records in a shared database with monthly and annual reporting capability
- Submit completed final project inspection forms

EXHIBIT B-2 – AMENDED BUDGET
Lake Whatcom Homeowner Incentive Program Assistance

As consideration for services provided in Exhibit A-2, Revised Scope of Work, the County agrees to compensate the contractor according to the hourly rates provided in the amended project budget (Exhibit B-2). The total budget is not to exceed **\$305,492, which includes the original \$50,000 and first amended amount of \$221,794**. Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed including mileage at the current IRS rate. Lodging and per diem shall not exceed the GSA rate for the location where services are provided. Other expenditures such as printing, postage, and supply charges shall be reimbursed at actual cost. Expense reimbursement requests must be accompanied by copies of paid invoices. Any work performed prior to the effective date or continuing after the completion date of the contract, unless otherwise agreed upon in writing, will be at the contractor's expense.

Item	Original*	Amended*	Original Budget	Amend. 1 Additional Budget	Amend. 1 New Total	Amend. 2 Additional Budget	New Total
Personnel							
Admin	\$46.16/hr			\$1,662			
Mgmt/Admin	\$74.68/hr			\$2,688			
HIP Coordinator	\$51.89/hr	\$44.69/hr		\$136,751			
GIS Specialist	\$47.10/hr	\$54.30/hr		\$4,887			
Engineer	\$81.52/hr						
Outreach Specialist	\$54.57/hr			\$4,911		\$655	
Planner	\$37.82/hr	\$41.58/hr					
Planner/Coordinator	\$57.73/hr	\$63.36/hr					
Resource Specialist (Planner/Wetlands)	\$49.27/hr			\$17,737		\$25,423	
Total Personnel			\$37,500	\$168,637	\$206,137	\$26,078	\$232,215
Overhead (25% of salaries/benefits)			\$9,375	\$42,159	\$51,534	\$6,520	\$58,054
Supplies/Materials (database, calendly, refreshments, printing, postage, etc..)	Actual costs		\$1,000	\$3,600	\$4,600	\$600	\$5,200
Training	Actual costs		\$0	\$1,350	\$1,350	\$500	\$1,850
Mileage	Actual costs		\$2,125	\$6,048	\$8,173		\$8,173
Totals			\$50,000	\$221,794	\$271,794	\$33,698	\$305,492

* Maximum composite rate. Wages will be paid at actual cost not to exceed the maximum composite rate.

EXHIBIT C-1 – AMENDED INSURANCE
Lake Whatcom Homeowner Incentive Program Assistance

Enduris

EVIDENCE OF COVERAGE

INSURED/PARTICIPANT:

Whatcom Conservation District
6975 Hannegan Rd
Lynden, WA 98264

Memorandum # 2018-00-271

CERTIFICATE HOLDER:

Whatcom County
322 N Commercial St #120
Bellingham, WA 98225

This is to certify that the Memorandum of Coverage has been issued to the the Member named above for the period indicated.

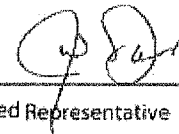
EFFECTIVE: September 1, 2017 to September 1, 2018

COVERAGE:

	LIMIT
Comprehensive General Liability	
General Liability	\$ 1,000,000
Professional Liability	\$ 1,000,000
Personal Liability	\$ 1,000,000
Auto Liability	
Combined Single Limit	\$ 1,000,000
Hired and Non-Owned Auto Coverage	\$ 1,000,000
Temporary Substitute Auto Coverage	\$ 1,000,000

Whatcom County is additional covered party in respects to the 2016 Interlocal Agreement for the Lake Whatcom Homeowner Incentive Program Assistance. Coverage is primary and non-contributory to the liability insurance maintained by the certificate holder.

The Evidence of Coverage does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.



Authorized Representative
9/1/2017


enduris™
WASHINGTON

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