



PLANNING DEPARTMENT  
Heidi Gudde, Planning Director  
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## Planning Department Memorandum

**To:** City Council  
**From:** Heidi Gudde, Planning Director  
**Meeting Date:** March 16, 2020  
**Re:** Legal Review of the CWPP Interlocal Agreement

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From Bob Carmichael:

The below comments, if addressed, would improve the agreement. However, I am not insisting on changes, as understand that this has been through a process and do not want to hold things up.

1. Section 3.c and 3.d. Recommendation. Section 3.c says the Planner Group's recommendations will be issued within 180 days of receiving the proposed amendments, but no deadline is established for submitting proposed amendments. Arguably this is indirectly addressed in Section 3.d, which says if the Planner Group does not make recommendation in the 180-day period, the amendments will not be processed further unless the County Executive and majority of City mayors agree to proceed with proposed amendments. But it would be better if a deadline were established for submitting proposals to the Planner Group to avoid confusion, and possibly last minute submittals that the Planner Group does not have sufficient time to evaluate.
2. Section 3.d. Recommendation. Consider adding one of alternatives in underlined language to last sentence of Section 3.d as follows: "The 180-day time period may be extended by 90 days by majority vote of the eight jurisdictions so long as such vote takes place [before expiration of the 180-day time period] or [not later than 60 days following expiration of 180-day time period]." Presently, there is no time limit whatsoever, after the 180-day limit has expired, on a dead or rejected policy being resurrected by County Executive or majority of City mayors.
3. Section 6. Whatcom County Council Review. Can the County Council committee of the whole change proposed amendments before voting whether or not to send the final draft amendments for the cities for review and approval? It does not say.
4. General Comment. The statute governing interlocal agreements requires a provision addressing financing, but there is no such provision in this ILA. This could be remedied by adding a section that says something along the following lines: "All parties shall bear their own costs of participation and obligations under the terms of this Agreement."