

Whatcom County Council

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



Action Summary

Tuesday, June 21, 2022

6 PM

Hybrid Meeting

**HYBRID MEETING - ADJOURNS BY --- (PARTICIPATE IN-PERSON, SEE
REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR
CALL 360.778.5010)**

COUNCILMEMBERS

Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kaylee Galloway
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

ROLL CALL

Present: 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2022-038](#) Committee of the Whole Executive Session for June 7, 2022

APPROVED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

2. [MIN2022-039](#) Committee of the Whole for June 7, 2022

APPROVED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

3. [MIN2022-040](#) Regular County Council for June 7, 2022

APPROVED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

4. [MIN2022-041](#) Special Council for June 14, 2022

APPROVED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2021-424](#) Ordinance adopting amendments to the Whatcom County Code Title 20, Zoning to allow and regulate Battery Energy Storage Systems

ADOPTED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: ORD 2022-048

2. [AB2022-346](#) Request authorization for County Executive to enter into Interlocal Agreements with the cities of Bellingham, Everson, Lynden, Nooksack, and Sumas concerning planning, annexation and development within urban growth areas (each interlocal will be voted on separately)

DISCUSSED AND MOTION(S) APPROVED

Each Interlocal was voted on and authorized individually. See discussion, motions, and votes in the minutes.

Authorized - Bellingham 5-2 with Byrd and Elenbaas opposed

Authorized - Everson 6-1 with Elenbaas opposed

Authorized - Lynden 6-1 with Elenbaas opposed

Authorized - Nooksack 6-1 with Elenbaas opposed

Authorized - Sumas 6-1 with Elenbaas opposed

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2022-333](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and City of Bellingham to provide funding to support the GRACE Program in the amount of \$76,800 for a total amended agreement amount of \$356,800

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

2. [AB2022-336](#) Request authorization for the County Executive to enter into a grant amendment

between Whatcom County and PeaceHealth to support the GRACE Program in the amount of \$10,000 for a total amended grant amount of \$120,000

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

3. [AB2022-338](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Executive Office of President, Office of National Drug Control Policy (ONDCP) to be reimbursed for salaries and benefits for two employees in the Prosecutor's Office in the amount of \$188,727.00 for the FY 2023

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

- [AB2022-340](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to administer the Housing and Essential Needs Program, in the amount of \$2,530,694

This item was considered separately. See motion and vote on this item below.

5. [AB2022-341](#) Request authorization for the County Executive to enter into the sale of a septic easement for use of park property by Doug and Cathy Angell, in the amount of \$15,477

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

6. [AB2022-345](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Tetra Tech, Inc to evaluate and design the Semiahmoo Drive southern outfall, in the amount of \$45,118 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

7. [AB2022-348](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Wilson Engineering, LLC to provide construction assistance services for the Fremont Street Stormwater Bypass project in the amount of \$5,982 for a total amended contract amount of \$45,982

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

8. [AB2022-349](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the Washington State Department of Transportation for the Birch Bay Drive & Pedestrian Project; CRP 907001 in the amount of \$1,445,087 (STP \$1,250,000; Local \$195,087) for a total amended contract amount of \$7,108,543

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

9. [AB2022-350](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology to develop a Wisner Lake Cyanobacteria Management Plan, in the amount of \$49,999.50 in Ecology funds with a \$16,666.50 local match

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

10. [AB2022-351](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and YWCA Bellingham to support emergency shelter operations in the amount of \$2,675 for a total amended contract amount of \$45,675

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

- [AB2022-352](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Catholic Community Services to support permanent supportive housing at Francis Place in the amount of \$328,650 for a total amended

contract amount of \$1,119,155

This item was considered separately. See motion and vote on this item below.

- [AB2022-353](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Fire Protection District No. 14 for fire protection services, in the amount of annual fees based on the current millage rate and the assessed value of improvements on the park properties within the district

This item was out of order on the agenda. See motion and vote on this item below under Other Items.

- [AB2022-354](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Parks and Recreation Commission for a recreational boating safety grant increase, in the amount of \$2,500.00

This item was out of order on the agenda. See motion and vote on this item below under Other Items.

- [AB2022-357](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to support operations at the permanent supportive housing facility 22 North, in the amount of \$242,648

This item was considered separately. See motion and vote on this item below.

13. [AB2022-361](#) Request authorization for the County Executive to enter into a contract between Whatcom County and MHNW 23 Evergreen Ridge LLC (Mercy Housing Northwest) to provide funding for the acquisition of the Evergreen Ridge Apartments for low-income housing in Whatcom County

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

4. [AB2022-340](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to administer the Housing and Essential Needs Program, in the amount of \$2,530,694

AUTHORIZED

Aye: 6 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 1 - Byrd

Absent: 0

11. [AB2022-352](#) Request authorization for the County Executive to enter into a contract amendment

between Whatcom County and Catholic Community Services to support permanent supportive housing at Francis Place in the amount of \$328,650 for a total amended contract amount of \$1,119,155

AUTHORIZED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

12. [AB2022-357](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to support operations at the permanent supportive housing facility 22 North, in the amount of \$242,648

AUTHORIZED

Aye: 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

Nay: 2 - Byrd, and Elenbaas

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2022-317](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Pyramid Communications for public communications for the Incarceration Prevention and Reduction Task Force in the amount of \$88,800.00

AUTHORIZED

Aye: 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

Nay: 2 - Byrd, and Elenbaas

Absent: 0

2. [AB2022-320](#) Ordinance closing the Agate Heights/Estate Bay Lane Stormwater Improvements Fund 365

ADOPTED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: ORD 2022-049

3. [AB2022-321](#) Ordinance closing the Northshore Drive/Edgewater Lane Stormwater Improvements Fund 381

ADOPTED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: ORD 2022-050

4. [AB2022-322](#) Resolution amending the Flood Control Zone District & Subzones 2022 budget, request no. 3, in the amount of \$5,250,617 (Council acting as the Flood Control Zone District Board of Supervisors)

APPROVED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: RES 2022-031

5. [AB2022-326](#) Ordinance amending the project based budget for the North Lake Samish Road Bridge No. 107 Replacement Fund, request no. 1

ADOPTED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: ORD 2022-051

6. [AB2022-327](#) Ordinance amending the Shallow Shore Culvert Relocation Fund, request no. 1

ADOPTED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Enactment No: ORD 2022-052

7. [AB2022-329](#) Ordinance amending the 2022 Whatcom County Budget, request no. 9, in the amount of \$15,838,261

ADOPTED

Aye: 6 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 1 - Byrd

Absent: 0

Enactment No: ORD 2022-053

8. [AB2022-344](#) Request authorization for the County Executive to enter into an interlocal agreement with the Washington State Department of Fish & Wildlife for cooperative management of various park properties at Pine & Cedar Lakes, Tennant Lake, and Hovander Homestead Park

AUTHORIZED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

9. [AB2022-353](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Fire Protection District No. 14 for fire protection services, in the amount of annual fees based on the current millage rate and the assessed value of improvements on the park properties within the district

AUTHORIZED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

10. [AB2022-354](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Parks and Recreation Commission for a recreational boating safety grant increase, in the amount of \$2,500.00

AUTHORIZED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

(No Committee Assignment)

11. [AB2022-347](#) Request authorization for County Executive to sign amendments to existing Interlocal Agreements with the cities of Blaine and Ferndale concerning planning, annexation and development within urban growth areas to extend the duration of the Interlocal Agreements for six months

AUTHORIZED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-342](#) Council appointment to a vacancy on the Business and Commerce Advisory Committee, Food Processing position, Applicant - Paul Burrill

APPOINTED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-359](#) Request confirmation of the County Executive's appointment of Paul Burrill to the Food System Committee

CONFIRMED

Aye: 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

Nay: 1 - Elenbaas

Absent: 0

ITEMS ADDED BY REVISION

INTRODUCTION ITEMS

1. [AB2022-365](#) Ordinance providing for submission to the qualified voters of Whatcom County a proposition renewing the levy of a regular property tax at a rate of \$.295 or less per \$1000 assessed valuation to continue to provide emergency medical services

SUBSTITUTE INTRODUCED AS AMENDED

Aye: 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Motion approved 5-2 to add the diversity, equity, and inclusion language from version six of the EMS levy plan for Council consideration on July 12, 2022.

Motion approved 4-2-1 to amend AB2022-365 and change the amount to \$.199 per \$1000 assessed valuation rather than the \$.295.

2. [AB2022-337](#) Appointment to fill a vacancy on the Lummi Island Ferry Advisory Committee,

Resident/Landowner position - Applicant(s): Mary Marshall, Bill Sager, Lee Mosley

INTRODUCED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

3. [AB2022-343](#) Appointment to a vacancy on the Business and Commerce Advisory Committee, Marine Trades position - Applicant(s): Dana Wilson

INTRODUCED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Motion approved 4-3 to incorporate Mr. Browne's comments (from Public Works and Health Committee) into the public record and to forward to Berk and Associates for consideration.

ADJOURN