

# Whatcom County Council

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



## Minutes - Final

Tuesday, June 21, 2022  
6 PM  
Hybrid Meeting

HYBRID MEETING - ADJOURNS BY --- (PARTICIPATE IN-PERSON, SEE  
REMOTE JOIN INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://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

Council Chair Todd Donovan called the meeting to order at 6:01 p.m. in a hybrid meeting.

### 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

Satpal Sidhu, County Executive, stated he did not have a report.

### MINUTES CONSENT

*Buchanan moved* to accept the minutes consent items. The motion was seconded by Byrd (see votes on individual items below).

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

**Buchanan moved and Byrd seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

**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

**Buchanan moved and Byrd seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

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

**Buchanan moved and Byrd seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

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

**Buchanan moved and Byrd seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

### **PUBLIC HEARINGS**

Council staff played a short instructional video about how to speak at the meeting.

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

Robby Eckroth, Planning and Development Services Department, briefed the Councilmembers.

Donovan opened the Public Hearing and the following people spoke:

- Name not stated
- Todd Lagestee
- Cynthia Sue Ripke-Kutsigoitz

Hearing no one else, Donovan closed the Public Hearing.

***Buchanan moved*** and Galloway seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Donovan thanked staff for being responsive to Council concerns on this.

Ufuoma Ojumah, NextEra Energy, answered how long it takes the company to build out a project upon approval and before it is up and operating, how many people are working on the project during that period of time and on an ongoing basis, whether they have a project they are ready to start moving forward with, and how much power one of these will store.

Councilmembers discussed the motion.

**Buchanan's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

**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)

Matt Aamot, Planning and Development Services Department, briefed the Councilmembers.

Donovan opened the Public Hearing and the following people spoke:

- Todd Lagestee
- Cynthia Sue Ripke-Kutsigoitz
- Name not stated

Hearing no one else, Donovan closed the Public Hearing.

Donovan stated there will need to be a separate motion and vote for each Interlocal Agreement.

Aamot answered whether this is what would follow in the event of an Urban Growth Area (UGA) adjustment, whether these are not far off from what they had previously, whether Ferndale's interlocal is not included because they have not approved it yet, whether the County is addressing the issue of the flooding of last November and whether this would be the place to mention that they are not going to continue to build in the floodplain, whether there are checks and balances that could come into play with the City of Bellingham Interlocal, and whether there is any way with these Interlocals to stipulate that the City of Bellingham will service the UGA.

**Byrd moved** to hold these until the final two (Ferndale and Blaine) Interlocals are completed and they can be done all at the same time. The motion was seconded by Buchanan.

Councilmembers and Aamot discussed whether the cities can do whatever they want if the existing interlocals expire before new ones are approved,

what is procedurally different between the cities in this agenda item and Ferndale and Blaine and what it would take to get a six month extension for these cities, what Byrd thinks they would gain by waiting for the other two cities, whether annexing could be done without the Council, whether there is any project that might take place in the next six months, what the soonest is for any annexation in the pipeline to take place, and whether there are protections in the interlocals that benefit the cities as well as ones that benefit the County.

Satpal Sidhu, County Executive, stated he has the same question about what the Council would gain by holding these interlocals.

Councilmembers and Sidhu discussed what might happen if the item is held and building in the UGA.

The motion to hold failed by the following vote:

**Aye:** 2 - Byrd and Elenbaas

**Nay:** 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

Councilmembers considered each Interlocal Agreement.

#### City of Bellingham

**Galloway moved** and Frazey seconded that the Interlocal be authorized.

Mark Personius, Planning and Development Services Department Director, and Aamot answered questions about Section four ("Processing Applications Prior to Annexation"), subsection B ("Rezoning within the UGA") of the Interlocal and whether there is anything in the Interlocal that would encourage the City to consider annexing these UGAs and taking over providing services to people who think they live in the city of Bellingham but actually do not.

The motion carried by the following vote:

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

**Nay:** 2 - Elenbaas and Byrd

#### City of Everson

**Buchanan moved** and Frazey seconded that the Interlocal be authorized.

The motion carried by the following vote:

**Aye:** 6 - Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan  
**Nay:** 1 - Elenbaas

City of Lynden

***Kershner moved*** and Buchanan seconded that the Interlocal be authorized.

The motion carried by the following vote:

**Aye:** 6 - Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan  
**Nay:** 1 - Elenbaas

City of Nooksack

***Kershner moved*** and Galloway seconded that the Interlocal be authorized.

The motion carried by the following vote:

**Aye:** 6 - Galloway, Kershner, Buchanan, Byrd, Donovan, and Frazey  
**Nay:** 1 - Elenbaas

City of Sumas

***Frazey moved*** and Galloway seconded that the Interlocal be authorized.

The motion carried by the following vote:

**Aye:** 6 - Kershner, Buchanan, Byrd, Donovan, Frazey, and Galloway  
**Nay:** 1 - Elenbaas

**This agenda item was DISCUSSED AND MOTION(S) APPROVED.**

**OPEN SESSION**

Council staff played a short instructional video about how to speak at the meeting.

The following people spoke:

- Misty Flowers
- Cynthia Sue Ripke-Kutsigoitz
- Todd Lagestee
- Name not stated
- Name not stated

- Helga DeLiban
- Name not stated
- Patrick Alesse
- Nancy Bergman
- Lyle Sorenson
- Tammie Lagerwey
- Enoch Mann
- Robert Bystrom
- Cliff Langley
- Anyone Else
- Name not stated
- Name not stated
- Ken Domorod
- Natalie Chavez
- Sara Rose
- Richard Johnson
- Brendan Walter

Hearing no one else, Donovan closed the Open Session.

Councilmembers took a brief recess.

## **CONSENT AGENDA**

### **(From Council Finance and Administrative Services Committee)**

*Byrd* reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items one through fifteen (see clerk's note below).

*Elenbaas moved* that the agenda items voted on separately in the Finance Committee be pulled and voted on separately.

Byrd said he could amend his motion to approve all Consent Agenda items (as the Committee voted) except for AB2022-340, AB2022-352, and AB2022-357.

*Clerk's note:* Councilmembers discussed that two of the Consent Agenda items (AB2022-353 and AB2022-354) got inadvertently moved to the Other Items header on the agenda. This changed the agenda item numbers of the agenda bills from what they were in Committee. For the sake of clarity, Councilmembers (and these minutes) will refer to Agenda Bill numbers as opposed to agenda item numbers. The agenda items were re-ordered in

these minutes to match that of the Finance Committee but AB2022-353 and AB2022-354 were discussed later under Other Items.

Elenbaas' motion was seconded by Kershner.

Councilmembers voted on whether to consider AB2022-340, AB2022-352, and AB2022-357 separately and the motion carried by the following vote:

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

**Nay:** 0

**Byrd moved** approval of the remaining Consent Agenda Items AB2022-333, AB2022-336, AB2022-338, AB2022-341, AB2022-345, AB2022-348, AB2022-349, AB2022-350, AB2022-351, and AB2022-361 (AB2022-353 and AB2022-354 were not included because they were out of order on the agenda and were discussed later below under Other Items).

Councilmembers voted on the Consent Agenda items and the motion carried seven to zero (see votes on individual items below).

See motions and votes on AB2022-340, AB2022-352, and AB2022-357 on each individual item below.

See motions and votes on AB2022-353 and AB2022-354 on each individual item below under Other Items.

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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**



**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Agreement be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**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)

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and**

**moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

**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

**Byrd** reported for the Finance and Administrative Services Committee and ***moved*** that the Contract be AUTHORIZED.

***Elenbaas moved*** to hold this item until they have a chance to see the facility to better understand the needs of it moving forward. The motion was seconded by Byrd.

Councilmembers discussed how long it should be held and discussed the motion.

Tyler Schroeder, Executive's Office, answered whether there would be any negative ramifications to postponing the authorization of this funding.

Councilmembers continued to discuss the item.

The motion to hold failed by the following vote:

**Aye:** 3 - Kershner, Byrd, and Elenbaas

**Nay:** 4 - Frazey, Galloway, Buchanan, and Donovan

Councilmembers continued to discuss the motion to approve the item.

Satpal Sidhu, County Executive, stated he is torn on this as well and he would like to hear from Northwest Youth Services. The money is needed for the investment of the building but, at the same time, they want accountability and want to hear some progress.

Councilmembers and Sidhu discussed that the provider is using context for what is happening globally to make an excuse for how they operated the building, the problem with having only one big service provider for housing services, that this contract will be a band aid for now, what the impacts would be to downtown neighbors and businesses if the most vulnerable are back on the streets, what they are expecting to see in six months to feel confident that there has been change, the need to communicate with the Health Department that this model has not worked and they want to see permanent changes to the type of services that are provided and how they are provided, writing a letter of expectation along with the contract, whether they have seen any of the bills to remodel these units as people are moving out, and whether funding has come through for that.

**Byrd's motion that the Contract be AUTHORIZED carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

**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)

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Resolution (FCZDBS) be APPROVED.

Elenbaas stated this is not all of the solutions and all of the spending that they should be doing on this. This is action, however, that the Council is taking in a positive direction.

**Byrd's motion that the Resolution (FCZDBS) be APPROVED carried by the**

**following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

**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

**Byrd** reported for the Finance and Administrative Services Committee and ***moved*** that the Ordinance be ADOPTED.

Elenbaas discussed the motion.

Donovan stated that \$10 million of this is Economic Development Investment (EDI) funds.

**Byrd's motion that the Ordinance be ADOPTED carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:**

**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

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Interlocal be AUTHORIZED.

Christ Thomsen, Parks and Recreation Department, answered whether there is any "not to exceed" number on this at all.

**Byrd's motion that the Interlocal be AUTHORIZED carried by the following vote:**

**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

**Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:**



**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

**Byrd moved and Buchanan seconded that the Special Council Only Item be AUTHORIZED. The motion carried by the following vote:**

**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

**Byrd moved** and Galloway seconded that the Council Appointment be APPOINTED.

Councilmembers discussed the appointment.

**Byrd's motion that the Council Appointment be APPOINTED carried by the following vote:**

**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

**Kershner moved** and Byrd seconded that the Executive Appointment be CONFIRMED.

Satpal Sidhu, County Executive, answered whether there were not very many

applications or if the applicant was uniquely qualified for this since the applicant is also on the other committee voted on tonight.

**Kershner's motion that the Executive Appointment be CONFIRMED carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

### **ITEMS ADDED BY REVISION**

There were no agenda items added by revision.

### **INTRODUCTION ITEMS**

Frazey spoke about AB2022-365.

*Frazey moved* to add the diversity, equity, and inclusion language from version six of the EMS levy plan for Council consideration on July 17, 2022.

Donovan stated there is a substitute version of the Ordinance that was emailed to them earlier today.

Dana Brown-Davis, Clerk of the Council, asked Frazey if she meant to say July 12, 2022 and Frazey confirmed that she meant to say the 12th.

The motion was seconded by Galloway.

Tyler Schroeder, Executive's Office, spoke about how the plan is different than the Ordinance. The 2023-2028 levy plan accompanies the Ordinance. He stated they could update the levy plan in the next two weeks and have that on the agenda for consideration on July 12, 2022.

Galloway stated they might consider incorporating the proposed language into the Ordinance for the levy as well.

Councilmembers discussed whether Frazey is looking for different language than what is already included (on the third page of the plan on file under "Executive Summary"), whether it was the Emergency Medical Services (EMS) Committee that was working on the plan, whether they can support it without having the language in front of them, how the levy plan is connected to the Ordinance, and whether they need a motion to introduce the Introduction items before they can make a motion to amend them.

***Kershner moved*** to introduce Introduction items one through three. The motion was seconded by Galloway.

Councilmembers discussed that this motion would introduce all the items, including AB2022-365.

***Kershner amended her motion and moved*** to introduce Introduction item number one (AB2022-365). The motion was seconded by Galloway.

***Frazey moved*** to amend AB2022-365 to add the diversity, equity, and inclusion language from version six of the EMS levy plan for Council consideration on July 12, 2022. The motion was seconded by Galloway.

Councilmembers discussed why the language was removed if the group that is presenting it and telling the Council what they need removed it, and seeing the language before approving it.

The motion to amend AB2022-365 carried by the following vote:

**Aye:** 5 - Donovan, Frazey, Galloway, Buchanan, and Byrd

**Nay:** 2 - Elenbaas and Kershner

***Kershner moved*** to amend AB2022-365 and change the amount to \$.199 per \$1000 assessed valuation rather than the \$.295. The motion was seconded by Byrd.

Schroeder answered what the current amount is, whether it switches from needing a simple majority to sixty percent vote if the amount is raised, whether a sixty percent vote is needed if the amount is lowered, and why the current rate may be different than the levy rate. Every year as the valuations of properties go up the amount of the budget amount makes the percent valuation of the levy go down.

Byrd stated you are collecting the same amount of money, it is just the price of housing has gone up and so the percent goes down so that it stays the same amount that was approved by the ballot. What they are wanting to do is raise it back to the initial amount which would then raise the amount collected.

Councilmembers discussed whether the dollar amount they are talking about is larger that would require the twenty-nine and a half percent or is the rate going to be the nineteen point five, the size of the fund balance being far more than was ever anticipated, and getting assurance about whether

lowering the rate would keep it so that it would only require a simple majority vote.

**Buchanan moved** to hold until they can have a discussion on July 12 where we can have Mike back, and go through the plan, go through the levy, and explain some of these questions we have. The motion was seconded by Byrd.

Schroeder stated if Council decided to hold this, they would be introducing it on July 12th for an action at the last Council meeting before they have to submit it to the Auditor to get it onto the general ballot in November.

Brown-Davis answered a question about and Councilmembers discussed the timeline if they hold the item.

Karen Frakes, Prosecuting Attorney's Office, answered whether they would have to re-introduce the Ordinance if they do introduce it as-is tonight and then wanted to make a change to it in two weeks.

The motion to hold failed by the following vote:

**Aye:** 3 - Byrd, Elenbaas, and Kershner

**Nay:** 4 - Buchanan, Donovan, Frazey, and Galloway

Councilmembers discussed whether they would have to re-introduce the Ordinance if they introduce it with one rate and then amend it to another rate in two weeks.

The motion to amend carried by the following vote:

**Aye:** 4 - Elenbaas, Frazey, Kershner, and Byrd

**Nay:** 2 - Buchanan and Donovan

**Abstain:** 1 - Galloway

The motion to introduce AB2022-365 as amended carried by the following vote (also see this motion and vote on the individual item below):

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

**Nay:** 2 - Byrd and Elenbaas

**Kershner moved** to introduce AB2022-337 and AB2022-343. The motion was seconded by Buchanan (see motion and votes on individual items below).

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 \$.199 or less per \$1000 assessed valuation (amended from original request of \$.295) to continue to

provide emergency medical services

See discussion and motions on this item under the Introduction Header.

**Kershner moved and Galloway seconded that the Ordinance be SUBSTITUTE INTRODUCED AS AMENDED. The motion carried by the following vote:**

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

**Nay:** 2 - Byrd, and Elenbaas

**Absent:** 0

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

**Kershner moved and Buchanan seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:**

**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

**Kershner moved and Buchanan seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

## **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

Councilmembers gave committee reports.

Kershner asked if the Council would like to schedule another meeting with Berk Consulting or whether they would just like to have another Council discussion.

Cathy Halka, Council Legislative Analyst, clarified that an additional workshop is not included in the original scope of work but there is approved funding available.

**Galloway moved** to discuss the Pandemic Response Review study at our next Public Works and Health meeting. The motion was seconded by Buchanan.

Councilmembers discussed that the Committee can schedule the discussion without a motion.

**Galloway withdrew** her motion.

Councilmembers discussed former Councilmember Browne's comments to Berk Consulting and whether they should be forwarded on to Berk and Associates for further review and incorporation into the final report as approved in Committee.

**Kershner moved** to incorporate Mr. Browne's comments into the public record and to forward to Berk and Associates for consideration.

Councilmembers discussed the motion and whether Berk should be directed by the Council.

The motion carried by the following vote:

**Aye:** 4 - Galloway, Kershner, Byrd, and Elenbaas

**Nay:** 3 - Buchanan, Donovan, and Frazey

Councilmembers continued Committee reports and gave other updates including:

- A request for patience for large farm equipment on the roads because they are taking advantage of the good weather
- River recreation safety
- The Compressive Plan Resolution and whether Council would allow a public hearing for it

**Galloway moved** to hold a public hearing on the forthcoming Comprehensive Plan priorities Resolution. The motion was seconded by Frazey.

Councilmembers discussed the motion.

Dana Brown-Davis, Clerk of the Council, suggested they hold off on this motion until there is more of a final product (Council gets to discuss the changes that are made to the Resolution) and maybe at that point decide if you are going to have a public hearing on it.

*Galloway withdrew* her motion.

Kershner wished everyone a happy Fourth of July and stated they will be taking a three-week break and will not have a meeting in two weeks on July 5th.

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**

The meeting adjourned at 10:26 p.m.

The County Council approved these minutes on July 12, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Todd Donovan, Council Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE