

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, August 9, 2022**

**6 PM**

**Hybrid Meeting**

**HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN  
INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL  
360.778.5010) - AGENDA REVISED 8.8.2022**

### **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 - Ben Elenbaas, Carol Frazey, Kaylee Galloway, Kathy Kershner, Barry Buchanan, Tyler Byrd, and Todd Donovan

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

### MINUTES CONSENT

1. [MIN2022-047](#) Special Council for July 19, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [MIN2022-048](#) Committee of the Whole for July 26, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [MIN2022-049](#) Regular County Council for July 26, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

4. [MIN2022-050](#) Joint Health Board and PHAB for Aug 2, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

Absent: 0

## **PUBLIC HEARINGS**

1. [AB2022-380](#) Ordinance granting Cascade Natural Gas Corporation a franchise for the transportation of natural gas in Whatcom County

### **ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2022-056

2. [AB2022-425](#) Ordinance temporarily amending Whatcom County Code Section 11.20.025, flotation devices on the South fork of the Nooksack River, to better protect ESA-listed Chinook salmon

### **FAILED**

**Aye:** 3 - Galloway, Buchanan, and Donovan

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

**Absent:** 0

3. [AB2022-417](#) Ordinance amending Whatcom County Code Section 11.20.025, flotation devices on the South fork of the Nooksack River, to better protect ESA-listed Chinook salmon

### **WITHDRAWN**

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

**Nay:** 0

**Absent:** 0

## **OPEN SESSION**

## **CONSENT AGENDA**

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

1. [AB2022-370](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Commerce for refugee stabilization services in the amount of \$250,000

### **AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2022-415](#) Request authorization for the County Executive to enter into a residential lease agreement between Whatcom County and Jarek Olivetti and Roxanne Martin to reside at 677 North Lake Samish Road, for a monthly rent of \$1,709

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

3. [AB2022-418](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Point Roberts Park & Recreation District No. 1, for use of Lighthouse Marine Park to operate a kayak rental program

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

4. [AB2022-421](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and Snohomish County for the use of up to 45 Snohomish County jail beds in the amount of \$1,200,000.00

**SUBSTITUTE AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

5. [AB2022-424](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to build a health, resource, and service navigation system that will provide timely connection of parents and children, pre-natal to five years, to a range of protective and supportive services, in the amount of \$207,350 for a total amended contract amount of \$285,147

This item was considered separately. See below under the Consent Agenda.

6. [AB2022-433](#) Request authorization for the County Executive to enter into a contract between Whatcom County and ESA to implement the Coastal and Riverine Compound Flood Vulnerability and Risk Assessment project, in the amount of \$ 100,000.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

7. [AB2022-436](#) Request authorization for the County Executive to enter into an Interagency Agreement Amendment between Whatcom County and the Washington State Administrative Office of the Courts to increase reimbursements of Blake decision legal costs by \$787,751 for a total amended amount of \$2,578,372

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

8. [AB2022-438](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the Washington State Department of Health for the delivery and funding of various public health services in the amount of \$2,651,000, for a total amended agreement amount of \$9,430,654

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

9. [AB2022-439](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Abatement and Decontamination Specialists to remediate the threat of public health hazards on properties with long-term solid waste violations, in the amount of \$50,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

10. [AB2022-445](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Kulshan Community Land Trust to support acquisition of land for affordable housing, in the amount of \$1,250,746.60

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

11. [AB2022-446](#) Request approval for the County Executive to award Bid #22-14 Rental Rates for Construction Equipment Without Operator to all bidders with the award for each vendor not to exceed \$100,000.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

12. [AB2022-448](#) Request authorization for the County Executive to enter into an Interagency Agreement between Whatcom County and the Washington Administrative Office of the Courts for reimbursement of expenses relating to the Uniform Guardianship Act, in the amount of \$58,428

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Consent Agenda Item Considered Separately**

5. [AB2022-424](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to build a health, resource, and service navigation system that will provide timely connection of parents and children, pre-natal to five years, to a range of protective and supportive services, in the amount of \$207,350 for a total amended contract amount of \$285,147

**AUTHORIZED**

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

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

**Absent:** 0

**OTHER ITEMS**

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

1. [AB2022-408](#) Ordinance amending the 2022 Whatcom County Budget, request no. 11, in the amount of \$250,000

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2022-057

2. [AB2022-423](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the United States Department of Interior, U.S. Geological Survey (USGS) to jointly fund continued stream gaging stations in the Nooksack River, in the amount of \$ 98,502.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

3. [AB2022-442](#) Resolution in the matter of the sale of surplus personal property and setting a date for public hearing, pursuant to WCC 1.10

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2022-035

4. [AB2022-447](#) Request authorization for the County Executive to enter into an Amendment of the Economic Development Investment Program Interlocal Grant Agreement between Whatcom County and Port of Bellingham for the Rural Broadband construction project

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

5. [AB2022-449](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to operate the Whatcom Homeless Service Center in the amount of \$282,239 for a total amended contract amount of \$2,507,248

**AUTHORIZED**

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

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

**Absent:** 0

6. [AB2022-450](#) Request authorization for the County Executive to enter into an Interlocal Grant Agreement between Whatcom County and Port of Bellingham for additional EDI funding to support the rural broadband project, in the amount of \$2,000,000

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**(From Council Public Works and Health Committee)**

7. [AB2022-427](#) Ordinance amending Ordinance 2020-079 to change the due date of the Phase III Report of the Child and Family Well-Being Task Force

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2022-058

**(From Council Planning and Development Committee)**

8. [AB2022-440](#) Request for a Motion to grant the City of Bellingham notice to proceed in applying for a Major Project Permit for their Umbrella Mitigation Bank

**DISCUSSED AND MOTION(S) APPROVED**

The following motion was approved 7-0:

The Whatcom County Council has reviewed the City of Bellingham's Umbrella Mitigation Bank Prospectus and finds it complete, technically accurate, and consistent with the purpose and intent of WCC Chapter 16.16 (Critical Areas). Furthermore, the proposed bank involves no conversion of agricultural land to nonagricultural uses. We therefore grant the City of Bellingham notice to proceed in applying for a Major Project Permit for the project.

**(From Council Committee of the Whole)**

9. [AB2022-422](#) Resolution establishing priorities for Whatcom County's 2025 Comprehensive Plan update

**SUBSTITUTE APPROVED**

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

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

**Absent:** 0



Enactment No: RES 2022-036

**CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS,  
COMMISSIONS, AND COMMITTEES**

1. [AB2022-437](#) Request confirmation of the County Executive's appointment of Dennis Holloran to the Whatcom County Appeals Board

**CONFIRMED**

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

**Nay:** 0

**Absent:** 0

**ITEMS ADDED BY REVISION**

Introduction item AB2022-443 was added by revision. See below.

**INTRODUCTION ITEMS**

1. [AB2022-435](#) Ordinance amending the 2022 Whatcom County Budget, request no. 12, in the amount of \$4,068,703

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

2. [AB2022-451](#) Ordinance amending Whatcom County Code Chapter 5.04, Ambulance Franchises, to address diversity, equity, and inclusion on the EMS Oversight Board and EMS Technical Advisory Committee and to define the process and elements of an EMS Levy Service Plan

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

3. [AB2022-431](#) Resolution vacating an unnamed alley within the Plat of Lummi Park on Lummi Island

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

4. [AB2022-434](#) Resolution amending the Flood Control Zone District & Subzones 2022 budget, request no. 5, in the amount of \$78,598 (Council acting as the Flood Control Zone District Board of Supervisors)

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

5. [AB2022-443](#) Resolution authorizing the sale of personal property, pursuant to WCC 1.10

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

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

**ADJOURN**