

Whatcom County Council

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



Action Summary

VIRTUAL MEETING - VIEW ONLINE

Tuesday, September 29, 2020

6 PM

Virtual Meeting

COUNCILMEMBERS

Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

ROLL CALL

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

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2020-089](#) Special Council meeting (Interlocal Collaboration Meeting with Cities) for September 9, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2020-090](#) Committee of the Whole Executive Session for September 15, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

3. [MIN2020-091](#) Committee of the Whole for September 15, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

4. [MIN2020-092](#) Regular County Council for September 15, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2020-352](#) Ordinance adopting various amendments to WCC Titles 12 (Roads & Bridges), 16 (Environment), 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures)

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-045

2. [AB2020-358](#) Resolution adopting the Six-Year Water Resources Improvement Program (WRIP) 2021-2026 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

SUBSTITUTE APPROVED

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

Nay: 0

Absent: 1 - Browne

Enactment No: RES 2020-033

3. [AB2020-360](#) Ordinance to amend Whatcom County Code 12.60.040, appointment and responsibilities of the Citizen Address and Road Name Appeals Committee

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-046

4. [AB2020-363](#) Resolution in the matter of the Whatcom County Six-Year Transportation Improvement Program (STIP) for the years of 2021 through 2026

APPROVED AS AMENDED

Aye: 6 - Browne, Byrd, Donovan, Frazey, Elenbaas, and Kershner

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2020-034

A motion was approved 5-1-1, with Browne opposed and Buchanan absent, to amend the Resolution to have item R28 (Attachment B) begin in 2021 or later with a \$50,000 budget allocation in 2021 and a \$50,000 budget allocation in 2022.

- 5. [AB2020-366](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for FY2020 Byrne Justice Assistance Grant Program Award, in the amount of \$12,832.00

AUTHORIZED

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

Nay: 0

Absent: 0

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

Clerk's note: Councilmember Byrd was out of the meeting so Council Chair Buchanan decided to skip the Consent Agenda and come back to it later

OTHER ITEMS (part 1)

(From Council Public Works and Health Committee)

- 11. [AB2020-415](#) Resolution approving the Birch Bay Water and Sewer District Comprehensive Water System Plan Update

APPROVED

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

Enactment No: RES 2020-035

- 12. [AB2020-416](#) Resolution approving the Birch Bay Water and Sewer District Comprehensive Sewer System Plan Update

APPROVED

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

Enactment No: RES 2020-036

(From Council Criminal Justice and Public Safety Committee)

- 13. [AB2020-406](#) Resolution supporting Whatcom County Sheriff Deputies, Corrections Deputies, and Law Enforcement Officials across the County in response to the increased attacks on law enforcement across the Country

SUBSTITUTE APPROVED

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

Enactment No: RES 2020-037

- 14. [AB2020-418](#) Resolution stating support and appreciation of the Whatcom County Sheriff's Department, Whatcom County Sheriff Deputies, Whatcom County Corrections Deputies and support staff

DISCUSSED

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

- 1. [AB2020-375](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the U.S. Department of Justice for FY20 Coronavirus Emergency Supplemental Funding, in the amount of \$43,145.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

- 2. [AB2020-380](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for Cooperative State and Local Task Force Agreement FY2021, in the amount of \$0

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

- 3. [AB2020-381](#) Request authorization for the County Executive to enter into an Interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for Program-Funded State and Local Task Force Agreement FY2021, in the amount of \$38,360.50

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

- 4. [AB2020-386](#) Request authorization for the County Executive to renew an interlocal agreement between Whatcom County and the Department of Corrections for the housing and care of Department of Corrections offenders in the Whatcom County Jail

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

- 5. [AB2020-395](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Family & Community Network in the amount of \$80,000 for a total amended contract amount of \$145,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

- 6. [AB2020-399](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Meridian School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an

amount not to exceed \$130,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

7. [AB2020-400](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Nooksack Valley School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

8. [AB2020-401](#) Requesting authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker School District for costs associated with distance instruction and learning due to the COVID-19 emergency in an amount not to exceed \$130,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

9. [AB2020-402](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale School District for costs associated with distance instruction and learning resulting from the COVID-10 emergency in an amount not to exceed \$130,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

10. [AB2020-403](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Blaine School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

11. [AB2020-404](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Lynden School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

13. [AB2020-410](#) Requests authorization for the County Executive to negotiate and enter into an agreement with PogoZone Internet Solutions for rural broadband access in an amount not to exceed \$110,000 to provide access to distance learning for approximately 200 households

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

14. [AB2020-412](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Bellingham Food Bank for costs associated with food insecurity resulting from the COVID-19 emergency in an amount not to exceed \$400,000

SUBSTITUTE AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

12. [AB2020-405](#) Request authorization for the County Executive to enter a contract amendment between Whatcom County and Cascadia Law Group PLLC to expand the Scope of Work and increase the compensation by \$25,000 to a total consideration not to exceed \$69,000

AUTHORIZED BY CONSENT

Aye: 4 - Browne, Buchanan, Donovan, and Frazey

Nay: 2 - Elenbaas, and Kershner

Absent: 0

Temp Absent: 1 - Byrd

OTHER ITEMS (Part 2)

(From Council Finance and Administrative Services Committee)

1. [AB2020-383](#) Request Council Approval of the 2020-2021 Criminal Justice Treatment Account Plan Update

AUTHORIZED

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

2. [AB2020-357](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Ecology 2020-2021 Washington Conservation Corps Crew Agreement (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

3. [AB2020-356](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Conservation District to amend the 2019 Interlocal and Subrecipient Agreement for the Pollution Identification and Correction

Program Non-Dairy Agricultural Technical Assistance in the amount of \$223,932.00 for a total amended contract amount of \$530,182.00 (Council acting as the Flood Control Zone District Board of Supervisors)

AUTHORIZED

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

Clerk's note: Councilmember Browne skipped AB2020-417 and started reading AB2020-368. He went back to AB2020-417 and did AB2020-368 after that.

4. [AB2020-417](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to provide funding for the delivery of various public health programs and services in the amount of \$5,962,796 for a total amended contract amount of \$10,890,796

AUTHORIZED

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

5. [AB2020-368](#) Ordinance amending the 2020 Whatcom County Budget, request no. 17, in the amount of \$871,548

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

Enactment No: ORD 2020-047

6. [AB2020-371](#) Ordinance amending Whatcom County Code 2.09, Public Defender, to reflect current standards of practice outlined under RCW 10.101.030 and the ethical standards relating to conflicts of interest outlined by Washington court rules of professional conduct

ADOPTED

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

Enactment No: ORD 2020-048

7. [AB2020-377](#) Ordinance amending the 2020 Whatcom County Budget, request no. 18, in the amount of \$220,000

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

Enactment No: ORD 2020-049

8. [AB2020-396](#) Request authorization for the County Executive to enter into this Memorandum of Agreement between Whatcom County and PeaceHealth St. Joseph Medical Center and Opportunity Council and Unity Care NW to initiate a capital campaign for the construction of the “The Way Station” at the County owned building at 1500 State St. in Bellingham, that will provide services to people who are homeless and living either in shelters or who are unsheltered

AUTHORIZED

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

Nay: 1 - Elenbaas

Absent: 0

Temp Absent: 1 - Byrd

9. [AB2020-388](#) Resolution accepting the 2015 Comprehensive Economic Development Strategy (CEDS) Project List update

APPROVED

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

Enactment No: RES 2020-038

10. [AB2020-392](#) Amendment 2 to Resolution 2019-061 for unrepresented Whatcom County

employees

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2020-039

(From Council Planning and Development Committee)

15. [AB2020-397](#) Resolution approving recommendation on one application for Open Space Current Use Assessment

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2020-040

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2020-340](#) Appointment to the Drayton Harbor Shellfish Protection District Advisory Committee, Applicant(s): Patricia Erin Lulu

APPOINTED

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

Nay: 0

Absent: 0

2. [AB2020-362](#) Appointment to the Climate Impact Advisory Committee, Applicant(s): Stevan Harrel, Sue Gunn, Hunter Hassig, Alec Howard

HELD IN COUNCIL

3. [AB2020-384](#) Request Council Approval For A Criminal Justice Treatment Account Panel Appointment

APPOINTED

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

Nay: 0

Absent: 0

A motion was approved that Carolyn Mason be APPOINTED as the substance use disorder treatment agency.

INTRODUCTION ITEMS

1. [AB2020-409](#) Ordinance increasing community oversight and transparency to establish fair contract negotiations

INTRODUCED

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

Nay: 0

Absent: 0

2. [AB2020-390](#) Ordinance regarding installation of a stop sign on Homesteader Road

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

3. [AB2020-391](#) Ordinance to Establish Speed Limits on Marine Drive

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

4. [AB2020-393](#) Ordinance amending Whatcom County Code 16.30 Lake Whatcom Stormwater Utility Service Area

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

5. [AB2020-407](#) Receipt of application to the Birch Bay Watershed and Aquatic Resources Management Advisory Committee (BBWARM), Applicant(s): Theresa Coe (application deadline for any other applicants to these positions is 10 a.m. on October 6, 2020) (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

INTRODUCED

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

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN