

Whatcom County Council

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



Action Summary

Tuesday, March 21, 2023

6 PM

Hybrid Meeting

**HYBRID MEETING (PARTICIPATE IN-PERSON AT 311 GRAND AVENUE SUITE
101, SEE REMOTE JOIN INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010), AGENDA
REVISED 3.16.2023**

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

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2023-022](#) Committee of the Whole Executive Session for March 7, 2023

APPROVED BY CONSENT

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

Nay: 0

2. [MIN2023-023](#) Committee of the Whole for March 7, 2023

APPROVED BY CONSENT

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

Nay: 0

3. [MIN2023-024](#) Regular County Council for March 7, 2023

APPROVED BY CONSENT

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

Nay: 0

4. [MIN2023-026](#) Water Work Session for March 14, 2023

APPROVED BY CONSENT

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

Nay: 0

PUBLIC HEARINGS

1. [AB2022-641](#) Ordinance adopting the Buildable Lands Report

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-010

2. [AB2023-127](#) Resolution adopting the Healthy Children's Fund Implementation Plan

SUBSTITUTE APPROVED AS AMENDED

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

Nay: 0

Enactment No: RES 2023-007

Motion approved 6-0-1, with Donovan abstaining, to amend page 12 of the plan to add a sentence that says, "No individual or provider receiving or offering services shall be required to be vaccinated for COVID-19 to participate."

3. [AB2023-158](#) Ordinance declaring public necessity for and the authorization to acquire certain property rights by eminent domain for the E. Smith Road and Hannegan Road Intersection Improvements Project

ADOPTED

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

Nay: 1 - Elenbaas

Enactment No: ORD 2023-011

4. [AB2023-172](#) Ordinance adopting amendments to Whatcom County Code Chapter 16.50, Commercial Property Assessed Clean Energy and Resiliency (C-PACER) Program

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-012

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2023-177](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and S. S. Papadopoulos & Associates, Inc. to make refinements and modifications to the Whatcom County Groundwater Model, in the amount of \$210,640 for a total contract amount of \$496,656 (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

2. [AB2023-196](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Heston Hauling LLC to provide towing, removal and disposal services for abandoned vehicles that have been declared as junk on the county right of way in the amount of \$32,000

AUTHORIZED BY CONSENT

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

Nay: 0

3. [AB2023-198](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington State Department of Ecology to the 2021-2023 Biennial Stormwater Capacity Grant in the amount of \$25,000.00 for a total amended contract amount of \$75,000.00

AUTHORIZED BY CONSENT

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

Nay: 0

4. [AB2023-206](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County, the City of Bellingham and Port of Bellingham for increased cost of joint consultation and government affairs services in the amount of \$48,000 per year

This item was considered separately (see below after the Consent Agenda).

5. [AB2023-208](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Blaine in support of the Wellfield Pump Station Infrastructure Project in the amount of a \$375,000 grant and a \$125,000 loan

AUTHORIZED BY CONSENT

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

Nay: 0

6. [AB2023-209](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pyramid Communications for public communications for the Incarceration Prevention and Reduction Task Force in the amount of \$138,850, for a total amended amount of \$227,650.

This item was considered separately (see below after the Consent Agenda).

7. [AB2023-210](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Blaine for the G Street Sewer

improvement project in the amount of a \$1,875,000 grant and a \$625,000 loan

AUTHORIZED BY CONSENT

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

Nay: 0

8. [AB2023-215](#) Request authorization for County Executive to enter into a contract with PFM Financial Advisors, LLC for financial advisor services in the amount of \$39,000

AUTHORIZED BY CONSENT

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

Nay: 0

CONSENT AGENDA CONSIDERED SEPARATELY

4. [AB2023-206](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County, the City of Bellingham and Port of Bellingham for increased cost of joint consultation and government affairs services in the amount of \$48,000 per year

AUTHORIZED

Aye: 4 - Buchanan, Donovan, Elenbaas, and Kershner

Nay: 2 - Byrd, and Frazey

Abstain: 1 - Galloway

6. [AB2023-209](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pyramid Communications for public communications for the Incarceration Prevention and Reduction Task Force in the amount of \$138,850, for a total amended amount of \$227,650.

AUTHORIZED

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

Nay: 2 - Elenbaas, and Kershner

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2023-149](#) Ordinance amending the project budget for the Academy Road Stormwater Improvements Project Fund, request no. 3

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-013

2. [AB2023-155](#) Ordinance amending Whatcom County Code 2.128, Business and Commerce Advisory Committee, to revise membership

REFERRED TO COMMITTEE

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

Nay: 0

Motion approved to hold until April 25 with a work session on April 11.

3. [AB2023-185](#) Ordinance amending the 2023 Whatcom County Budget, request no. 4, in the amount of \$7,015,999

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-014

4. [AB2023-186](#) Ordinance amending the project based budget for the Courthouse Improvement Fund, request no. 4

ADOPTED

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

Nay: 0

Temp Absent: 1 - Byrd

Enactment No: ORD 2023-015

5. [AB2023-189](#) Request for motion to approve the Criminal Justice Treatment Account (CJTA) Plan 2023-2025 Update

APPROVED REQUEST

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

Nay: 0

6. [AB2023-195](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to support operations at the permanent supportive housing facility 22 North in the amount of \$25,000 for a total amended contract amount of \$268,950

AUTHORIZED

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

Nay: 1 - Byrd

(From Council Public Works and Health Committee)

7. [AB2023-145](#) Ordinance amending Ordinance No. 2022-058 to change the due date of the Child and Family Well-Being Task Force Phase III report

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-016

8. [AB2023-166](#) Ordinance establishing a compost procurement policy

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-017

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-182](#) Appointment to fill a vacancy on the Child and Family Well-Being Task Force, Applicant(s): Samantha Cruz-Mendoza

APPOINTED

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

Nay: 0

2. [AB2023-188](#) Appointment to vacancies on the Wildlife Advisory Committee, applicant(s): Erin Deinzer, Cris Gonzalez, and Anne Johnson

APPOINTED

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

Nay: 0

3. [AB2023-190](#) Appointment to fill vacancies on the Sumas/Everson/Nooksack Flood Subzone Advisory Committee, Applicant(s): Robert Bromley (Council acting as the Flood Control Zone District Board of Supervisors)

APPOINTED

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

Nay: 0

4. [AB2023-194](#) Appointment of (1) councilmember to the Bellingham/Whatcom County Tourism board and discussion on adding this board to the annual council re-organization.

APPOINTED

Appointed Galloway 6-1 with Elenbaas opposed and voted 7-0 to add this board to the annual Council re-organization.

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-201](#) Request confirmation of the County Executive's appointment of Adrienne Renz to the Whatcom County Housing Advisory Committee

CONFIRMED

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

Nay: 0

2. [AB2023-207](#) Request confirmation of the County Executive's appointment of Richard Joss to the Whatcom County Bicycle Pedestrian Advisory Committee

CONFIRMED

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

Nay: 0

3. [AB2023-213](#) Request confirmation of the County Executive's appointment of Vanessa Bronsema to the Whatcom County Salary Commission

CONFIRMED

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

Nay: 0

Abstain: 1 - Elenbaas

ITEMS ADDED BY REVISION**INTRODUCTION ITEMS**

1. [AB2023-200](#) Ordinance amending Whatcom County Code Section 1.14 Election Precinct Boundaries

SUBSTITUTE INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

2. [AB2023-204](#) Ordinance amending the Whatcom County Budget, request no. 5, in the amount of \$631,850

INTRODUCED

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

Nay: 0

3. [AB2023-205](#) Ordinance amending the project based budget for the Lake Whatcom Park Trail Development Fund, request no. 2

INTRODUCED

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

Nay: 0

4. [AB2023-174](#) Ordinance adopting various minor amendments to Whatcom County Code Title 20, Zoning; Title 21, Land Division Regulations, and; Title 22, Land Use and Development

SUBSTITUTE INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

5. [AB2023-199](#) Ordinance to Repeal Ordinance 2023-004

WITHDRAWN

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ACTION SUMMARY: Motion approved 6-0-1, with Elenbaas abstaining, to recommend the SWISS (Skagit, Whatcom, Island, Snohomish, and San Juan Counties) Regional Partnership slate of Janet St. Clair from Island County for Chair and Ron Wesen from Skagit County as vice chair of SWISS.

ADJOURN