

Whatcom County Council

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



Action Summary

Tuesday, April 25, 2023

6 PM

Hybrid Meeting

HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010); AGENDA REVISED 4.25.2023

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. [MIN2023-030](#) Committee of the Whole for April 11, 2023

APPROVED BY CONSENT

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

Nay: 0

2. [MIN2023-031](#) Regular County Council for April 11, 2023

APPROVED BY CONSENT

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

Nay: 0

3. [MIN2023-032](#) Water Work Session for April 18, 2023

APPROVED BY CONSENT

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

Nay: 0

PUBLIC HEARINGS

1. [AB2023-237](#) Ordinance establishing a temporary speed limit for Birch Bay Lynden Road

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-022

2. [AB2023-240](#) Ordinance for temporary installation of stop signs on Birch Bay Lynden Road

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-023

3. [AB2023-246](#) Ordinance establishing a temporary speed limit for Hannegan Road

HEARD PUBLIC TESTIMONY AND HELD IN COUNCIL

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

Nay: 1 - Galloway

The public hearing for this item was kept open.

4. [AB2023-248](#) Ordinance establishing a temporary closure of Kelly Road and Van Wyck Road

HEARD PUBLIC TESTIMONY AND HELD IN COUNCIL

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

Nay: 1 - Galloway

The public hearing for this item was kept open.

5. [AB2023-258](#) Ordinance amending Whatcom County Code 10.34, Ferry Rates

HEARD PUBLIC TESTIMONY AND HELD IN COUNCIL

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

Nay: 0

The public hearing for this item was kept open.

6. [AB2023-259](#) Ordinance amending 2023 Whatcom County Unified Fee Schedule

WITHDRAWN

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

Nay: 0

ACTION SUMMARY:

Motion approved 7-0 to cancel the hearing, then

Withdrawn from consideration 7-0

OPEN SESSION**CONSENT AGENDA**

(From Council Finance and Administrative Services Committee)

1. [AB2023-236](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and Whatcom County Fire Protection District No. 5 for the provision of a one-time distribution of EMS Levy Funds in support of Basic Life Support services in the amount of \$61,755.39

AUTHORIZED BY CONSENT

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

Nay: 0

2. [AB2023-251](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Phoenix Counseling, LLC to provide domestic violence evaluations and treatment for defendants processed through Whatcom County District Court and Bellingham Municipal Court in the amount of \$80,000.01 for a total amended contract amount of \$120,000

AUTHORIZED BY CONSENT

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

Nay: 0

3. [AB2023-278](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Snohomish County to utilize State Homeland Security Program (SHSP) funding to sustain and enhance Division of Emergency Management programs, in the amount of \$42,081

This item was considered separately. See Consent Agenda Items Considered Separately below.

4. [AB2023-281](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lynden Tribune and Print Co. to provide print and mail services, in the amount of \$60,000.00

AUTHORIZED BY CONSENT

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

Nay: 0

5. [AB2023-283](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Snohomish County for Health Officer coverage when either County's Health Officer is physically unavailable or is absent and Health Officer advice and authority is necessary

AUTHORIZED BY CONSENT

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

Nay: 0

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6. [AB2023-285](#) Request authorization for the County Executive to award bid #23-20 and enter into a contract between Whatcom County and Granite Construction Company for the Hot Mix Asphalt Pre-Level at various locations in an amount not to exceed \$564,790
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
7. [AB2023-288](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Port of Bellingham for the lease extension for the Williamson Way land, in the amount of \$91,362.67
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
8. [AB2023-290](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and USDA Forest Service to provide a part-time deputy to patrol roads in Mt. Baker-Snoqualmie National Forest, within Whatcom County boundaries, in the amount of \$56,760.00
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
9. [AB2023-291](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Commerce to support essential community services and recovery assistance after a state declared disaster, in the amount of \$4,294,850
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
10. [AB2023-292](#) Request authorization for the County Executive to award Bid #22-63 and enter into a contract between Whatcom County and Andgar Mechanical LLC to add heat pumps to the Sun House in the amount of \$97,429.31
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
11. [AB2023-296](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Executive Office of the President, Office of National Drug Control Policy (ONDCP) to implement the strategy of the Northwest High Intensity

Drug Trafficking Area (HIDTA), in the amount of \$159,354.00

This item was considered separately. See Consent Agenda Items Considered Separately below.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

3. [AB2023-278](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Snohomish County to utilize State Homeland Security Program (SHSP) funding to sustain and enhance Division of Emergency Management programs, in the amount of \$42,081

AUTHORIZED

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

Nay: 0

11. [AB2023-296](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Executive Office of the President, Office of National Drug Control Policy (ONDCP) to implement the strategy of the Northwest High Intensity Drug Trafficking Area (HIDTA), in the amount of \$159,354.00

AUTHORIZED

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

Nay: 0

OTHER ITEMS

(From Council Climate Action and Natural Resources Committee)

1. [AB2023-286](#) Resolution authorizing the County Executive to grant an easement to Puget Sound Energy across park property within an existing access easement agreement

APPROVED

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

Nay: 0

Enactment No: RES 2023-008

(From Council Finance and Administrative Services Committee)

2. [AB2023-264](#) Ordinance amending the project budget for the Public Safety Radio System Fund, request no. 3

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-024

3. [AB2023-269](#) Ordinance authorizing an interfund loan for the purchase of flood response equipment

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-025

4. [AB2023-270](#) Ordinance amending the 2023 Whatcom County Budget, request no. 6, in the amount of \$6,245,264

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-026

5. [AB2023-271](#) Resolution amending the 2023 Flood Control Zone District & Subzones Budget, request no. 1, in the amount of \$12,096,245 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

APPROVED

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

Nay: 0

Enactment No: RES 2023-009

6. [AB2023-279](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Collins Woerman to continue assistance in planning, facilitation, and technical support of Floodplain Integrated Planning (FLIP) team meetings, in the amount of \$100,000.00 for a total contract amount of \$140,000.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED

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

Nay: 1 - Elenbaas

7. [AB2023-282](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to support childcare stabilization in Whatcom County, in the amount of \$498,732.72

AUTHORIZED

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

Nay: 0

8. [AB2023-293](#) Request authorization from the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to support operations at the Ground Floor Day Use Center in the amount of \$34,148 for a total amended contract amount of \$194,148

AUTHORIZED

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

Nay: 0

9. [AB2023-300](#) 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 \$1,113,813 for a total amended contract amount of \$5,128,564

AUTHORIZED

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

Nay: 0

(From Council Public Works and Health Committee)

10. [AB2023-228](#) Request approval to send a letter regarding proposed legislation to increase truck size and weight

HELD IN COMMITTEE

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

Nay: 0

11. [AB2023-254](#) Resolution adopting 2022 Whatcom County Comprehensive Solid and Hazardous Waste Management Plan

APPROVED

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

Nay: 0

Enactment No: RES 2023-010

12. [AB2023-294](#) Resolution adopting the Food System Plan created by the Whatcom County Food System Committee

HELD IN COMMITTEE

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

Nay: 0

This item will be held until June 6, 2023 in order to give some of the community members that are involved in farming an opportunity to work with the committee and to make some amendments.

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-216](#) Appointment to a vacancy on the Horticulture Pest and Disease Board, Applicant(s):
Isaiah Del Giorgio

APPOINTED

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

Nay: 0

2. [AB2023-277](#) Appointment to vacancies on the Wildlife Advisory Committee, Applicant(s): Karen Hardesty

APPOINTED

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

Nay: 0

ITEMS ADDED BY REVISION

1. [AB2023-315](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Sourcewell Cooperative to take advantage of existing Sourcewell bids and requests for proposal

AUTHORIZED

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

Nay: 0

2. [AB2023-316](#) Council staff seeks clarification related to a previously approved motion to send a letter regarding the North Cascades Ecosystem Grizzly Bear Restoration Plan/Environmental Impact Statement

DISCUSSED AND MOTION(S) APPROVED

Motion approved to sign on to the letter in the packet 5-0-2 with Frazey and Donovan abstaining

INTRODUCTION ITEMS

1. [AB2023-298](#) Ordinance amending the 2023 Whatcom County Budget, request no. 7, in the amount of 2,880,144

INTRODUCED

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

Nay: 0

2. [AB2023-299](#) Ordinance amending the project budget for the Way Station Project Fund, request no. 2

INTRODUCED

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

Nay: 0

3. [AB2023-289](#) Receipt of application to fill a vacancy on the Sumas/Everson/Nooksack Flood Control Subzone Advisory Committee, Applicant(s): Jerry Juergens (Council Acting as the Flood Control Zone District Board of Supervisors) (Deadline for additional applications to this position is 10 a.m. on Tuesday, May 2, 2023)

INTRODUCED

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

Nay: 0

4. [AB2023-302](#) Receipt of application to fill a vacancy on the Business and Commerce Advisory Committee, higher education representative, Applicant(s): Barry Robinson (Deadline for additional applications for this vacancy is 10:00 a.m. on Tuesday, May 2, 2023)

INTRODUCED

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

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN