

# Whatcom County Council

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



## Minutes - Final

Tuesday, April 25, 2023

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 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

Council Chair Barry Buchanan 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

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

The Executive did not have a report.

### MINUTES CONSENT

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

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

**Donovan 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

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

**Donovan 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

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

**Donovan 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

### PUBLIC HEARINGS

1. [AB2023-237](#) Ordinance establishing a temporary speed limit for Birch Bay Lynden Road  
Jim Karcher, Public Works Department, stated he was available for questions.

Buchanan opened the Public Hearing and, hearing no one, closed the Public Hearing.

***Kershner moved*** and Byrd seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Donovan asked how long this temporary speed limit would last and Kershner stated it would be about ten days.

Councilmembers voted on the item (see vote below after more discussion).

Elenbaas asked whether the State picks up the cost of the signs and the time since they are requesting the project and Karcher stated they do and they are going to support the County in the whole process. Elenbaas requested that, when these memos come out in the future, staff address how the projects are being paid for.

**Kershner'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

Enactment No: ORD 2023-022

2. [AB2023-240](#) Ordinance for temporary installation of stop signs on Birch Bay Lynden Road  
Jim Karcher, Public Works Department, stated he was available for questions but there were none.

Buchanan opened the Public Hearing and, hearing no one, closed the Public Hearing.

***Donovan moved*** and Kershner seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Kershner spoke about the reason for this and the previous ordinance.

**Donovan'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

Enactment No: ORD 2023-023

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

Buchanan opened the Public Hearing and, hearing no one, closed the Public Hearing.

***Kershner moved*** and Byrd seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Donovan stated this relates to Hannegan because we are going to be detouring people off the Mount Baker Highway for four months.

Kershner stated she received comments from a constituent who was certain that this project could be done without closing down the entire road and asked if there is anything the County can do, although it is a State project, to alleviate the pain people may feel from closing down Mt. Baker Highway for this amount of time.

Jim Karcher, Public Works Department, stated there is nothing that can be done and answered questions about the closures.

Elenbaas stated his concern is that this is a big deal to people in those areas and no one stood up to talk about it, and he asked whether it would be wise to hold this for two weeks to allow people to comment.

Karcher answered whether there is time to do what Elenbaas is suggesting and stated the Washington State Department of Transportation (WSDOT) wants to start the closure the last week in May.

***Elenbaas moved*** to hold this until the first meeting in May and keep the public hearing open so that people can address the Council. The motion was seconded by Donovan.

Councilmembers and Karcher discussed whether Elenbaas' issue is with the closure which is the next agenda item, that the item was discussed two weeks ago, whether there are other alternatives to consider, whether Council could actually vote on May 9th if they held it tonight, when the State wants to start construction, whether it is imperative that the Kelly and Van Wyck intersections have to close and whether they have to lower the speed limit on Hannegan, and whether the closures and speed limit lowering will take place after the Ski to Sea event.

**Elenbaas' motion that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL and the hearing kept open carried by the following vote:**

**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  
Buchanan opened the Public Hearing and the following people spoke:

- Christopher Diele

Hearing no one else, Buchanan closed the Public Hearing.

**Donovan moved** and Buchanan seconded that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL until May 9th.

Councilmembers discussed whether they are going to leave the public hearing open.

**Donovan amended** his motion to leave the public hearing open.

Jim Karcher, Public Works Department, answered why they are closing these roads, and whether their closure is an absolutely necessary piece of the puzzle of Washington State Department of Transportation (WSDOT) taking care of their culvert. He stated it was not.

**Donovan's motion that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL and the hearing kept open carried by the following vote:**

**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  
Elizabeth Kosa, Public Works Department Director, briefed the Councilmembers on this and the next agenda item (**AB2023-259**). She stated the Lummi Island Ferry Advisory Committee forwarded the Public Works Department (last minute) new information from a community member that Public Works was able to review this afternoon. After preliminary reviews, they found there is validity in that information. It affects the balance of the fare box reserve, and therefore impacts any changes Public Works would

propose. Due to the nature of the information, Public Works is not recommending moving forward with **AB2023-259** (the next agenda item regarding the Unified Fee Schedule). They would like to take the opportunity to fully vet this new information and see what the resulting outcomes are and then bring those back to the Council at a later date. Public Works sees the following options for the Council:

1. The Council can proceed with the hearing for **AB2023-258** (this item) but Public Works recommends against proceeding with an actual decision on the Ordinance. Additionally, Public Works recommends cancelling the fee schedule hearing (**AB2023-259**) until they can fully vet that.
2. The Council could opt to postpone both public hearings (**AB2023-258** and **AB2023-259**) until Public Works has vetted the new information and they can come back to the Council with both Ordinances.
3. The Council can opt to proceed with both hearings but Public Works does not recommend proceeding with a decision on either one of those hearings tonight.

She answered whether the new information she just referenced has been forwarded to the Council and whether they know yet if it is valid. She stated they did not have enough time but as they looked at it, they realized they should take a deep dive and look to see how valid it is.

Donovan stated that when this item was in Committee he sent an email about the Ordinance having a more concrete definition of “capital” and he sent a section of the Washington Administrative Code (WAC) that might work for that, so he hopes that could be considered as well.

Buchanan asked which Ordinance Donovan’s suggestion would be applicable to and Kosa stated it would be **AB2023-258**. He asked whether changes could be coming potentially on both Ordinances and Kosa stated potentially yes. She repeated the options for the Council.

***Donovan moved*** to hold one hearing (for this item) and cancel the hearing for **AB2023-259**.

Dana Brown-Davis, Clerk of the Council, answered whether he can move to hold one hearing and not the other.

***Donovan withdrew*** his motion in order to deal with each file individually ***and moved*** to cancel the hearing for **AB2023-259** since a hearing is already scheduled for **AB2023-258**. But Councilmembers and the Clerk stated that

his motion is out of order since they are not considering **AB2023-259** yet. So, ***Donovan withdrew*** his motion.

Kershner asked if Public Works could forward the community member's email to the Council.

Buchanan asked whether Public Works is still recommending that the Council does not take action on the hearing they have tonight (this item), and Kosa stated that is correct.

Buchanan opened the Public Hearing and the following people spoke:

- Bob Anderson
- Mike Skehan
- Ralph Steele
- Pam Gould
- Rich Frye
- Steven Thomas
- Katherine Schornack
- Peter Earle
- David Cummins
- Patrick Vincent
- Paul Isaacson
- Kathy Zaiser
- Chris Parker
- Name not stated
- Travis Skinner
- Marissa Orada
- Steve Schneider
- (first name not audible) Dickenson
- Name not stated
- Michelle Luke
- David Kershner

Hearing no one else, Buchanan stated the Public Hearing would be left open.

***Donovan moved*** to keep the public hearing open and hold this until the first meeting in June. The motion was seconded by Elenbaas.

Buchanan asked whether the 20th of June (as mentioned by one of the

speakers) has any significance.

***Donovan amended*** his motion to hold this item until the *second* meeting in June (June 20).

Kershner stated this item is concerning changes to the Code. She asked, if they hold this hearing open and make no changes to the code at this time, whether they are not able to make any further advancements towards using American Rescue Plan Act (ARPA) dollars because the Code does not allow that.

**Donovan's motion that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL until the second meeting in June and the public hearing kept open carried by the following vote:**

**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

*Clerk's note:* See discussion on this item above under **AB2023-258**.

***Donovan moved*** to cancel the public hearing on **AB2023-259** (this item). The motion was seconded by Buchanan.

Dana Brown-Davis, Clerk of the Council, clarified whether this would also (like the last item) be back on for June 20th.

***Donovan amended*** his motion ***and moved*** to cancel the public hearing on **AB2023-259** (this item) and have it come back at the same time as **AB2023-258** (June 20).

Brown-Davis stated if there will be substantial changes we will have to reintroduce the Ordinance.

Tyler Schroeder, Director of Administrative Services, stated there are likely going to be some substantial changes to this version, so instead of just placing the date, we would like to bring it forward to reintroduce and go through the whole process again for this item.

***Donovan withdrew*** his amended motion and moved to hold this until staff is ready to bring it back but then just went back to his ***original motion*** to cancel the public hearing. The motion was seconded by Buchanan.



Elizabeth Kosa, Public Works Department Director, answered how long they will need to look at the new information and get back to Council and whether the Council will be having updates. She stated they do not necessarily know a date for that but if there are substantial changes it is worth just removing this Ordinance because Public Works would be coming to the Council with a whole new Ordinance.

The motion to cancel the public hearing carried by the following vote:

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

**Nay:** 0

**Donovan moved and Galloway seconded that the Ordinance Requiring a Public Hearing be WITHDRAWN from Council consideration. The motion carried by the following vote:**

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

**Nay:** 0

#### ACTION SUMMARY:

Motion approved 7-0 to cancel the hearing, then

Motion approved 7-0 to withdraw this item from consideration

#### **OPEN SESSION**

The following people spoke:

- Doug (Yoshe) Revelle
- Christopher Diele
- Rob Dhaliwal
- Danaya Snavely
- Name not stated
- Stephanie (last name not given)
- Natalie Chavez
- Maya Morales
- Misty Flowers

Hearing no one else, Buchanan closed the Open Session.

#### **CONSENT AGENDA**

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

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

and *moved* to approve Consent Agenda items one and two and four through ten. She stated that a citizen requested that Consent Agenda items three (**AB2023-278**) and eleven (**AB2023-296**) be considered separately.

Elenbaas asked why Consent Agenda item number five (**AB2023-283**) was in the Finance and Administrative Services Committee, whether there was a reason why they chose Snohomish County, and whether it is really needed when we have two health officers. The originator of the item was not present so Councilmembers continued on to the vote.

Councilmembers voted on Consent Agenda items one and two and four through ten (see votes on individual items below and items considered separately after the Consent Agenda).

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

**Kershner 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

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

**Kershner 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

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

**Kershner 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

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

**Kershner 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

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

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

**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

**Kershner 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

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

**Kershner 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

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

**Kershner 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

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

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

**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

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

John Gargett, Division of Emergency Management, briefed the Councilmembers.

Elenbaas stated he appreciates how always prepared and knowledgeable Mr. Gargett is on everything he brings or presents to the Council.

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

**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

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

Doug Chadwick, Undersheriff, briefed the Councilmembers.

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

**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

*Galloway* reported for the Climate Action and Natural Resources Committee and *moved* that the Resolution be APPROVED.

Elenbaas spoke about why he voted no on this item in Committee.

Bennett Knox, Parks and Recreation Department Director, answered Elenbaas' questions about why the County would not get compensation from an energy company looking to do this and whether it is typical that the County does not charge for right-of-ways. He stated it was an existing

access easement that is not causing any impact to the park itself. We normally would charge if there was an impact to the park, but this is underground within the roadway to the property through the existing access and it is a stand-alone sliver that is north of the bulk of the park.

Tyler Schroeder, Executive's Office, stated it is usually on a case-by-case basis. He stated the line of questioning is a good one and asked if Elenbaas had more thoughts on it or some policy discussion regarding it.

Elenbaas stated he was just wondering what our stance was, whether we applied it evenly across all companies or right-of-way uses, and why we would not ask for compensation since that would probably be done in the private sector.

**Galloway's motion that the Resolution be APPROVED carried by the following vote:**

**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

**Kershner 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

Enactment No: ORD 2023-024

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

**Kershner 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

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

**Kershner** reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED. She stated this amendment to our Whatcom County budget includes the nearly \$4.3 million that we are receiving from the State for flood victims.

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

**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)

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

Councilmembers voted on the item (see vote below).

Elenbaas asked which item it was that Kershner asked about Emergency Medical Services (EMS) funding in Committee. Kershner stated it was Consent Agenda item number one for Fire Protection District No. 5 and gave an overview of that discussion from Committee.

**Kershner'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

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)

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

**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

**Kershner 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

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

**Kershner 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

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

**Kershner 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

**(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

**Kershner reported for the Public Works and Health Committee and moved that the Request for Motion be HELD IN COMMITTEE. The motion carried by the following vote:**



**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

**Kershner reported for the Public Works and Health Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:**

**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

**Kershner reported for the Public Works and Health Committee and moved that the Resolution be HELD IN COMMITTEE until June 6. The motion carried by the following vote:**

**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

**Galloway moved** and Donovan seconded that the Council Appointment Requiring Introduction be APPOINTED.

Elenbaas asked if the applicant was present and stated he was excited to see the application because he had received a recommendation for this gentleman.

Isaiah Del Giorgio addressed the Council.

Elenbaas spoke about the experience his father had in this field and stated he was excited there are other young people coming up that are into this type of thing as well.

**Galloway's motion that the Council Appointment Requiring Introduction be**

**APPOINTED carried by the following vote:**

**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

**Galloway moved and Donovan seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:**

**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

in finance

**Kershner 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

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

Dana Brown-Davis, Clerk of the Council, briefed the Councilmembers, and stated she just wanted to clarify whether the Council still wanted to send the individual letter rather than signing on to the joint letter with Chelan and Skagit Counties.

Elenbaas stated he would prefer that we sign on to the letter asking for Cooperator Agency status rather than do our own thing so we have a seat at the table.

*Elenbaas moved* to sign on to this proposed letter in the packet. The motion was seconded by Kershner.

Donovan asked why we would not send our own letter. He stated he attended the meeting and did not find a real compelling reason to go along with it.

The motion carried by the following vote:

**Aye:** 5 - Elenbaas, Galloway, Kershner, Buchanan, and Byrd

**Nay:** 0

**Abstain:** 2 - Frazey and Donovan

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

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

### **INTRODUCTION ITEMS**

***Kershner moved*** to introduce items one through four. The motion was seconded by Byrd (see votes on individual items below).

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

**Kershner moved and Byrd seconded that the Ordinance be INTRODUCED.**

**The motion carried by the following vote:**

**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

**Kershner moved and Byrd seconded that the Ordinance be INTRODUCED.**

**The motion carried by the following vote:**

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

**Nay:** 0

3. [AB2023-289](#) Appointment to 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)

**Kershner moved and Byrd 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

4. [AB2023-302](#) Appointment to a vacancy on the Business and Commerce Advisory Committee, higher education representative, Applicant(s): Barry Robinson

**Kershner moved and Byrd 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

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

Councilmembers gave committee reports and other updates.

Satpal Sidhu, County Executive, reported on the following:

- The County’s first Commercial Property Assessed Clean Energy and Resiliency (“C-PACER”) financing program contract was signed
- The Administration was approached by AltaGas, a landowner at Cherry Point, who is looking at some kind of green hydrogen project and met with two senior managers along with the Port of Bellingham.

Donovan stated we need to talk about how we get more visibility for the C-PACER program.

**ADJOURN**

The meeting adjourned at 9:10 p.m.

The County Council approved these minutes on May 9, 2023.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

\_\_\_\_\_  
Barry Buchanan, Council Chair

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

SIGNED COPY ON FILE