

Whatcom County Council

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



Action Summary

AGENDA REVISIONS 11.18.2019 (SEE AGENDA REVISION NOTICES IN "MEETING DETAILS")

Tuesday, November 19, 2019

7 PM

Council Chambers

COUNCILMEMBERS

Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

ROLL CALL

Present: 6 - Barbara Brenner, Rud Browne, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu

Absent: 1 - Barry Buchanan

FLAG SALUTE

ANNOUNCEMENTS

Report from Committee of the Whole:

AB2019-584 Discussion of pending litigation with Civil Deputy Prosecutor Chris Quinn - Swift Creek Consent Decree

Donovan reported on a discussion from Committee of the Whole (COUNCIL ACTING AS THE COUNCIL). He moved to approve Whatcom County's entry into the Consent Decree regarding Sumas Mountain Landslide (also referred to as the Swift Creek Consent Decree) and to authorize the County Executive to sign the Decree on behalf of Whatcom County.

The motion was seconded.

The motion Carried by the following Vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, Sidhu

Nay: 0

Absent: 1 - Buchanan

Browne reported on a second discussion from Committee of the Whole (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL DISTRICT BOARD OF SUPERVISORS)

Frazey moved to approve the Whatcom County Flood Control Zone District's entry into the Consent Decree regarding Sumas Mountain Landslide (also referred to as the Swift Creek Consent Decree) and to authorize the County Executive to sign the Decree on behalf of the Whatcom County Flood Control Zone District.

The motion was seconded.

The motion Carried by the following Vote:

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, Sidhu

Nay: 0

Absent: 1 - Buchanan

PUBLIC HEARINGS

1. [AB2019-542](#) Ordinance authorizing the levy of taxes for countywide emergency medical purposes for 2020

ADOPTED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-075

2. [AB2019-543](#) Ordinance authorizing the levy of taxes for Conservation Futures purposes for 2020

ADOPTED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-076

3. [AB2019-544](#) Ordinance authorizing the 2020 property tax levy for county road purposes

ADOPTED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-077

4. [AB2019-545](#) Resolution authorizing the Board of Supervisors of the Whatcom County Flood Control Zone District (WCFCZD) to impose an ad valorem property tax levy of up to fifty cents per thousand dollars of assessed value upon real property within the district in 2020

APPROVED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2019-055

5. [AB2019-546](#) Ordinance limiting the 2020 General Fund property tax levy

FAILED

Aye: 2 - Brenner, and Byrd

Nay: 4 - Browne, Donovan, Frazey, and Sidhu

Absent: 1 - Buchanan

6. [AB2019-547](#) Ordinance authorizing the levy of taxes for County and State purposes in Whatcom County Washington for the year of 2020

ADOPTED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-078

7. [AB2019-551](#) Resolution adopting 2020 budget for the Point Roberts Transportation Benefit District

APPROVED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2019-056

8. [AB2019-557](#) Resolution adopting the 2020 budget for the Whatcom County Flood Control Zone District and Subzones (Council acting as the Flood Control Zone District Board of Supervisors)

APPROVED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2019-057

9. [AB2019-565](#) Ordinance amending the 2020 Whatcom County Budget, Request No. 1, in the amount of \$18,918,279

HELD IN COUNCIL

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

10. [AB2019-568](#) Resolution authorizing the County Executive to enter into a twenty year

communications tower lease agreement with Crown Castle GT for leased space on park property at Lookout Mountain

APPROVED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2019-058

11. [AB2019-285](#) Ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects do double duty by also providing apprentices with job training hours to meet the requirements necessary to become the next generation of skilled trades persons

ADOPTED

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

Nay: 2 - Brenner, and Byrd

Absent: 1 - Buchanan

Enactment No: ORD 2019-079

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2019-582](#) Resolution to set public hearing to sell tax-title property by public auction

APPROVED

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

Enactment No: RES 2019-059

2. [AB2019-587](#) Resolution ordering the cancellation of unredeemed checks (warrants) more than one year old

APPROVED

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

Enactment No: RES 2019-060

3. [AB2019-589](#) Resolution ordering the cancellation of accounts receivable more than four years old

HELD IN COUNCIL

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

4. [AB2019-574](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to add funding for a behavioral health consultant, in the amount of \$17,800 for a total amended contract amount of \$130,028

AUTHORIZED BY CONSENT

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

5. [AB2019-577](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale School District to provide emergency management services, in the amount of \$200,000

AUTHORIZED BY CONSENT

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

6. [AB2019-585](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pioneer Human Services to provide substance use disorder assessments and post-assessment treatment coordination to inmates released from the Whatcom County Jail in an estimated amount of \$60,000 for a total estimated amended contract amount of \$91,500

AUTHORIZED BY CONSENT

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

7. [AB2019-594](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Healthcare Management Administrators, Inc. (HMA) to provide administrative and claims processing services for the self-insured medical program

AUTHORIZED BY CONSENT

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

8. [AB2019-595](#) Request approval for the County Executive to authorize the purchase of a replacement dump truck, dump body, hook lift sander, and plow; using Washington State Contract #01513 and #01117. The total cost of these purchases is \$281,677.87

AUTHORIZED BY CONSENT

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2019-580](#) Request authorization for the County Executive to enter into an Interlocal Agreement with the U.S. Department of Interior Geological Survey Joint Funding Agreement for Stream Gaging (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED

Aye: 5 - Brenner, Browne, Byrd, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Temp Absent: 1 - Donovan

2. [AB2019-581](#) Request authorization for the County Executive to enter into an Interlocal Agreement between the U.S. Department of Interior Geological Survey and the Whatcom County Flood Control Zone District (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

3. [AB2019-552](#) Ordinance amending the 2019 Whatcom County budget, request no. 14, in the amount of \$72,853

ADOPTED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-080

4. [AB2019-553](#) Ordinance amending the project budget for the Lummi Nation Ferry Lease Fund, Request No. 2

ADOPTED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2019-081

5. [AB2019-562](#) Ordinance amending the Project Budget for the Criminal Justice Integrated Case Management Systems Fund, Request No. 1

HELD IN COMMITTEE

6. [AB2019-564](#) Ordinance amending the Project Budget for the Lake Whatcom Park Trail Development Fund, Request No. 1

ADOPTED

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

Nay: 2 - Brenner, and Byrd

Absent: 1 - Buchanan

Enactment No: ORD 2019-082

- 7. [AB2019-550](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Lake Whatcom Water & Sewer District for a follow-up investigation, in the amount of \$40,000.00

AUTHORIZED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

- 8. [AB2019-593](#) Resolution adopting a salary schedule and policies for unrepresented Whatcom County Employees, effective January 1, 2020 through December 31, 2020

APPROVED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2019-061

(No Committee Assignment)

- 9. [AB2019-576](#) Request approval of updated Strategic Plan to End Homelessness in Whatcom County

APPROVED REQUEST

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

INTRODUCTION ITEMS

- 1. [AB2019-590](#) Ordinance amending the 2019 Whatcom County Budget, request no. 15, in the amount of \$49,400

INTRODUCED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

- 2. [AB2019-591](#) Ordinance amending the 2020 Whatcom County Budget, request no. 2, in the amount of \$343,000

INTRODUCED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

- 3. [AB2019-592](#) Ordinance establishing the Prox Lock Control Panel Replacement Fund and establishing a project based budget for the Prox Lock Control Panel Replacement Project

INTRODUCED

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

- 4. [AB2019-597](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point UGA, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

INTRODUCED FOR PUBLIC HEARING

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

- 5. [AB2019-480](#) Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation

WITHDRAWN

AB2019-480 to be scheduled for introduction at a later date.

- 6. [AB2019-583](#) Resolution to sell tax-title property by public auction

INTRODUCED FOR PUBLIC HEARING

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

- 7. [AB2019-600](#) Ordinance amending Whatcom County Code 11.16 to protect Lake Samish shoreline properties and Lake Samish water recreation

INTRODUCED

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

Nay: 2 - Brenner, and Byrd

Absent: 1 - Buchanan

8. **AB2019-606** Ordinance limiting 2020 property tax levy - Donovan

INTRODUCED FOR PUBLIC HEARING

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

9. **AB2019-607** Ordinance limiting the 2020 General Fund tax levy

INTRODUCED FOR PUBLIC HEARING

Aye: 6 - Brenner, Browne, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 1 - Buchanan

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN