

# **Whatcom County Council**

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



## **Meeting Agenda**

**Tuesday, December 5, 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 11.30.2023 AND 12.5.2023**

### **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

## FLAG SALUTE

## ANNOUNCEMENTS

The Council is currently holding meetings in hybrid format with options for in-person or remote viewing and participation. For instructions on how to watch or participate in the Council's meetings, visit [whatcomcounty.us/joinvirtualcouncil](http://whatcomcounty.us/joinvirtualcouncil) or contact the Council Office at 360.778.5010. Individuals who require special assistance to participate in the Council's meetings are asked to contact the Council Office at 360.778-5010 at least 96 hours in advance.

Per RCW 42.17A.555 the use of public facilities to support or oppose candidates or ballot issues is prohibited. Members of the public and the legislative body are not allowed to speak in support of, or in opposition to, a ballot measure or individual candidacy during an open public meeting. Please refrain from raising campaign issues when addressing the Council.

The County is accepting applications from county residents to fill vacancies on several boards, commissions, and committees spanning a wide range of important local issues. For more information, visit the Boards and Commissions vacancy webpage on the County website or call the Council Office or County Executive's Office.

## COUNTY EXECUTIVE'S REPORT

### MINUTES CONSENT

1. [MIN2023-074](#) Committee of the Whole Executive Session for November 21, 2023
2. [MIN2023-075](#) Committee of the Whole for November 21, 2023
3. [MIN2023-076](#) Regular County Council for November 21, 2023

### PUBLIC HEARINGS

To participate, please see instructions at [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) or contact the Council Office at 360.778.5010. All speakers are asked to state their name for the record and optionally include city of residence. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group. Speakers will be given three minutes to address the Council and will be notified when their three minutes are up. Speakers participating on-site in the Council Chambers will speak first, followed by those participating remotely.

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1. [AB2023-736](#) Ordinance amending Whatcom County Code Chapter 3.72, Construction projects - apprentice requirements, to align with RCW 39.04.320
2. [AB2023-748](#) Ordinance adopting various amendments to Whatcom County Code Title 20, Zoning, and Title 21, Land Division Regulations

### **OPEN SESSION**

During open session, audience members may speak to the council on issues not scheduled for public hearing. To participate, please see instructions at [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) or contact the Council Office at 360.778.5010. All speakers are asked to state their name for the record and optionally include city of residence. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group. Speakers will be given three minutes to address the Council and will be notified when their three minutes are up. Speakers participating on-site in the Council Chambers will speak first, followed by those participating remotely.

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### **CONSENT AGENDA**

Items under this section of the agenda may be considered in a single motion. Councilmembers have received and studied background material on all items. Committee review has taken place on these items, as indicated. Any member of the public, administrative staff, or council may ask that an item be considered separately.

(From Council Finance and Administrative Services Committee)

1. [AB2023-596](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington State University to continue the jointly shared costs for faculty positions and program support for WSU Whatcom County Extension in the amount of \$274,037 for a total amended contract amount of \$3,260,536.90
2. [AB2023-700](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the Port of Bellingham to lease the Whatcom Unified Emergency Coordination Center in the annual amount of \$88,055.20
3. [AB2023-720](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Seattle (Seattle City Light) for the purpose of recovering impact payments relative to their power plants and dams located in Whatcom County
4. [AB2023-768](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Mercy Housing Northwest to support operations at permanent supportive housing facilities in the amount of \$51,000 for a total amended contract amount of \$260,250

5. [AB2023-770](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Domestic Violence and Sexual Assault Services (DVSAS) to operate emergency shelters in the amount of \$65,307 for a total amended contract amount of \$116,870
6. [AB2023-777](#) Resolution ordering the cancellation of unredeemed checks (warrants) more than one year old
7. [AB2023-780](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for reimbursement for costs related to the Water Rights Adjudication in the amount of \$881,300
8. [AB2023-781](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and the City of Bellingham to extend the term of the Jail Use Agreement until December 31, 2024
9. [AB2023-782](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and the City of Sumas to extend the term of the Jail Use Agreement until December 31, 2024
10. [AB2023-783](#) Request authorization for the County Executive to enter into a contract between Whatcom County and RH2 to update the Whatcom County Coordinated Water System Plan, in the amount of \$150,000
11. [AB2023-786](#) Request authorization for the County Executive to enter into a 2-year contract between Whatcom County and Whatcom Law Group / Rajeev Majumdar for hearing examiner services for \$220,320
12. [AB2023-787](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Stephen Jackson Law, PLLC in order to have Stephen Jackson handle the RALJ Appeal matters for the Whatcom County Public Defender's Office for increased service costs in the amount of \$10,000.00
13. [AB2023-789](#) Request Authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Office of Public Defense for the purpose of improving the quality of public defense services in Washington State counties in the amount of \$213,905.00
14. [AB2023-790](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice for the FY23 Community Oriented Policing Services (COPS) Technology and Equipment Program grant, in the amount of \$500,000.00
15. [AB2023-792](#) Request authorization for the County Executive to enter into a contract between Whatcom County and YWCA Bellingham to operate a severe weather shelter for homeless women, in the amount of \$385,000

16. [AB2023-793](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Foundation Restoration LLC to install new FasTop SL45 Flooring at Whatcom County Disposal of Toxics, in the amount of \$53,877.98
17. [AB2023-794](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom Conservation District for Pollution Identification and Correction (PIC) Program technical assistance and cost share, in the amount of \$71,000.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
18. [AB2023-795](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom Conservation District to implement the Domestic-Municipal Water Use Efficiency Project, in the amount of \$33,000.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
19. [AB2023-796](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Birch Bay Chamber of Commerce for Visitor Center operations in the amount of \$136,000
20. [AB2023-797](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker Foothills for Visitor Center operations in the amount of \$146,000
21. [AB2023-798](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bellingham Whatcom County Tourism for costs related to tourism efforts in the amount of \$200,000
22. [AB2023-799](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Northwest Tune Up, LLC in support of tourism activities in the amount of \$50,000
23. [AB2023-800](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the Port of Bellingham in support of an art installation project to promote tourism in the amount of \$75,000
24. [AB2023-801](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Sustainable Connections for their Agritourism program to promote tourism in the amount of \$40,000
25. [AB2023-802](#) Request authorization for the County Executive to enter into Grant Amendment No. 1 between Whatcom County and the Washington State Department of Ecology, to provide for continued implementation of the Swift Creek Management Action Plan in the amount of \$1,040,989.97

26. [AB2023-803](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the installation of City owned and operated electric vehicle chargers
27. [AB2023-804](#) Request approval for the County Executive to award bid # 23-73 to successful bidder Faber Construction Corp and enter into a contract for the installation of a new modular office building at the Point Roberts Transfer Station, in the amount of \$228,060.00
28. [AB2023-805](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Everson for implementation of the Hazard Mitigation Grant Agreement to purchase twelve flood-damaged properties, four of which are in the City of Everson (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
29. [AB2023-806](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lake Whatcom Residential & Treatment Center to provide Leasing Specialist services in the amount of \$49,467 for a total amended contract amount of \$78,620
30. [AB2023-807](#) Request authorization for the County Executive to enter into a three-year agreement, using the State of Washington contract, between Whatcom County and Insight Public Sector for Neogov Onboard, Perform and Single Sign-On software, in the amount of \$150,695.09
31. [AB2023-810](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and YWCA Bellingham to operate shelter and transitional housing facilities in the amount of \$223,954 for a total amended contract amount of \$422,438
32. [AB2023-812](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Sound Earth Strategies LLC to provide remedial investigation/feasibility study and construction and permitting support services for the removal of existing underground storage tanks and sight remediation at the Whatcom County Central Shop facility, in the amount of \$138,737.00
33. [AB2023-818](#) Request authorization for the County Executive to authorize binding of coverage with Midwest Employer Casualty renewal for insurance protection for the self-insured workers compensation program in the amount of \$120,358 for calendar year 2024
34. [AB2023-821](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Sean Humphrey House to operate permanent supportive housing facilities for individuals living with HIV/AIDS in the amount of \$59,000 for a total amended contract amount of \$111,600

35. [AB2023-823](#) Request approval for the County Executive to award renewal of the Microsoft Enterprise Agreement for Annual Software Maintenance and enter into a three-year contract with CDW-G using the approved KCDA Cooperative Contract #AEPA 022-G, in the amount of \$849,567.27
36. [AB2023-826](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Summit Law Group to provide legal services for matters related to collective bargaining, in the amount not to exceed \$89,076 annually through December 31, 2026
37. [AB2023-829](#) Request authorization for the County Executive to enter into a grant contract between Whatcom County and the Department of Commerce for the purpose of providing stabilization support to new refugees in the amount of \$300,000
38. [AB2023-830](#) Request authorization for the County Executive to enter into a contract agreement between World Relief Western Washington and Whatcom County for the provision of direct services assisting in the stabilization of newly arriving refugees in the amount of \$300,000
39. [AB2023-834](#) Resolution certifying Whatcom County's property tax levies for collection in 2024 to the County Assessor

## **OTHER ITEMS**

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

1. [AB2023-746](#) Ordinance closing Sudden Valley Stormwater Improvement Fund 371
2. [AB2023-752](#) Ordinance closing the Marine Drive, Locust Avenue to Alderwood Avenue Fund 380
3. [AB2023-754](#) Ordinance amending the 2023 Whatcom County Budget, request no. 16, in the amount of 9,531,078
4. [AB2023-763](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to operate the Positive Adolescent Development Program in the amount of \$140,000 for a total amended contract amount of \$259,600
5. [AB2023-766](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Fire Protection District #7 for the provision of Advanced Life Support services, in the amount of \$3,189,754.00
6. [AB2023-767](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the provision of Advanced Life Support services, in the amount of \$12,830,990.00

7. [AB2023-771](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to operate the permanent supportive housing facility, 22 North, in the amount of \$648,568 for a total amended contract amount of \$1,486,670
8. [AB2023-784](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Youth Services to operate the Ground Floor Day-Use Center, in the amount of \$170,000
9. [AB2023-809](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pioneer Human Services to operate a permanent supportive housing facility known as City Gate, in the amount of \$568,733 for a total amended contract amount of \$2,078,683
10. [AB2023-819](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide housing case management services in the amount of \$1,231,981 for a total amended contract amount of \$3,160,183
11. [AB2023-820](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lake Whatcom Residential & Treatment Center to provide behavioral health support services at the downtown Bellingham Public Library, in the amount of \$185,000

**(From Council Planning and Development Committee)**

12. [AB2023-750](#) Resolution approving recommendations on applications for open space current use assessment

**(From Council Committee of the Whole)**

13. [AB2023-775](#) Ordinance amending Whatcom County Code Chapter 2.03, Boards and Commissions
14. [AB2023-778](#) Ordinance submitting to the qualified voters of Whatcom County a proposal to amend Whatcom County Charter Section 4.30 to expand the standards for conflict of interest
15. [AB2023-791](#) Resolution to establish an independent review of countywide fire and EMS structures

**(No Committee Assignment)**

16. [AB2023-824](#) Approval of special standing meeting dates for 2024

**COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**



1. [AB2023-833](#) Appointment to vacancies on the Forest Resilience Task Force, Applicant(s): Russ Pfeiffer-Hoyt, T. Abe Lloyd, David Wallin, Ellyn Murphy, Alexander Harris, Oliver Grah, Laura Weiss, and Jennifer Mackey

### **CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

Per Whatcom County Code 2.03.070(B), the council must confirm or reject executive appointments within 30 days of submission to the council. County code deems the appointee confirmed if council does not take action within this time.

1. [AB2023-808](#) Request confirmation of the County Executive's appointment of Geoff Klise to the Parks and Recreation Commission

### **ITEMS ADDED BY REVISION**

1. [AB2023-835](#) Appointment of Whatcom County Sheriff to fill vacancy between January 1 and January 8, 2024

**ADDED 11.30.2023**

2. [AB2023-837](#) Resolution encouraging the County Executive to pursue opportunities for property acquisitions that promote conservation, economic development, and tourism associated with Bellingham to Mt. Baker trails

**ADDED 12.5.2023**

3. [AB2023-838](#) Request authorization for the County Executive, acting on behalf of the Flood Control Zone District, to take out loans from the Whatcom County Investment Pool

**ADDED 12.5.2023**

### **INTRODUCTION ITEMS**

Council action will not be taken. The council may accept these items for introduction (no action) in a single motion. Changes, in terms of committee assignment for example, may be made at this time.

1. [AB2023-822](#) Ordinance adopting two-tenths of one-percent sales and use tax for the purpose of funding public health, safety, and justice facilities and services, including a new county jail, behavioral health, supportive housing, public safety, and criminal justice facilities and programs
2. [AB2023-840](#) Ordinance amending the 2023 Whatcom County Budget, request no 17, in the amount of \$1,400,000

**ADDED 12.5.2023**

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

### **ADJOURN**