

Whatcom County Council

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



Minutes - Final

Tuesday, December 5, 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 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

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

Buchanan gave certificates of appreciation to the following retiring staff:

- Bill Elfo, Sheriff
- Diana Bradrick, County Auditor
- Karen Frakes, Prosecuting Attorney's Office

and to the following departing Councilmembers:

- Carol Frazey
- Kathy Kershner

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, thanked Kershner and Frazey for their service and presented them with flowers. He also recognized Elfo, Bradrick, and Frakes. He stated it is his honor to return as Executive for another four years.

He updated the Councilmembers on:

- Flooding this week
- The public health, safety and justice facilities and services tax
- Upcoming topics including the 2025-2026 Biennial Budget and the Comprehensive Plan

MINUTES CONSENT

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

1. [MIN2023-074](#) Committee of the Whole Executive Session for November 21, 2023

Byrd moved and Donovan 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. [MIN2023-075](#) Committee of the Whole for November 21, 2023

Byrd moved and Donovan 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. [MIN2023-076](#) Regular County Council for November 21, 2023

Byrd moved and Donovan 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. [AB2023-736](#) Ordinance amending Whatcom County Code Chapter 3.72, Construction projects - apprentice requirements, to align with RCW 39.04.320

Buchanan opened the Public Hearing and the following people spoke:

- Karl de Jong
- Lisa Marx
- Rory Silva
- Dennis Halloran
- Edward King
- Miguel Perry
- Robert McCloud
- John Cogswell
- John Collins
- Wyatt Hamm
- Name not stated

Hearing no one else, Buchanan closed the Public Hearing.

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

Donovan thanked people who shared. He acknowledged former

Councilmember Rud Browne for bringing this forward in the first place. He stated we passed the program previously and are now pausing it to let the State catch up.

Elenbaas spoke about the trades in the high schools and a letter sent to Council from Associated General Contractors (AGC) in support of this ordinance.

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 2023-077

2. [AB2023-748](#) Ordinance adopting various amendments to Whatcom County Code Title 20, Zoning, and Title 21, Land Division Regulations

Cliff Strong, Planning and Development Services Department, stated this is the annual code scrub and pointed out a scrivener's error in Exhibit A. He did not delete section 20.67.100.107 (Mini-day care centers...) and that should have been stricken based on discussions in a previous meeting.

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

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

Strong spoke about the only substantive change in the code scrub which was the language requiring an additional parking space for visitors for developments on private roads.

Frazey'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 2023-078

OPEN SESSION

The following people spoke:

- Mark Lann

- Christopher Deile
- Bruce Ansell
- Kendra Cristelli
- John Ferdon
- David Forbes
- Michael Gustafson
- Joshua Serface
- Scott Painter
- Omar Mejia
- Todd Lagestee
- Nick Karstetter
- Scott Farrell
- David Wallin
- Rosemary Van Beek
- Misty Flowers
- RobRoy Graham
- Markis Dee
- Tony Melillo
- Emily Weaver
- Hannah Ordos
- Larry Hoffman
- Melissa Gragg
- Natalie Chavez
- Lyle Sorenson
- Hank Maleng
- Alexander Harris

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 through 39.

Elenbaas requested they vote separately on the following items:

1. AB2023-596
7. AB2023-780
10. AB2023-783
17. AB2023-794

- 26. AB2023-803
- 37. AB2023-829
- 39. AB2023-834

Councilmembers voted on Consent Agenda Item numbers 2-6, 8, 9, 11-16, 18-25, 27-36, and 38 (see votes on individual items below).

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

This item was considered separately below.

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

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

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

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

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

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. [AB2023-770](#) 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

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

6. [AB2023-777](#) Resolution ordering the cancellation of unredeemed checks (warrants) more than one year old

Kershner reported for the Finance and Administrative Services 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 2023-051

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

This item was considered separately below.

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

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. [AB2023-782](#) 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

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. [AB2023-783](#) 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

This item was considered separately below.

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

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

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

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

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

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

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

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

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

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

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

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

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)

This item was considered separately below.

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)

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

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

Nay: 0

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This item was considered separately below.

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

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

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)

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

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

Nay: 0

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This item was considered separately below.

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

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

39. [AB2023-834](#) Resolution certifying Whatcom County's property tax levies for collection in 2024 to the County Assessor

Enactment No: RES 2023-052

This item was considered separately below.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

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

Kershner reported for the Finance and Administrative Services Committee and ***moved*** that the Memorandum of Agreement be AUTHORIZED.

Tyler Schroeder, Director of Administrative Services, answered whether we are using the General Fund to fund the WSU extension, whether we ask for this or whether they ask us, and whether the 4H program is funded with the General Fund.

Kershner's motion that the Memorandum of Agreement be AUTHORIZED carried by the following vote:

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

Nay: 0

Temp Absent: 1 - Galloway

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

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

Tyler Schroeder, Director of Administrative Services, answered what the money will pay for, what the timeline is for the courtroom to be up and running, whether the future courtroom will be onsite or whether it will be remote (or both), whether we would have to fund the \$881,300 with Whatcom County dollars instead of accepting the money from the State if

the Council votes no on this, and whether the physical space for the courtroom will be on the fifth floor.

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

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

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

Gary Stoyka, Public Works Department, answered which coordinated water plan this is, and stated it is all of the potable water systems in the county. He answered whether RH2 is a local company and stated they are based in Bothell but have a local office.

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

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

Nay: 0

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)

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

Elenbaas compared the Pollution Identification and Correction (PIC) Program (with an enforcement arm) and the Homeowner Incentive Program in the Lake Whatcom Watershed (no enforcement) and whether there might be a better outcome if they take the same approach here as in the watershed.

Kershner's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:

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

Nay: 1 - Elenbaas

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

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

Tyler Schroeder, Director of Administrative Services, answered whether there are no dollar amounts attached to these documents because we are allowing the City to install the chargers on County property, and whether we do not think we need to get reimbursement since the City is using our asset. Schroeder spoke about the discussion earlier in committee on this item and that there is give and take with usage of City and County-owned parking lots.

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

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

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

Tyler Schroeder, Director of Administrative Services, answered whether this is a pass-through grant from the Department of Commerce and he stated that is correct.

Jed Holmes, Administrative Services Community Outreach Facilitator, stated it is broader than just Ukrainian refugees and serves other refugees from other conflicts as well.

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

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

Nay: 0

39. [AB2023-834](#) Resolution certifying Whatcom County's property tax levies for collection in 2024 to the County Assessor

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

Tyler Schroeder, Director of Administrative Services, briefed the

Councilmembers on the resolution and how it is different than AB2023-650 which the Council considered on Monday, and stated this shows the actual amounts of the levy for the General Fund, the Road Fund, the Countywide EMS Fund, the Flood Control District, and the Conservation Futures Fund. The resolution passed on Monday was for the junior taxing districts and this is for the county. He answered what the refund amounts are.

Kershner'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 2023-052

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2023-746](#) Ordinance closing Sudden Valley Stormwater Improvement Fund 371

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 2023-079

2. [AB2023-752](#) Ordinance closing the Marine Drive, Locust Avenue to Alderwood Avenue Fund 380

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 2023-080

3. [AB2023-754](#) Ordinance amending the 2023 Whatcom County Budget, request no. 16, in the amount of 9,531,078

Kershner reported for the Finance and Administrative Services Committee and ***moved*** that the Ordinance be ADOPTED.

Tyler Schroeder, Director of Administrative Services, answered whether the line items for the Prosecuting Attorney's Office are in addition to what was just approved in the mid-biennium budget discussions, and stated these amounts are for 2023. The actions in the budget discussions were for 2024. He answered whether this represents additional staff, and when the case management system will be up and running.

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 2023-081

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

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

Elenbaas spoke about the claims of performance in the contract and whether the County verifies the outcomes of the program. The following people answered questions:

- Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager
- Tyler Schroeder, Director of Administrative Services

Councilmembers discussed having a mechanism to audit the program outcomes, what information should be audited, asking the Health and Community Services Department to make sure that the requirement to report to the Council is still included in the contract before Council passes this, how the program goals have changed, and whether Council could get access to the quarterly reports.

Schroeder stated they have every intention of asking the Health Department to come back in 2024 to provide an update on the quarterly reports and the work associated with Northwest Youth Services.

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

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

Nay: 0

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

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

Buchanan stated this is a substitute agreement.

Donovan spoke about giving more time to figure out the work issue associated with the EMS Captain position but he supports the amended version of the contract.

Byrd stated the only way he would be supportive of holding this one is if they held the next one too.

Byrd moved to approve the original contract instead of the substitute. The motion **failed** for lack of a second.

Councilmembers discussed the motion to approve the substitute agreement.

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

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

Nay: 0

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

Kershner reported for the Finance and Administrative Services Committee and moved that the SUBSTITUTE Interlocal be AUTHORIZED. The motion carried by the following vote:

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

Nay: 1 - Byrd

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

Kershner reported for the Finance and Administrative Services Committee

and ***moved*** that the Contract be AUTHORIZED.

Elenbaas read from the contract. He stated these are things they are trying to add to have a good outcome but it is too little too late.

Kershner stated she just got word that someone is at 22 North to visit a resident and there are no staff there right now. She does not feel good about this contract.

Galloway spoke about the amount of work the Opportunity Council has done to try to make improvements. She fears not having permanent supportive housing.

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

Karen Frakes, Prosecuting Attorney's Office, answered whether it is a conflict of interest for someone on the board of the Opportunity Council to be voting on funding for the Opportunity Council, and stated under the law it is not. The difference is between being a board member as opposed to an officer.

Councilmembers and Frakes discussed the concern.

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

Aye: 4 - Buchanan, Donovan, Frazey, and Galloway

Nay: 3 - Byrd, Elenbaas, and Kershner

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

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. [AB2023-809](#) 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

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

Elenbaas asked whether they need to have a board member on City Gate's board of directors in order to make sure the money is going where it needs to go.

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

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

Nay: 0

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

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

Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager, answered whether there is no reference to 22 North in this funding and stated that is correct.

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

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

Nay: 1 - Byrd

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

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

Elenbaas stated he assumes the reason we are stationing someone at the library is location and he is questioning the appropriateness of that placement.

Tyler Schroeder, Director of Administrative Services, stated it is in partnership with the City of Bellingham and the City is the one that owns and operates the library.

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

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

Nay: 0

(From Council Planning and Development Committee)

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

Elenbaas reported for the Planning and Development 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 2023-053

(From Council Committee of the Whole)

13. [AB2023-775](#) Ordinance amending Whatcom County Code Chapter 2.03, Boards and Commissions

Buchanan reported for the Committee of the Whole and ***moved*** that the Ordinance be ADOPTED.

Councilmembers discussed the proposed changes for qualification requirements (2.03.090 Qualifications), that the ordinance would still be requiring applicants to live within Whatcom County, whether it applies to all advisory groups, and that the code for each individual advisory group would be the superseding code.

Jill Nixon, Council Office Staff, answered what changes were made to the advisory group application form that she sent to the Council. She stated the language that asked for a person's street address now asks for the address of primary (principal) residence, she removed the questions that asked if applicants are registered voters and a U.S. citizen, she changed the language to "advisory groups" to match the new phrasing in the ordinance, and she added a sentence about affirming that the information provided in the application is true and correct. She answered whether this code also applies to Executive advisory groups and stated it does.

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

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

Nay: 2 - Elenbaas, and Kershner

Enactment No: ORD 2023-082

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

Buchanan reported for the Committee of the Whole and ***moved*** that the Ordinance be ADOPTED.

Elenbaas spoke about it being a Council-driven Charter amendment and not coming from the Charter Review Commission.

Councilmembers voted on the ordinance (see vote below) and then continued to discuss it.

Dana Brown-Davis, Clerk of the Council, answered what ballot it will go on and stated it would go on the general November ballot.

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

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

Nay: 1 - Elenbaas

Enactment No: ORD 2023-083

15. [AB2023-791](#) Resolution to establish an independent review of countywide fire and EMS structures

Buchanan reported for the Committee of the Whole and ***moved*** that the Resolution be APPROVED.

Councilmembers discussed the motion, that the focus is on the Resolution and not on Exhibit C of the memo, and whether the groups should be given the chance to come with solutions before paying a third party.

Dana Brown-Davis, Clerk of the Council, stated that this is a substitute.

Buchanan's motion that the SUBSTITUTE Resolution be APPROVED carried by the following vote:

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

Nay: 1 - Elenbaas

Abstain: 1 - Kershner

Enactment No: RES 2023-054

(No Committee Assignment)

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

Donovan moved and Byrd seconded that the Request for Motion be APPROVED. The motion carried by the following vote:

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

Nay: 0

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

Buchanan read the applicants into the record.

Councilmembers considered the following positions:

Community member with expertise in owning or managing forest lands for conservation purposes (1 VACANCY)

- Jennifer Mackey (late application)

Community member with expertise in climate, salmon recovery, and natural resources policy (1 VACANCY)

- Alexander Harris

Community member with relevant science discipline (2 VACANCIES)

- T. Abe Lloyd
- David Wallin

Kershner moved to appoint all by acclamation.

Galloway stated there were some late applications and asked if they need a motion to consider those.

Kershner withdrew her motion.

Galloway moved to accept late applications. The motion was seconded by Donovan.

The motion carried by the following vote:

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

Nay: 0

Kershner moved to appoint the first three categories by acclamation. The motion was seconded by Frazey.

None of the applicants were available to speak.

The motion carried by the following vote:

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

Nay: 0

Councilmembers considered the Community member with expertise in forest management/wood products industry (1 VACANCY)

- Ellyn Murphy
- Gregory Houle

The following applicant spoke and answered questions:

- Ellyn Murphy

Donovan moved and Frazey seconded to nominate the two applicants (Ellyn Murphy and Gregory Houle).

Councilmembers discussed the applicants.

Ellyn Murphy was appointed with five votes as follows:

Byrd: Houle

Donovan: Murphy

Elenbaas: Houle

Frazey: Murphy

Galloway: Murphy

Kershner: Murphy

Buchanan: Murphy

Councilmembers considered the Community member w/ expertise in watershed management (incl. Lake Whatcom) and/or land use planning

- Oliver Grah
- Laura Weiss

Neither applicant was present.

Kershner moved and Donovan seconded to nominate both applicants.

Councilmembers discussed the applicants and Oliver Grah was appointed with four votes as follows:

Donovan: Weiss
Elenbaas: Weiss
Frazey: Grah
Galloway: Grah
Kershner: Grah
Buchanan: Grah
Byrd: Weiss

Councilmembers considered the Representative of Trust Land Beneficiaries (2 VACANCIES)

- Russ Pfeiffer-Hoyt
- Tony Melillo (late application)
- Christine Perkins (late application)

Donovan moved and Buchanan seconded to nominate all the applicants.

None of the applicants were present.

Councilmembers discussed the applicants and Pfeiffer-Hoyt and Melillo were appointed with six votes each as follows:

Elenbaas: Melillo and Pfeiffer-Hoyt
Frazey: Melillo and Perkins
Galloway: Pfeiffer-Hoyt and Melillo
Kershner: Pfeiffer-Hoyt and Melillo
Buchanan: Perkins and Pfeiffer-Hoyt
Byrd: Pfeiffer-Hoyt and Melillo
Donovan: Pfeiffer-Hoyt and Melillo

Positions were APPOINTED.

MOTION SUMMARY

Appointed as follows:

Community member with expertise in owning or managing forest lands for conservation purposes (1 VACANCY):
Jennifer Mackey 7-0;

Community member with expertise in climate, salmon recovery, and natural resources policy (1 VACANCY):
Alexander Harris 7-0;

Community member with relevant science discipline (2 VACANCIES):

T. Abe Lloyd 7-0

David Wallin 7-0;

Community member with expertise in forest management/wood products industry (1 VACANCY):

Ellyn Murphy with 5 votes;

Community member w/ expertise in watershed management (incl. Lake Whatcom) and/or land use planning:

Oliver Grah with 4 votes;

Representative of Trust Land Beneficiaries (2 VACANCIES):

Russ Pfeiffer-Hoyt (with 6 votes)

Tony Melillo (with 6 votes)

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

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

Frazey moved and Kershner seconded that the Executive Appointment be CONFIRMED.

The applicant answered questions.

Frazey's motion that the Executive Appointment be CONFIRMED carried by the following vote:

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

Nay: 0

ITEMS ADDED BY REVISION

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

Buchanan moved and Galloway seconded that Tanksley be APPOINTED.

The motion carried by the following vote:

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

Nay: 0

Appointed Sheriff Elect Tanksley 7-0

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

Buchanan reported for the Committee of the Whole and **moved** that the SUBSTITUTE Resolution be APPROVED.

Councilmembers discussed the resolution and Galloway stated she has concerns about the Bay to Baker Trail because it involves multi-jurisdictional discussion and there is a lot to still figure out about that area.

Galloway moved to amend the resolution to strike the Whereas statement on page one of the resolution (lines 29-32):

~~WHEREAS, Chapter 9 of that plan also includes Policy 9C-26: Bay to Baker Trail—Develop and implement a plan to secure Rights of Way for trail segments along the abandoned RR R/W in conjunction with the Nooksack River Trail to achieve a contiguous trail system between communities and recreation areas; and~~

The motion was seconded by Donovan.

The motion to amend carried by the following vote:

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

Nay: 0

Buchanan's motion that the SUBSTITUTE Resolution be APPROVED AS AMENDED carried by the following vote:

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

Nay: 1 - Elenbaas

Enactment No: RES 2023-055

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

Buchanan reported for the Finance and Administrative Services Committee and moved that the Request for Motion be APPROVED. The motion carried by the following vote:

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

Nay: 0

INTRODUCTION ITEMS

Frazey moved to introduce items one and two. The motion was seconded by Byrd (see votes on individual items below).

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

Frazey 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. [AB2023-840](#) Ordinance amending the 2023 Whatcom County Budget, request no 17, in the amount of \$1,400,000

Frazey 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

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave Committee reports and gave other updates and spoke about departing Councilmembers and staff.

ADJOURN

The meeting adjourned at 10:33 a.m.

The County Council approved these minutes on January 9, 2024.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE