

Whatcom County Council

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



Minutes - Final

Tuesday, October 25, 2022

6 PM

Hybrid Meeting

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

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 Todd Donovan 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

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, presented the 2023-2024 Whatcom County Budget Message.

MINUTES CONSENT

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

1. [MIN2022-063](#) Committee of the Whole Executive Session for October 11, 2022

Buchanan moved and Frazey 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

Absent: 0

2. [MIN2022-064](#) Committee of the Whole for October 11, 2022

Buchanan moved and Frazey 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

Absent: 0

3. [MIN2022-065](#) Regular County Council for October 11, 2022

Buchanan moved and Frazey 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

Absent: 0

4. [MIN2022-066](#) Water Work Session for October 18, 2022

Buchanan moved and Frazey 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

Absent: 0

PUBLIC HEARINGS

1. [AB2022-529](#) Ordinance approving a system of rates and charges for the Whatcom Conservation District

Heather Christianson, Whatcom Conservation District (WCD) Board of Supervisors Chair, briefed the Councilmembers.

Donovan opened the Public Hearing and the following person spoke:

- Don Starr

Steve Oliver, Whatcom County Treasurer, spoke about a proposed amendment to the Ordinance that he sent to the Councilmembers.

Public comment continued and the following people spoke:

- Chris Diele
- Michael Feerer
- Wendy Harris

Hearing no one else, Donovan closed the Public Hearing.

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

Karen Frakes, Prosecuting Attorney's Office, spoke about the proposed amendment sent to Council by the County Treasurer. She stated she is supportive of the change and does not believe the change will affect the

Council's ability to adopt this tonight.

Galloway moved to amend section five in the Ordinance as follows:

~~**Section 5.** As provided in RCW 89.08.405(6), the County shall retain one-percent (1%) of the amount collected by the County Treasurer to reimburse the County for the costs of collection.~~

Section 5. As provided in RCW 89.08.405(6), the County Treasurer shall deduct an amount from the collected rates and charges, as established by the county legislative authority, to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the rates and charges, but not to exceed the actual costs of such work.

The motion was seconded by Frazey.

The motion to amend carried by the following vote:

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

Nay: 0

Councilmembers discussed the main motion.

Galloway's motion that the Ordinance Requiring a Public Hearing be ADOPTED AS AMENDED carried by the following vote:

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

Enactment No: ORD 2022-066

2. [AB2022-545](#) Resolution adopting the 2023-2028 Six-Year Water Resources Improvement Program (WRIP) by the Whatcom County Council (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Gary Stoyka, Public Works Department, stated he did not have a report.

Donovan opened the Public Hearing and the following people spoke:

- Cliff (last name not stated)
- Misty Flowers
- Shannon Buckley

Hearing no one else, Donovan closed the Public Hearing.

Frazey moved and Kershner seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED.

Paula Harris, Public Works Department, answered what the connection is between this long-range plan and some of the flood-related repairs and mitigation efforts they have been working on.

Kershner invited the public to look at the Public Works Department website for flood information. There have also been several updates in Council Committee meetings and Water Work Session meetings on various plans that the County has put in place.

Harris answered whether the County is limited to the projects listed on this six-year plan.

Frazey's motion that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-043

3. [AB2022-555](#) Resolution approving the Whatcom County 2023 Annual Construction Program
Jim Karcher, Public Works Department, briefed the Councilmembers.

Donovan opened the Public Hearing and the following person spoke:

- Cynthia (last name not stated)

Hearing no one else, Donovan closed the Public Hearing.

Kershner moved and Buchanan seconded that the Resolution Requiring a Public Hearing be APPROVED.

Karcher answered questions about the language in the Resolution “that no changes be made in the program without the unanimous vote of the Whatcom County Council” and whether that is statutorily required or unique to this plan, and Annual Program Item numbers 44 and 45 regarding the Lummi Island ferry and the relocation of the Gooseberry Terminal and what sort of flexibilities exist with those projects should circumstances change (different technologies may result in different costs).

Kershner's motion that the Resolution Requiring a Public Hearing be APPROVED carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-044

OPEN SESSION

The following people spoke:

- Cynthia Ripke-Kutsagoitz
- Emily Freudenberger
- Rochelle Hallowell
- Ivy Little
- Christopher Diele
- Pamela Carron
- Jillian Froebe
- Sophie McMahon
- Rob Lewis
- Carly Lloyd
- Elizabeth Kerwin
- Asa Menlove
- Susan David
- Cory McDonald
- Brel Froebe
- Jay McAfee
- Name not stated
- Natalie Chavez
- Barbara Powers
- Todd Lagestee
- Name not stated
- Lyle Sorenson
- Michael Feerer
- Bill Turner
- Kai Clarke
- Misty Flowers
- Wendy Harris
- Sara Rose

- Judith Akins
- Cliff (last name not stated)
- Hannah (last name not stated)

Hearing no one else, Donovan closed the Open Session.

Clerk's note: Councilmembers took a short break.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Byrd reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items one through ten. Councilmembers voted on those items (see votes on individual items below).

1. [AB2022-563](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce for Drug Task Force Justice Assistance Grant (JAG), in the amount of \$199,375.00

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

Nay: 1 - Elenbaas

Absent: 0

2. [AB2022-564](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and South Whatcom Fire Authority for fire protection services in an amount determined by the current levy rate and the assessed value of improvements on the park properties within the district

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2022-567](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority to establish an alternative response team to respond to 911 calls that do not require law enforcement, in the amount of \$2,213,000

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2022-572](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for reimbursement of overtime for two Sheriff's Office detectives, in the amount of \$39,681.50

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

Nay: 1 - Elenbaas

Absent: 0

5. [AB2022-573](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Organized Crime Drug Enforcement Task Forces (OCDETF) for reimbursement of overtime of Whatcom County Sheriff's Office deputies engaged in OCDETF investigation PA-WAW-0363, in the amount of \$2,500.00

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

Nay: 1 - Elenbaas

Absent: 0

6. [AB2022-574](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Organized Crime Drug Enforcement Task Forces (OCDETF) for reimbursement of overtime of Whatcom County Sheriff's Office deputies engaged in OCDETF investigation PA-WAW-0362, in the amount of \$2,500.00

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

Nay: 1 - Elenbaas

Absent: 0

7. [AB2022-578](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for partial funding of the ongoing maintenance and operations of the Crisis Stabilization Center, in the amount of \$65,000

Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion failed by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

8. [AB2022-580](#) 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, 2023

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

Nay: 1 - Elenbaas

Absent: 0

9. [AB2022-582](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for design and construction costs associated with the Meridian Birchwood Roundabout project in the amount of \$2,625,000

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

Nay: 1 - Elenbaas

Absent: 0

10. [AB2022-590](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for joint support of the

Whatcom Racial Equity Committee in the amount of \$600,000

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

Nay: 1 - Elenbaas

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2022-536](#) Ordinance amending Whatcom County Code 2.21.030 to increase the per diem amount paid to Board of Equalization members

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

Councilmembers discussed the motion.

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-067

2. [AB2022-554](#) Ordinance amending the 2022 Whatcom County Budget, request no. 14, in the amount of \$420,917

Byrd 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

Absent: 0

Enactment No: ORD 2022-068

3. [AB2022-576](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide funding to support childcare

stabilization, in the amount of \$1,489,509

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

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

4. [AB2022-579](#) Request authorization for the County Executive to enter into a Subrecipient Agreement between Whatcom County and Opportunity Council for pass-through of a CDBG Public Services grant for the delivery of direct public services in the amount of \$131,000

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

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

Nay: 1 - Byrd

Absent: 0

(From Council Public Works and Health Committee)

5. [AB2022-562](#) Resolution adopting Whatcom County Public Works policies as required by the County Road Administration Board

Kershner reported on AB2022-565 from the Public Works and Health Committee.

Galloway made a point of order that this item is AB2022-562.

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

Absent: 0

Enactment No: RES 2022-045

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-547](#) Appointments to fill two vacancies on the Forestry Advisory Committee, commercial

forestry landowner positions, Applicants: John Gold and David Janicki

**Frazey moved and Galloway seconded that both applicants be APPOINTED.
The motion carried by the following vote:**

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

Nay: 0

Absent: 0

2. [AB2022-556](#) Appointment to fill one vacancy on the Forestry Advisory Committee, citizen with forestry expertise, applicant(s): Charles Bagley Wright

Buchanan moved and Galloway seconded that the Council Appointment Requiring Introduction be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-577](#) Request confirmation of the County Executive's appointments to the Whatcom County Commission on Salaries for Elected Officials

Galloway moved and Frazey seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Abstain: 1 - Elenbaas

2. [AB2022-588](#) Request confirmation of the County Executive's appointment of Russell Baird Tewskbury to the Civil Service Commission

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

Elenbaas stated the individual has an interesting resume.

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

Absent: 0

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

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

1. [AB2022-571](#) Ordinance amending the Whatcom County Code relating to Personal Wireless Service Facilities

Galloway moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-069

2. [AB2022-538](#) Appointment to fill a vacancy on the Criminal Justice Treatment Account Panel, Substance Use Disorder Treatment Agency Position, Applicant(s): Julie Grendon

Galloway moved and Buchanan 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

Absent: 0

3. [AB2022-592](#) Appointment to fill a vacancy on the Forestry Advisory Committee, Small Forest Landowner Position, Applicant(s): Holly Koon

Galloway moved and Buchanan 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

Absent: 0

4. [AB2022-593](#) Appointment to fill a vacancy on Drainage District 3, Commissioner Position #3, Applicant(s): Paul Sangha

Galloway moved and Buchanan 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

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave Committee reports and other updates.

Dana Brown-Davis, Clerk of the Council, read into the record the title of the item that was added to the Committee of the Whole Executive Session agenda by revision (AB2022-598).

Elenbaas asked why Councilmember Donovan recused himself from that item and whether there is anything the Council needs to think about.

Galloway updated the Council on what she has been learning regarding the Box of Rain forest, the Appointments Project at Whatcom Community College (which is about engaging people in public boards, committees, and commissions), and a ride-along that she and Councilmember Frazey took with the Bellingham Fire Department. She thanked the Whatcom Housing Alliance for the housing week they put on last week.

Kershner reported on the Emergency Operations Center briefing on how to be prepared for emergencies, and a presentation from the Whatcom Housing Alliance on the Way Station.

Kershner moved to ask the Administration to come back to the Council with options for building and funding a new correctional facility.

The motion was seconded by Elenbaas.

Satpal Sidhu, County Executive, and Councilmembers discussed the motion, funding ideas and finding creative solutions, and when the final report from the Incarceration Prevention and Reduction Task Force (IPRTF) will be presented to Council.

Kershner restated her motion to ask the Administration to come back to

the Council with a report on potential funding opportunities for a new correctional facility.

Councilmembers and Sidhu continued to discuss the motion, when the information should be brought to the Council, and having a sense of what the options are that they might be negotiating with the cities.

The motion carried by the following vote:

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

Nay: 0

Elenbaas spoke about going into this time of year and stated he hopes that we continue to look for more tools to put in our flooding toolbox.

MOTION SUMMARY:

Motion approved 7-0 to ask the Administration to come back to the Council with a report on potential funding opportunities for a new correctional facility.

ADJOURN

The meeting adjourned at 9:45 p.m.

The County Council approved these minutes on November 9, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Todd Donovan, Council Chair

Kristi Felbinger, Minutes Transcription

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