

Whatcom County Council

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



Action Summary

Tuesday, February 22, 2022

6 PM

Virtual Meeting

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010); AGENDA
REVISED 2.22.2022**

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

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

MINUTES CONSENT

1. [MIN2022-012](#) Committee of the Whole Executive Session for February 8, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2022-013](#) Committee of the Whole for February 8, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

3. [MIN2022-014](#) Regular County Council for February 8, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

4. [MIN2022-015](#) Water Work Session for February 15, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

- 1. [AB2022-082](#) Ordinance adopting various minor amendments to Whatcom County Code Titles 20 (Zoning), 21 (Land Division Regulations) and 22 (Land Use and Development)

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-012

- 2. [AB2021-606](#) Ordinance adopting amendments to the Whatcom County Code Title 20, Zoning, to provide additional affordable housing options, including allowing and regulating tiny homes and allowing duplexes in planned unit developments

SUBSTITUTE ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-013

APPROVAL OF COMPREHENSIVE PLAN AMENDMENTS

- 1. [AB2021-420](#) Ordinance amending the Whatcom County Comprehensive Plan Map and zoning code for the Nooksack Falls Exclave within the Mount Baker-Snoqualmie National Forest

ADOPTED

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

Nay: 0

Absent: 0

Abstain: 1 - Byrd

Enactment No: ORD 2022-014

- 2. [AB2022-036](#) Ordinance repealing the Cherry Point Ferndale Subarea Plan and deleting a reference to the Subarea Plan in the Whatcom County Comprehensive Plan

ADOPTED

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

Nay: 0

Absent: 0

Abstain: 1 - Byrd

Enactment No: ORD 2022-015

CONCURRENT REVIEW

Motion carried 6-0-1, with Byrd abstaining, to approve the above Comprehensive Plan amendments concurrently.

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2022-037](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Flex Financial, a division of Stryker Sales Corporation, for two additional gurneys not included in the original agreement, increasing the agreement by \$116,700.03

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

2. [AB2022-074](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Cascadia Law Group, PLLC for legal advice, in the amount of \$60,000 for a total amended amount of \$100,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

3. [AB2022-081](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for alterations to Fire Station 75 in the amount of \$150,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

4. [AB2022-101](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Bellingham Technical College for accreditation services for the paramedic training program, in the amount of \$42,200

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

5. [AB2022-107](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lifeline Connections for psychiatric services in the amount of \$187,200.00

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

6. [AB2022-112](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Community College to provide Adult Basic Education and GED classes to people residing in the county jail in the amount of \$60,524.00

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

7. [AB2022-116](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to operate the Whatcom Homeless Service Center in the amount of \$574,760 for a total amended contract amount of \$2,225,008

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

8. [AB2022-117](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Commerce to provide resources to obtain and maintain housing stability to people

who are experiencing homelessness, in the amount of \$282,878 for a total amended agreement amount of \$7,824,102

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

9. [AB2022-126](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Bird's Eye Medical to provide COVID-19 vaccine administration services at community vaccine clinics, in the amount of \$275,000 for a total amended contract amount of \$315,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

10. [AB2022-130](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to build a health, resource, and service navigation system that will provide timely connection of parents and children, pre-natal to five years, to a range of protective and supportive services, in the amount of \$77,797

WITHDRAWN

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2022-086](#) Ordinance amending the 2022 Whatcom County Budget, request no. 5, in the amount of \$7,750,231

ADOPTED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: ORD 2022-016

2. [AB2022-088](#) Ordinance closing the State Street Building Acquisition and Improvement Fund 348

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-017

3. [AB2022-089](#) Ordinance establishing the Way Station Project Fund and establishing a project based budget for the Way Station Project

ADOPTED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: ORD 2022-018

(From Council Committee of the Whole)

4. [AB2022-111](#) Resolution establishing a Respectful Workplace Standard

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2022-009

(No Committee Assignment)

5. [AB2022-083](#) Ordinance amending Ordinance No. 2021-064 (Review of Response to COVID-19 Pandemic) to change project timeline

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-019

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-073](#) Appointment to the Stakeholder Advisory Committee for the Justice Project, applicants: Debra David, Peter Frazier, RB Tewksbury (added 2/9/2022), Jeff Hindman (added 2/9/2022) (application deadline for any other applicants to this vacancy is 10 a.m. on February 15, 2022)

APPOINTED

Peter Frazier and RB Tewksbury were appointed with four votes each.

2. [AB2022-110](#) Appointment to the Flood Control Zone District Advisory Committee, alternate position, applicant(s) Shawna DeKriek (Council acting as the Flood Control Zone District Board of Supervisors)

APPOINTED

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

Nay: 0

Absent: 0

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-128](#) Request confirmation of the County Executive's reappointment of Arlene Feld to the North Sound Administrative Services Organization's Behavioral Health Advisory Board

CONFIRMED

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

1. [AB2022-142](#) Discussion and possible motion to recommend rescinding a previous action of the Council that temporarily closed Gulf Road to motorized vehicular traffic

DISCUSSED**INTRODUCTION ITEMS**

1. [AB2022-087](#) Ordinance amending Whatcom County Code 2.02.075, Standing Committees, to rename Natural Resources Committee

INTRODUCED

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

Nay: 0

Absent: 0

2. [AB2022-131](#) Ordinance amending Whatcom County Code 2.126 (Whatcom County Climate Impact Advisory Committee)

INTRODUCED

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

Nay: 0

Absent: 0

3. [AB2022-109](#) Receipt of application for a vacancy on the Business and Commerce Advisory Committee, Manufacturing position, applicant(s): Chris Trout (deadline for additional applications is 10 a.m. on March 1, 2022)

INTRODUCED

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

Nay: 0

Absent: 0

4. [AB2022-113](#) Receipt of application to the Climate Impact Advisory Committee, applicant Ray Kamada (deadline for additional applications is 10 a.m. on March 1, 2022)

INTRODUCED

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

Nay: 0

Absent: 0

5. [AB2022-121](#) Resolution vacating a portion of Horton Road

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

6. [AB2022-122](#) Resolution vacating a portion of Boxwood Road

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

The following motion from Committee of the Whole Executive Session carried 7-0:

I hereby move to approve defense and indemnification of Bill Elfo, George Roche and Eric Richey, named as defendants in Emil Clermont, an individual, Plaintiff v. Latchmi Reddy, et al., Defendants. Based on the following findings:

- A. Bill Elfo, George Roche and Eric Richey were acting in a matter in which the county had an interest;**
- B. Bill Elfo, George Roche and Eric Richey were acting in the discharge of a duty imposed or authorized by law;**
- C. Bill Elfo, George Roche and Eric Richey acted in good faith.**

ADJOURN