

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, June 20, 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)**

### **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

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

### MINUTES CONSENT

1. [MIN2023-041](#) Committee of the Whole for June 6, 2023

**APPROVED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Temp Absent:** 1 - Donovan

2. [MIN2023-042](#) Regular County Council for June 6, 2023

**APPROVED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Temp Absent:** 1 - Donovan

### SPECIAL PRESENTATION

1. [AB2023-359](#) Whatcom County Executive Sidhu's "State of the County" address

**REPORTED**

### PUBLIC HEARINGS

1. [AB2023-349](#) Resolution granting a Quitclaim Right of Way Deed to the City of Lynden

**APPROVED**

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

**Nay:** 0

Enactment No: RES 2023-015

2. [AB2023-354](#) Ordinance adopting amendments to the Six-Year Capital Improvement Program for Whatcom County Facilities 2023-2028

**ADOPTED**

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

**Nay:** 1 - Elenbaas

Enactment No: ORD 2023-035

3. [AB2023-356](#) Ordinance adopting Zoning Code amendments relating to density, lot size, setbacks, public water and sewer, and reasonable measures for the Birch Bay UGA

**ADOPTED**

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

**Nay:** 0

Enactment No: ORD 2023-036

4. [AB2023-258](#) Ordinance amending Whatcom County Code 10.34, Ferry Rates

**HEARD PUBLIC TESTIMONY AND HELD IN COUNCIL**

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

**Nay:** 0

Held for a month and will be referred to the Public Works Committee

**OPEN SESSION**

**CONSENT AGENDA**

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

1. [AB2023-381](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Jessica Dubek, DDS to provide Dental Services for inmates at the Whatcom County Jail and Work Center in the amount of \$36,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

2. [AB2023-385](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and The Language Exchange to provide language translation and interpreter services in the amount of \$29,600 for a total amended contract amount of \$83,600

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

3. [AB2023-388](#) Request authorization for the County Executive to enter into a Contract Amendment for Supplemental Agreement No. 2 between Whatcom County and Geo Test Services, Inc., in the amount of \$50,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

4. [AB2023-392](#) Request authorization for the County Executive to enter into a contract amendment for Local Agency Agreement Supplemental No. 1 between Whatcom County and the Washington State Department of Transportation, in the amount of \$1,974,900, for a total amended amount of \$10,972,210.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

5. [AB2023-408](#) Request authorization for County Executive to enter into a contract amendment between Whatcom County and Department of Commerce for pass through funding for direct public services to low and moderate income people in Whatcom, Island and San Juan counties in the amount of \$134,000 for a total amended amount of \$265,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

6. [AB2023-409](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Status Electrical Corporation, dba Status Automation to provide design, installation, programming and maintenance of the Digital Video Management System (DVMS) at various Whatcom County facilities, in the amount of \$58,975.04

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

7. [AB2023-394](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the US Army Corps of Engineers (USACE) to repair the Timon Levee along the right bank of the Nooksack River located between the towns of Everson and Lynden, in the amount of \$405,207, which is 20% of the total

estimated cost of \$2,025,984 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

8. [AB2023-395](#) Request authorization for the County Executive to enter into a contract between Whatcom County and US Army Corps of Engineers (USACE) to repair the Upper Hampton Levee along the right bank of the Nooksack River located between the towns of Everson and Lynden, in the amount of \$221,804, which is 20% of the total amount of \$1,109,020 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

9. [AB2023-376](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Social and Health Services to outline general terms and conditions that govern the work to be performed under agreements between DSHS and Whatcom County

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

10. [AB2023-386](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Snohomish County Health Department to support participation in planning and engagement in youth cannabis and tobacco prevention strategies and activities in the amount of \$14,928 for a total amended agreement amount of \$97,928

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

11. [AB2023-389](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the US Forest Service for Jail Work Crew Services in the amount of \$109,512.00, for a total of \$353,520.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**OTHER ITEMS****(From Council Climate Action and Natural Resources Committee)**

1. [AB2023-390](#) Request authorization for the County Executive to enter into a Memorandum of Agreement between the County, Nooksack Indian Tribe, Lummi Nation, and Washington Department of Fish and Wildlife to guide remediation of County culverts that block salmon passage

**AUTHORIZED**

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

**Nay:** 0

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

2. [AB2023-374](#) Ordinance amending the 2023 Whatcom County Budget, request no. 9, in the amount of \$842,550

**ADOPTED**

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

**Nay:** 0

Enactment No: ORD 2023-037

3. [AB2023-375](#) Ordinance amending the project budget for the Hovander Park Building Improvements Project, request no. 1

**ADOPTED**

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

**Nay:** 0

Enactment No: ORD 2023-038

4. [AB2023-382](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to support operations at the permanent supportive housing facility known as 22 North in the amount of \$304,550 for a total amended contract amount of \$838,102

**AUTHORIZED**

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

**Nay:** 3 - Byrd, Elenbaas, and Kershner

**(From Council Public Works and Health Committee)**

5. [AB2023-403](#) Resolution on the interpretation and retroactive application of ambiguous language in WCC 10.34.030, Use of Ferry Fee Revenue

**APPROVED**

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

**Nay:** 3 - Byrd, Elenbaas, and Kershner

Enactment No: RES 2023-016

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

- 1. [AB2023-361](#) Appointment to vacancies on the Public Health Advisory Board, Applicant(s): Matthew Durkee, Madison Emry, Robyn Phillips-Madson

**APPOINTED**

Appointed Madison Emry (7 votes) and Robyn Phillips-Madson (5 votes)

- 2. [AB2023-380](#) Appointment to a vacancy on the Open Space Advisory Committee, Applicant(s): Gary Cassera

**APPOINTED**

**Aye:** 6 - Buchanan, Byrd, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Temp Absent:** 1 - Donovan

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

- 1. [AB2023-384](#) Request confirmation of the County Executive’s appointment of Dylan Deane-Boyle to the Lodging Tax Advisory Committee

**CONFIRMED**

**Aye:** 6 - Buchanan, Byrd, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Temp Absent:** 1 - Donovan

- 2. [AB2023-400](#) Request confirmation of the County Executive’s appointments to the Whatcom Racial Equity Commission (WREC) Appointment Committee

**CONFIRMED**

**Aye:** 5 - Buchanan, Byrd, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Temp Absent:** 1 - Donovan

**ITEMS ADDED BY REVISION**

**INTRODUCTION ITEMS**

1. [AB2023-397](#) Ordinance adopting amendments to WCC Ch. 20.14, Wind Energy Systems, and Ch. 20.97, Definitions

**INTRODUCED FOR PUBLIC HEARING**

**Aye:** 6 - Buchanan, Byrd, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Temp Absent:** 1 - Donovan

2. [AB2023-399](#) An ordinance adopting various amendments to WCC Title 20, Zoning, regarding home-based businesses

**DISCUSSED AND MOTION(S) APPROVED**

Motion approved 6-0-1, with Donovan out of the meeting, to hold off on introducing until August 8, bring it back to committee on July 25, and schedule for action on September 12

3. [AB2023-415](#) Ordinance providing for submission of a proposition to the qualified electors of Whatcom County pursuant to RCW 82.14.450 authorizing the collection of a local sales and use tax of two-tenths of one percent for the purpose of providing funds for costs associated with public health, safety and justice facilities and services, including behavioral health, supportive housing, public safety, and criminal justice facilities and programs

**WITHDRAWN**

4. [AB2023-416](#) Ordinance amending Whatcom County Code Section 11.20.025, Flotation Devices on the South Fork of the Nooksack River, to better protect ESA-listed Chinook salmon

Motion to adopt failed 3-3-1, with Byrd, Elenbaas, and Kershner opposed and Donovan out of the meeting, but it was reconsidered below after the start of Committee Reports (see final action on this file below).

**COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES****INTRODUCTION ITEMS RECONSIDERED**

4. [AB2023-416](#) Ordinance amending Whatcom County Code Section 11.20.025, Flotation Devices on the South Fork of the Nooksack River, to better protect ESA-listed Chinook salmon

**SUBSTITUTE INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 3 - Byrd, Elenbaas, and Kershner



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

**ADJOURN**