

Whatcom County Council

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



Minutes - Final

Tuesday, September 12, 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 9.11.2023

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

COUNTY EXECUTIVE'S REPORT

There was no report.

MINUTES CONSENT

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

1. MIN2023-057 Health Board and Public Health Advisory Board for August 1, 2023

Frazey moved and Byrd 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. MIN2023-058 Committee of the Whole Executive Session for August 8, 2023

Frazey moved and Byrd 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. MIN2023-059 Committee of the Whole for August 8, 2023

Frazey moved and Byrd 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

4. MIN2023-060 Regular County Council for August 8, 2023

Frazey moved and Byrd 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

5. MIN2023-061 Special Council for September 5, 2023

Frazey moved and Byrd 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. AB2023-399 Ordinance adopting various amendments to WCC Title 20, Zoning, regarding home-based businesses

Cliff Strong, Planning and Development Services Department, stated he did not have a report.

Buchanan opened the Public Hearing and the following people spoke:

- Kaylee Rylaarsdam

Hearing no one else, Buchanan closed the Public Hearing.

Byrd moved that this be held for further review in committee. The motion was seconded by Elenbaas.

Councilmembers and Strong discussed the motion, whether this is different than vacation rentals, whether the code they are looking at with this ordinance makes it more permissive and expansive to have these home-based businesses in the Agricultural Zone, and whether they would be holding it to make it more expansive.

The motion to hold carried by the following vote:

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

Nay: 0

Clerk's note: See related discussion file **AB2023-398**.

A PUBLIC HEARING WAS HELD (file not final) and a motion was approved

to hold this item.

Motion approved 7-0 to hold the item for further review in committee.

2. AB2023-526 Ordinance establishing parking restrictions on Euclid Avenue as Whatcom County Code 10.24.260

Buchanan opened the Public Hearing and the following people spoke:

- David McLain

Hearing no one else, Buchanan closed the Public Hearing.

Byrd moved and Buchanan seconded that the SUBSTITUTE Ordinance Requiring a Public Hearing be ADOPTED.

Doug Ranney, Public Works Department, answered what areas and times of day are included in the no-parking zone and how it will be enforced.

Kershner spoke about why she brought this proposal forward.

Councilmembers discussed that the ordinance was a substitute that was introduced on August 8, 2023 and Byrd clarified that for his motion.

Byrd's motion that the SUBSTITUTE 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 2023-049

3. AB2023-501 Ordinance establishing parking restrictions on Samish Way

Doug Ranney, Public Works Department, stated he was available for questions.

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

Frazey moved and Byrd seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Enactment No: ORD 2023-050

4. AB2023-528 Ordinance establishing parking restrictions on Aldrich Road as Whatcom County Code 10.24.265

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

Kershner moved and Byrd seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Enactment No: ORD 2023-051

OPEN SESSION

The following people spoke:

- John Ferdon
- John Westerfield
- Bob Anderson
- Pam Gould
- Russ Pfeiffer-Hoyt
- Riley Sweeney
- Tyson King
- Hale Hanaway
- Rhayma Blake
- Lyle Sorenson
- Natalie Chavez

Hearing no one else, Buchanan closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Because of technical issues, Kershner asked that Frazey report for her committee.

Frazey reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items numbers 1-3 (item number 4 was withdrawn by the proposer), 5-11 (item number 12 was considered separately), and 13-23. Councilmembers voted on those items (see votes on individual items below).

Clerk's note: Elenbaas voted yes on the Consent Agenda items and then

later changed his vote to no.

1. [AB2023-536](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology for solid waste facility monitoring and code enforcement activities, in the amount of \$237,643

Frazey 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

2. [AB2023-537](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology for collection and management of household hazardous waste, in the amount of \$540,857.50

Frazey 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

3. [AB2023-538](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Dispute Resolution Center to provide youth conflict resolution workshops in the amount of \$35,000 for a total amended contract amount of \$70,000

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

Nay: 1 - Elenbaas

4. [AB2023-542](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and Whatcom County Fire Protection District No. 7 for the additional costs of onboarding a replacement Community Paramedic in the amount of \$32,264 for a total amount of \$232,191

This agenda item was WITHDRAWN.

5. [AB2023-543](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Commerce Office of Crime Victims Advocacy (OCVA) for reimbursement of

services relating to advocacy for child victims of abuse or neglect in dependency proceedings, in the amount of \$27,942

Frazey 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

6. AB2023-544 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for reimbursement of services relating to the Uniform Guardianship Act in the amount of \$54,134 for SFY 2023-2024

Frazey 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

7. AB2023-546 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Children, Youth and Families for services relating to evidence-based programming such as Coordination of Services for juvenile offenders under the supervision of Juvenile Court to continue at the SFY2022-2023 reimbursement rate until the State has determined new rates

Frazey 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

8. AB2023-547 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for reimbursement of costs related to the Volunteer Guardian Ad Litem (VGAL) Program in the amount of \$87,861

Frazey 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

9. [AB2023-549](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for FY 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, in the amount of \$14,942

Frazey 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

10. [AB2023-552](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office to complete deferred maintenance at several Silver Lake Park cabins

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

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

Nay: 1 - Elenbaas

Enactment No: RES 2023-021

11. [AB2023-556](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Commerce for a Drug Task Force Justice Assistance Grant (JAG) FFY 2020-2021, in the amount of \$135,000 for a total amended amount of \$334,375

Frazey 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

12. [AB2023-561](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham to consolidate previous amendments and extend the term date for the WHAT-COMM Communications Center

This item was considered separately (see below).

13. [AB2023-562](#) 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 provide an advance in funding for DSHS-funded Developmental Disabilities Administration Programs, in an amount authorized up to \$470,230

Frazey 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

14. [AB2023-564](#) Request for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for reimbursement of services relating to BECCA cases (Truancy, At-Risk Youth and Child In Need of Services) in the amount not to exceed \$270,876

Frazey 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

15. [AB2023-572](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Council of Governments for evaluating siting options for electric vehicle charging infrastructure countywide, in the amount of \$5,000

Frazey 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

16. [AB2023-573](#) Request authorization for the County Executive to enter into a Federal Aid Project Prospectus and Local Agency Agreement between Whatcom County and the Washington State Department of Transportation for the Jackson Road / Terrell Creek Bridge No. 81 Replacement, in the amount of \$625,000

Frazey reported for the Finance and Administrative Services Committee and moved that the Agreement be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

17. [AB2023-576](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Ecology to provide funding for the removal of litter and illegally discarded materials from public lands, in the

amount of \$112,700

Frazey 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

18. AB2023-577 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Meridian School District to provide funding for a Behavioral/Mental Health Professional, in the amount of \$450,000

Frazey 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

19. AB2023-578 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Nooksack Valley School District to provide funding for Mental Health Professional personnel, in the amount of \$300,000

Frazey 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

20. AB2023-580 Request authorization for the County Executive to award bid #SWBB23-01 and enter into a contract between Whatcom County and Stremmer Gravel, Inc. for the Cottonwood Drive Stormwater Inlet Repairs in the amount of \$99,430.03

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

Nay: 1 - Elenbaas

21. AB2023-581 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority to provide funding for treatment and recovery support services to those involved in the criminal justice system, in the amount of \$651,108

Frazey 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

22. AB2023-584 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Bellingham School District to provide funding for mental and behavioral health personnel and staff professional development, in the amount of \$1,140,000

Frazey 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

23. AB2023-586 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Lynden School District to provide funding for behavioral health and social services personnel, in the amount of \$495,000

Frazey 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

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

12. AB2023-561 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham to consolidate previous amendments and extend the term date for the WHAT-COMM Communications Center

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

Councilmembers discussed the conversation that was held in committee today about maybe requesting that the Administrative Board do an evaluation of their current membership and report back to Council with a recommendation, and that the Council have further discussion about the composition of the board.

Tyler Schroeder, Executive's Office, answered whether holding this would work with the timeline and stated they just need to get the agreement accomplished by the end of the year.

Galloway moved to hold until September 26 when they can have a discussion during the Criminal Justice and Public Safety Committee on the composition of the Administrative Board. The motion was seconded by Byrd. She requested that someone communicate with and invite current board members who might be interested in giving feedback.

Councilmembers and staff discussed the committee in which the discussion should be scheduled.

Galloway's motion that the Interlocal be HELD and REFERRED to the Criminal Justice and Public Safety Committee to discuss the composition of the Administrative Board carried by the following vote:

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

Nay: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

Clerk's note: Elenbaas requested to change his vote from yes to no on the items approved by consent.

1. AB2023-507 Ordinance amending the project budget for the Jail Improvement Fund, request no. 6

Frazey 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 2023-052

2. AB2023-509 Ordinance amending the 2023 Whatcom County Budget, request no. 12, in the amount of \$2,126,139

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

Galloway stated she would be interested in a presentation to learn more about the housing project for which there is a \$1 million investment and also more about other housing projects in the context of the broader

housing topic.

Elenbaas asked about the remodel for the Assessor's Office.

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

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

Nay: 2 - Byrd, and Elenbaas

Enactment No: ORD 2023-053

3. AB2023-531 Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department in the amount of \$1,480,000 to support the county's efforts following the November 2021 flood event

Frazey 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: 0

Temp Absent: 1 - Byrd

4. AB2023-533 Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Commerce, in the amount of \$1,879,999, to support the county's recovery efforts following the November 2021 flood event

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

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

Nay: 0

5. AB2023-539 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Department of Ecology to provide a Washington Conservation Corps crew and supervisor, in the amount of \$181,575 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

Elenbaas asked whether these are inmates.

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

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

Nay: 0

6. AB2023-540 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce to maintain current levels of homeless subsidies and emergency housing services, in the amount of \$2,890,020

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

Elenbaas asked whether you have to pay back a grant.

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

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

Nay: 0

7. AB2023-545 Request authorization for the County Executive to enter into a project reimbursement agreement between Whatcom County and the Washington State County Road Administration Board in the amount of \$10,000,000

Frazey reported for the Finance and Administrative Services Committee and *moved* that the Agreement be AUTHORIZED.

Donovan thanks to the staff who put all the work into getting this County Road Administration Board (CRAB) grant and stated it gets us that much closer to building a boat.

Frazey's motion that the Agreement be AUTHORIZED carried by the following vote:

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

Nay: 0

8. AB2023-553 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and City of Bellingham to provide funding for staffing and implementation of the Alternative Response Team (ART) Program in the amount of \$80,000 for a total amended amount of \$570,096

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

Councilmembers and Tyler Schroeder, Executive's Office, discussed

whether we have been getting good feedback on this program, the intention to expand the program to the county in 2024, whether there is a lot of staff turnover in the program, and the need for expanding not only in geography but in days and hours per week.

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

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

Nay: 0

9. AB2023-554 Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale Community Services to operate a severe weather shelter, in the amount of \$75,450

Frazey 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

10. AB2023-560 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for mental health support staff embedded at the Bellingham Central Library, in an annual amount not to exceed \$110,000

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

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

Nay: 2 - Byrd, and Elenbaas

(From Council Public Works and Health Committee)

11. AB2023-558 Resolution in the matter of considering vacating a portion of Camp 2 Road

Frazey reported for the Public Works and Health Committee and *moved* that the Resolution be APPROVED.

Elenbaas asked whether this resolution is not for the actual vacation but is authorizing staff to put it together and to have a public hearing, and whether it is not something the Public Works director can do.

Frazey'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 2023-022

12. AB2023-559 Resolution in the matter of considering vacating a portion of County Road and an unnamed alley within the Amended Plat of South Wickersham

Frazey 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

Enactment No: RES 2023-023

(From Council Committee of the Whole)

13. AB2023-529 Discussion and approval of a joint Council/Executive letter to the Port of Bellingham regarding broadband investments

***Buchanan* reported for the Committee of the Whole and *moved* that the SUBSTITUTE letter (as amended in committee) be APPROVED.**

Frazey reviewed the amendment that was approved in committee and Councilmembers discussed the item with the following people:

- Tyler Schroeder, Executive's Office
- Satpal Sidhu, County Executive

They discussed the motion, that the letter states they are still requesting that this be a matching fund, whether they should look at a different internet provider or type (such as Starlink), putting this money in a fund that is need-based instead to get internet to those who need it, that this should be the responsibility of the Federal Government, whether the money should be tied to State funding, the Executive's support of the letter, whether the letter is asking the Economic Development Investment (EDI) Board to look at this issue and get back to the Council with a recommendation, and transferring the commitment of funds from American Rescue Plan Act (ARPA) to EDI.

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

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

Nay: 2 - Byrd, and Elenbaas

Substitute Letter Approved as amended in Committee of the Whole.

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. AB2023-524 Appointment to fill a vacancy on the Solid Waste Advisory Committee, waste recycling industry representative, Applicant: William McCarter

Byrd moved and Buchanan seconded that the Council Appointment Requiring Introduction be APPOINTED by acclamation.

Elenbaas asked whether the applicant was in attendance but he was not.

Byrd's motion that the Council Appointment Requiring Introduction be APPOINTED carried by the following vote:

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

Nay: 0

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

Galloway moved to introduce items one and three through eleven (Item number two was considered separately below). The motion was seconded by Kershner (see votes on individual items below).

1. AB2023-532 Appointment to a vacancy on Drainage District #3, Commissioner Position 1, Applicant: Dave Blok

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

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

Nay: 1 - Elenbaas

2. AB2023-548 Ordinance amending WCC 2.145, Lummi Island Ferry Advisory Committee

This item was considered separately (see below).

3. AB2023-555 Ordinance amending Whatcom County Code Sections 1.08.090 and 1.08.170 to reflect amended Charter language related to signature requirements for initiatives

Galloway moved and Kershner seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

4. AB2023-566 Resolution to sell county tax title property by negotiation

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

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

Nay: 1 - Elenbaas

5. AB2023-585 Ordinance amending the 2023 Whatcom County Budget, request no. 13, in the amount of \$12,557,496 (supplemental amended to \$12,473,352)

Galloway moved and Kershner seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

6. AB2023-571 Ordinance establishing Paul Davis honorary signs on Lummi Island

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

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

Nay: 1 - Elenbaas

7. AB2023-574 Resolution approving the Whatcom County Six-year Transportation Improvement Plan for the years 2024-2029

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

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

Nay: 1 - Elenbaas

8. AB2023-575 Resolution to sell county tax title property by negotiation

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

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

Nay: 1 - Elenbaas

9. AB2023-588 Resolution to sell tax title property by public auction

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

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

Nay: 1 - Elenbaas

10. AB2023-589 Resolution to sell tax title property by public auction

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

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

Nay: 1 - Elenbaas

11. AB2023-591 Resolution amending the Flood Control Zone District & Subzones 2023 budget, request no. 2, in the amount of \$655,792

Galloway moved and Kershner seconded that the Resolution (FCZDBS) be INTRODUCED. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

INTRODUCTION ITEM CONSIDERED SEPARATELY

2. AB2023-548 Ordinance amending WCC 2.145, Lummi Island Ferry Advisory Committee

Donovan moved and Kershner seconded that the Ordinance be INTRODUCED.

Galloway stated there were three amendments that were recommended during the Public Works and Health Committee.

Councilmembers and Council staff discussed whether they can introduce

the ordinance with the proposed amendments, and putting the item back in committee.

Donovan withdrew his motion and stated there is a lot of work they did not get to, including how the Lummi representative would be designated and how the incorporated versus unincorporated off-island people would be designated.

Buchanan asked whether Donovan would like to remove it from Introduction and put it in committee and Donovan stated he would.

Buchanan moved and Byrd seconded to remove this from introduction and put it back in Committee of the Whole in two weeks.

Councilmembers discussed the motion.

Buchanan's motion that the Ordinance be WITHDRAWN from Introduction and the discussion REFERRED to Committee of the Whole carried by the following vote:

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

Nay: 2 - Elenbaas, and Galloway

Motion approved 5-2, with Byrd and Elenbaas opposed, to remove this from introduction and put the related discussion item (AB2023-479) back in committee (Committee of the Whole) in two weeks.

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Dana Brown-Davis, Clerk of the Council, spoke about Council Office and County budget suggestions submitted for 2024 (**AB2023-569** which did not get discussed in the Committee of the Whole today because of time) and referenced the proposals submitted by a councilmember as of September 7 (on file).

Brown-Davis, Councilmembers and Tyler Schroeder, Executive's Office, discussed how and when they should discuss this item and that the Administration will give them a couple extra days. They will discuss it on September 26.

Brown-Davis stated she is going to add another item for the Council Office having to do with the Board for Equalization.

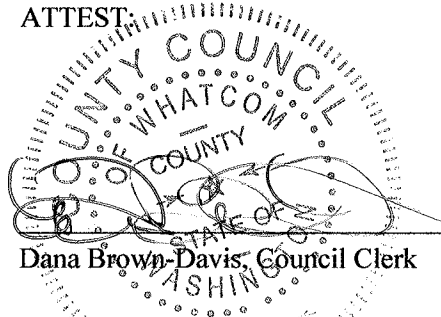
Councilmembers gave Committee reports and other updates.

ADJOURN

The meeting adjourned at 8:34 p.m.

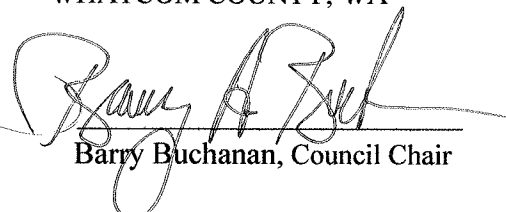
The County Council approved these minutes on September 26, 2023.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA



Barry Buchanan, Council Chair

Kristi Felbinger

Kristi Felbinger, Minutes Transcription

