

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, February 6, 2024  
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), AGENDA REVISED 2.6.2024**

### **COUNCILMEMBERS**

Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Kaylee Galloway  
Jon Scanlon  
Mark Stremler

### **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, Kaylee Galloway, Jon Scanlon, and Mark Stremler

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

### MINUTES CONSENT

1. [MIN2024-004](#) Committee of the Whole for January 23, 2024

**APPROVED BY CONSENT**

**Aye:** 5 - Buchanan, Donovan, Galloway, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 2 - Byrd, and Elenbaas

2. [MIN2024-005](#) Regular County Council for January 23, 2024

**APPROVED BY CONSENT**

**Aye:** 5 - Buchanan, Donovan, Galloway, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 2 - Byrd, and Elenbaas

3. [MIN2024-006](#) Health Board and Public Health Advisory Board for January 29, 2024

**APPROVED BY CONSENT**

**Aye:** 5 - Buchanan, Donovan, Galloway, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 2 - Byrd, and Elenbaas

### OPEN SESSION

Motion approved 7-0 to go into executive session to discuss how to improve open session and to talk about legal issues about public comments.

Motion approved 7-0 that for the rest of the evening the attendees online will be able to submit their comments in writing to Council@co.whatcom.wa.us.

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

1. [AB2024-098](#) Request authorization for the County Executive to enter into a Local Agency Standard Service Agreement between Whatcom County and Pacific Surveying & Engineering Services, Inc., to provide on-call professional land surveying services for 2024, in the amount not to exceed \$100,000

**AUTHORIZED BY CONSENT**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

2. [AB2024-099](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and FLO Analytics to update the Birch Bay Watershed and Aquatic Resources Management (BBWARM) district's fee roll process in accordance with a rate study that is currently underway in the amount of \$50,965.00 for a total amended contract amount of \$70,720.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

3. [AB2024-102](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and Washington State Department of Fish and Wildlife to support the fish passage barrier remediation program, in the amount of \$800,250.00

**AUTHORIZED BY CONSENT**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

4. [AB2024-104](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the Washington State Department of Ecology to conduct a climate vulnerability assessment and develop shoreline management solutions, in the amount of \$250,000.00

This item was considered separately below.

5. [AB2024-106](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Nooksack Indian Tribe where the Flood Control Zone District will reimburse the tribe for 80% of the eligible grant costs for work as outlined in Task 4 of the 2021-2023 Floodplains by Design grant specific to the Fish Camp (Ts'eq) Integrated Fish-Flood Project, in the amount of \$880,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

6. [AB2024-117](#) Resolution to declare Whatcom County owned structure located in Bay Horizon Park as worthless

**APPROVED**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

Enactment No: RES 2024-007

7. [AB2024-118](#) Resolution to declare Whatcom County owned structure located in Hovander Park as worthless

This item was considered separately below.

**CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

4. [AB2024-104](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the Washington State Department of Ecology to conduct a climate vulnerability assessment and develop shoreline management solutions, in the amount of \$250,000.00

**AUTHORIZED**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

7. [AB2024-118](#) Resolution to declare Whatcom County owned structure located in Hovander Park as worthless

**HELD IN COUNCIL**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

**OTHER ITEMS**

**(From Council Criminal Justice and Public Safety Committee)**

1. [AB2024-096](#) Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities Operational Standards

**ADOPTED AS AMENDED**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

Enactment No: ORD 2024-006

Motion approved 7-0 to amend the NOW, THEREFORE, BE IT ORDAINED statement of the ordinance so that it reads:

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 1.28 is temporarily suspended for up to an additional twelve (12) months, beginning Feb 20, 2024, pursuant to Ord. 2024-xxx; This is the fourth such extension, following:

Ord. 2019-047 which suspended WCC 1.28 temporarily for (12) months.

Ord. 2021-039 that extended the temporary suspension eighteen (18) months

Ord. 2023-009 that extended the temporary suspension eighteen (11) months.

**(From Council Committee of the Whole)**

2. [AB2024-090](#) Resolution identifying Whatcom County approaches to the fentanyl emergency

**DISCUSSED AND MOTION(S) APPROVED**

Motion approved 7-0 to hold this item until (and refer it to) the Joint Health Board and Public Health Advisory Board meeting on March 26.

**(No Committee Assignment)**

3. [AB2024-100](#) Ordinance adopting amendments to Whatcom County Code Title 2 (Administration and Personnel) to abolish the Appeals Board and assign its duties to the Hearing Examiner

**ADOPTED**

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

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

Enactment No: ORD 2024-007

4. [AB2024-088](#) Ordinance adopting amendments to Whatcom County Code Title 2 (Administration and Personnel) and 3 (Revenue and Finance) to amend the qualifications for serving on the Wildlife Advisory Committee, the composition of the Conservation Easement Program Oversight Committee, and cleaning up the Agricultural Advisory Committee code

**ADOPTED**

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

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

Enactment No: ORD 2024-008

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

1. [AB2024-091](#) Reconsideration of appointment to a position on the Whatcom County Ferry Advisory Committee, Member: Fabian Mendoza

**DISCUSSED AND MOTION(S) APPROVED**

Motion approved 6-0, with Byrd out of the room, to remove Mr. Mendoza from his position on the Whatcom County Ferry Advisory Committee.

2. [AB2024-120](#) Appointment to vacancies on the Drayton Harbor Shellfish Protection District Advisory Committee, Applicant(s): Katherine Garrah

**APPOINTED**

Motion approved 7-0 to accept all late applications for this agenda.

Motion approved 7-0 that Garrah be appointed to the four year position and Seymour be appointed to the position ending in 2027.

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

1. [AB2024-097](#) Request confirmation of the County Executive's appointments of Charlie Heggem, Becca Shew, and Pete Sharp to the Bicycle Pedestrian Advisory Committee

**CONFIRMED**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

2. [AB2024-107](#) Request confirmation of the County Executive's appointments of Paul Schissler and Ashley Thomasson to the Whatcom County Housing Advisory Committee

**CONFIRMED**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

3. [AB2024-108](#) Request confirmation of the County Executive's appointments of Valerie Billmire and Myla Musselwhite to the Developmental Disabilities Advisory Board

**CONFIRMED**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

4. [AB2024-109](#) Request confirmation of the County Executive's appointments of Elma Burnham, Thomas Hoats, and Avery Maverick to the Marine Resources Committee

**CONFIRMED**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

- 5. [AB2024-119](#) Request confirmation of the County Executive’s appointments of David Kershner, Trevor Gearhart, and Alison Moon to the Conservation Easement Program Oversight Committee

**CONFIRMED**

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

**ITEMS ADDED BY REVISION**

- 1. [AB2024-131](#) Resolution amending Resolution 2023-056 to correct the levy amounts for the City of Bellingham and re-certify property tax levies for collection in 2024 to the County Assessor

**APPROVED**

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

Enactment No: RES 2024-008

**INTRODUCTION ITEMS**

- 1. [AB2024-110](#) Ordinance establishing a project based budget for Eagleridge Stormwater Improvements Project Fund SWP #SWLW24-01

**INTRODUCED**

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

- 2. [AB2024-111](#) Resolution amending the 2024 Flood Control Zone District and Subzones Budget, request no. 1, in the amount of \$14,400 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**SUBSTITUTE INTRODUCED**

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

- 3. [AB2024-114](#) Ordinance establishing a 23-Hour Crisis Relief Center Fund and establishing an initial project based budget for the 23-Hour Crisis Relief Center Project

**INTRODUCED**

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

4. [AB2024-116](#) Ordinance amending the 2024 Whatcom County Budget, request no. 4, in the amount of 3,247,623

**INTRODUCED**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

5. [AB2024-122](#) Ordinance establishing Whatcom County Code Chapter 3.39 Public Health, Safety, and Justice Facilities and Services Sales and Use Tax

**SUBSTITUTE INTRODUCED**

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

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

Motion approved 7-0 to move all sheltering discussions into Committee of the Whole.

Motion approved 7-0 to request an update from the Administration on how things are going with the internalization of the Medical Examiner Office and how we can move forward with a collaborative process.

**ADJOURN**