

Whatcom County Council

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



Action Summary

Tuesday, October 24, 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 10.23.2023

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

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. [MIN2023-067](#) Health Board and Public Health Advisory Board for October 3, 2023

APPROVED BY CONSENT

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

Nay: 0

2. [MIN2023-068](#) Committee of the Whole for October 10, 2023

APPROVED BY CONSENT

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

Nay: 0

3. [MIN2023-069](#) Regular County Council for October 10, 2023

APPROVED BY CONSENT

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

Nay: 0

PUBLIC HEARINGS

1. [AB2023-622](#) Resolution to sell tax title property by public auction, Sudden Valley Division No. 22

APPROVED

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

Nay: 0

Enactment No: RES 2023-035

2. [AB2023-623](#) Resolution to sell tax title property by public auction, Sudden Valley Division No. 3

APPROVED

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

Nay: 0

Enactment No: RES 2023-036

3. [AB2023-624](#) Resolution to sell tax title property by public auction, Sandy Point Garden Tracts

APPROVED

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

Nay: 0

Enactment No: RES 2023-037

4. [AB2023-648](#) Resolution approving the Whatcom County 2024 Annual Construction Program

APPROVED

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

Nay: 0

Enactment No: RES 2023-038

5. [AB2023-646](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new uses in areas zoned heavy impact industrial within a city's designated urban growth area

FAILED

Aye: 3 - Buchanan, Donovan, and Frazey

Nay: 3 - Byrd, Elenbaas, and Kershner

Abstain: 1 - Galloway

OPEN SESSION**CONSENT AGENDA**

(From Council Finance and Administrative Services Committee)

1. [AB2023-641](#) Request authorization from the County Executive to enter into a contract between Whatcom County and the Administrative Office of the Courts in the amount of \$66,373

AUTHORIZED BY CONSENT

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

Nay: 0

2. [AB2023-663](#) Request authorization for the County Executive to sign an agreement between

Whatcom County and WA Recreation and Conservation Office (RCO) to secure matching funds for the Jacoby Agricultural Conservation Easement through the RCO Farmland Preservation grant program in the amount of \$169,650

AUTHORIZED BY CONSENT

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

Nay: 0

3. [AB2023-669](#) Resolution approving the 2024 recommended convention center allocations for tourism-related facilities and activities as defined through RCW 67.28.1816

Enactment No: RES 2023-039

This item was considered separately (see below).

4. [AB2023-670](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Traffic Safety Commission for High Visibility Enforcement (HVE) patrols, in the amount of \$15,000.00

AUTHORIZED BY CONSENT

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

Nay: 0

5. [AB2023-671](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham to jointly fund a winter shelter, in an amount not to exceed \$250,000

AUTHORIZED BY CONSENT

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

Nay: 0

6. [AB2023-673](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham to jointly fund an interim shower program, in an amount not to exceed \$137,500

AUTHORIZED BY CONSENT

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

Nay: 0

7. [AB2023-674](#) Request authorization for the County Executive to enter into a memorandum of understanding between Whatcom County and Birch Bay Village Community Club to coordinate stormwater capital improvement projects

AUTHORIZED BY CONSENT

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

Nay: 0

8. [AB2023-681](#) Request authorization for the County Executive to award bid #23-59 and enter into a contract between Whatcom County and CIMA Construction, Inc for roof and siding replacement at Lighthouse Marine Park, in the amount of \$203,755.93

AUTHORIZED BY CONSENT

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

Nay: 0

9. [AB2023-683](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and Washington State Parks & Recreation Commission to provide additional funding for providing an instructor for the State Parks Recreational Boating Safety (RBS) program in the amount of \$5,000 for a total amended amount of \$23,476.57

AUTHORIZED BY CONSENT

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

Nay: 0

10. [AB2023-687](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice for Organized Crime Drug Enforcement Task Forces (OCDETF), in the amount of \$5,000

AUTHORIZED BY CONSENT

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

Nay: 0

11. [AB2023-688](#) Request approval for the County Executive to award Bid #23-71 for the purchase of five (5) automated sandbagging machines to The Bag Lady, Inc., located in Puyallup, Washington, in an amount not to exceed \$209,190.75

AUTHORIZED BY CONSENT

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

Nay: 0

12. [AB2023-689](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Remote Medical Training in the amount of \$53,675.16

AUTHORIZED BY CONSENT

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

Nay: 0

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

3. [AB2023-669](#) Resolution approving the 2024 recommended convention center allocations for tourism-related facilities and activities as defined through RCW 67.28.1816

APPROVED

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

Nay: 2 - Elenbaas, and Frazey

Enactment No: RES 2023-039

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2023-637](#) Ordinance Establishing a New Whatcom County Healthy Children's Fund
- ADOPTED**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
- Enactment No: ORD 2023-059
2. [AB2023-651](#) Ordinance amending the project budget for the E. Smith/Hannegan Road Intersection Improvements Fund, Request No. 3
- ADOPTED**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
- Enactment No: ORD 2023-060
3. [AB2023-652](#) Ordinance amending the project based budget for the North Lake Samish Road Bridge No. 7 Replacement Fund, request No. 3
- ADOPTED**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
- Enactment No: ORD 2023-061
4. [AB2023-657](#) Ordinance amending the 2023 Whatcom County Budget, request no. 14, in the amount of \$13,162,440
- SUBSTITUTE ADOPTED**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
- Enactment No: ORD 2023-062

5. [AB2023-659](#) Ordinance Establishing a Community Priorities Fund and Establishing an Initial Budget for the Community Priorities Fund

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-063

(From Council Public Works and Health Committee)

6. [AB2023-675](#) Resolution adopting Equipment Rental and Revolving (ER&R) Management Policy as required by the County Road Administration Board

SUBSTITUTE APPROVED

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

Nay: 0

Enactment No: RES 2023-040

7. [AB2023-699](#) Resolution supporting the Lummi Indian Business Council's (LIBC) state of emergency declaration in response to the fentanyl crisis

APPROVED

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

Nay: 0

Enactment No: RES 2023-041

(From Council Planning and Development Committee)

8. [AB2023-701](#) Resolution amending Resolution 2023-033 to docket an additional Comprehensive Plan and zoning amendment related to County Code 20.68 and other relevant sections of Title 20 to define appropriate industrial uses and conditions for industrial uses in Heavy Impact Industrial (HII) Districts within a city's designated urban growth area

APPROVED

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

Nay: 0

Enactment No: RES 2023-042

(From Council Committee of the Whole)

9. [AB2023-676](#) Request confirmation of the County Executive's appointment of Raylene

Heutink-King as County Clerk of Superior Court effective November 6, 2023 pursuant to Whatcom County Charter Section 3.61

CONFIRMED

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

Nay: 0

10. [AB2023-696](#) Resolution supporting the use of Economic Development Investment (EDI) funds for affordable housing

APPROVED

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

Nay: 0

Enactment No: RES 2023-043

(No Committee Assignment)

11. [AB2023-704](#) Letter of appreciation to the Executive and Health and Community Services staff for their efforts to establish a severe weather shelter

APPROVED REQUEST

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

Nay: 0

12. [AB2023-694](#) Resolution requesting that the Whatcom County Executive and department staff propose amendments to the Whatcom County Code to support clean energy

APPROVED

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

Nay: 0

Enactment No: RES 2023-044

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-690](#) Appointment of one councilmember to serve as liaison for the Climate Vulnerability Assessment (CVA) Project

REFERRED TO COMMITTEE

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

Nay: 0

ITEMS ADDED BY REVISION

1. [AB2023-702](#) Request authorization for the County Executive to enter into an agreement between

Whatcom County and State Street Creamery, LLC to lease commercial space for use as a winter weather shelter, in the amount of \$50,000

AUTHORIZED

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

Nay: 0

INTRODUCTION ITEMS

1. [AB2023-679](#) Receipt of applications to vacancies on the Whatcom County Ferry Advisory Committee - Applicants: Pamela Gould, Diane Harper, Janice Holmes, Thomas Philpot, Catherine Shornick, Tess Winds-Johnsons, and Fabian Mendoza (deadline for additional applications is 10 a.m. Tuesday, October 31, 2023.)

INTRODUCED

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

Nay: 0

2. [AB2023-686](#) Receipt of applications to fill a vacancy on the Forest Advisory Committee, Applicant(s): Herbert Barker, Richard Donahue, Tom Smith, Paul Stuart (Deadline for additional applications is 10 a.m. Tuesday, October 31, 2023)

INTRODUCED

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

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN