

Whatcom County Council

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



Meeting Agenda

Tuesday, July 9, 2024

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 7.8.2024

COUNCILMEMBERS

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

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

COUNTY COUNCIL

CALL TO ORDER

ROLL CALL

FLAG SALUTE

ANNOUNCEMENTS

The Council is currently holding meetings in hybrid format with options for in-person or remote viewing and participation. For instructions on remote participation, visit www.whatcomcounty.us/joinvirtualcouncil and register by 4 p.m. the day of the meeting to receive a join link. Individuals who require special assistance to participate in the Council's meetings are asked to contact the Council Office at 360.778-5010 at least 96 hours in advance.

Per RCW 42.17A.555 the use of public facilities to support or oppose candidates or ballot issues is prohibited. Members of the public and the legislative body are not allowed to speak in support of, or in opposition to, a ballot measure or individual candidacy during an open public meeting. Please refrain from raising campaign issues when addressing the Council.

The County is accepting applications from county residents to fill vacancies on several boards, commissions, and committees spanning a wide range of important local issues. For more information, visit the Boards and Commissions vacancy webpage on the County website or call the Council Office or County Executive's Office.

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2024-030](#) Regular County Council for June 4, 2024
2. [MIN2024-031](#) Committee of the Whole for June 4, 2024
3. [MIN2024-032](#) Special Council for June 11, 2024
4. [MIN2024-033](#) Committee of the Whole for June 18, 2024
5. [MIN2024-034](#) Regular County Council for June 18, 2024
6. [MIN2024-035](#) Special Council for June 25, 2024
7. [MIN2024-036](#) Water Work Session for October 17, 2023

PUBLIC HEARINGS

Participants requesting to speak during public hearings may attend in person. To speak remotely, please visit www.whatcomcounty.us/joinvirtualcouncil and register by 4 p.m. the day of the meeting to receive a join link.

All speakers are asked to state their name for the record and optionally include city of residence. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group. Speakers will be given three minutes to address the Council and will be notified when their three minutes are up. Speakers participating on-site in the Council Chambers will speak first, followed by those who have registered to speak remotely.

Per RCW 42.17A.555 the use of public facilities to support or oppose candidates or ballot issues is prohibited. Members of the public and the legislative body are not allowed to speak in support of, or in opposition to, a ballot measure or individual candidacy during an open public meeting. Please refrain from raising campaign issues when addressing the Council.

1. [AB2024-348](#) Resolution to Declare Whatcom County Real Property as Surplus and Approve Transfer

OPEN SESSION

Participants requesting to speak during open session may attend in person. To speak remotely, please visit www.whatcomcounty.us/joinvirtualcouncil and register by 4 p.m. the day of the meeting.

During open session, audience members may speak to the council on issues not scheduled for public hearing. All speakers are asked to state their name for the record and optionally include city of residence. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group. Speakers will be given three minutes to address the Council and will be notified when their three minutes are up. Speakers participating on-site in the Council Chambers will speak first, followed by those who have registered to speak remotely.

Per RCW 42.36.060 Councilmembers are prohibited from engaging in ex parte communications in matters where the Council determines the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Council serves in a quasi-judicial role as a decision-maker on major project permits, which cannot be discussed by members of the public at Council meetings. Examples of major project permits that cannot be discussed at Council meetings include MPP2024-00001 City of Bellingham Mitigation Bank (AB2024-418), LSS2024-00001 R and R Acres Long Subdivision and Development Agreement, LSS2022-00001 Red Mountain Long Subdivision and Development Agreement, and PUD2022-00001 Royal Emerald Motors Planned Unit Development.

Per RCW 42.17A.555 the use of public facilities to support or oppose candidates or ballot issues is prohibited. Members of the public and the legislative body are not allowed to speak in support of, or in opposition to, a ballot measure or individual candidacy during an open public meeting. Please refrain from raising campaign issues when addressing the Council.

CONSENT AGENDA

Items under this section of the agenda may be considered in a single motion. Councilmembers have received and studied background material on all items. Committee review has taken place on these items, as indicated. Any member of the public, administrative staff, or council may ask that an item be considered separately.

(From Council Finance and Administrative Services Committee)

1. [AB2024-406](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Snohomish County to utilize State Homeland Security Grant Program (SHSP) funding to sustain and enhance Division of Emergency Management programs, in the amount of \$41,307
2. [AB2024-417](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Uwill, Inc. to provide school based teletherapy services, in the amount of \$150,000
3. [AB2024-421](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Pace CDL Consulting and CDL Training to provide Commercial Driver's License Training and test preparation to Maintenance and Operations employees, in the amount of \$75,000
4. [AB2024-423](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Skagit County for the purpose of providing each other with labor, equipment, or materials on a reimbursable basis for road maintenance activities through May 21, 2027
5. [AB2024-424](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Social and Health Services to ensure a coordinated system of local developmental disability services in the amount of \$6,476,900, for a total amended agreement amount of \$12,546,270
6. [AB2024-426](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale Community Services to perform rural homeless outreach services, in the amount of \$55,377
7. [AB2024-431](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Transportation (WSDOT) to provide federal Ferry Boat Program (FBP) funds for the Lummi Island Ferry operations costs, in the amount of \$1,099,507.00
8. [AB2024-433](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the State of Washington Department of Ecology to receive funding for Water Resource Inventory Area 1 (WRIA 1) collaborative water supply planning, in the amount of \$485,600.00
9. [AB2024-435](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Executive Office of the President Office of National Drug Control Policy (ONDCP) to implement the strategy of the Northwest High Intensity Drug Trafficking Area (HIDTA) in the amount of \$170,590.00

10. [AB2024-437](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and RH2 to update the Whatcom County Coordinated Water System Plan in the amount of \$50,000, for a total amended contract amount of \$200,000
11. [AB2024-438](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Everson for participation in the Floodplain Integrated Planning (FLIP) process in the amount of \$25,000 for a total amended agreement amount of \$73,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
12. [AB2024-439](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Pacific Security for patrol services, in the amount of \$64,260.00
13. [AB2024-440](#) Request authorization for the County Executive to enter into a lease agreement amendment between Whatcom County and Greg Dibble to extend the lease at 600 Dupont Street, Suite 100, in the amount of \$257,217.36, for a total amended amount of \$500,843.00
14. [AB2024-442](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Tolin Law Firm to provide legal representation for the preparation and completion of the resentencing hearing in the matter of State v. Ryan Eugene Alexander in the amount of \$10,001.00 for a total amended amount of \$50,000.00
15. [AB2024-443](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Bellingham to provide funding for the Alternative Response Team (ART) Program in the amount of \$60,000, for a total amended agreement amount of \$630,096
16. [AB2024-444](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to support childcare stabilization in Whatcom County in the amount of \$119,305, for a total amended contract amount of \$618,038
17. [AB2024-445](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington State Department of Health to provide funding for various public health services in the amount of \$1,948,136, for a total amended agreement amount of \$16,258,233
18. [AB2024-447](#) Request approval for the County Executive to award Bid #24-64 for the purchase of 16 pair of night vision goggles with helmet mounts from Steele Industries, Inc., located in Bradenton, Florida, in an amount not to exceed \$190,979.27

19. [AB2024-448](#) Request authorization for the County Executive to enter into a commercial lease agreement between Whatcom County and Cornwall Center Inc. for use of parking spaces at the Bellingham Senior Activity Center over five years with cost sharing from the City of Bellingham and Whatcom Council on Aging, in the amount of \$133,464
20. [AB2024-449](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Washington State Military Department for pass-through funding to support the What-Comm Communication Center in the amount of \$52,900
21. [AB2024-457](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Criminal Justice Training Commission for reimbursement of expenses, in the amount of \$84,000
22. [AB2024-458](#) Request authorization for the County Executive to enter into a contract between Whatcom County and TBL Investigations and Consulting, LLC for background investigations, in the estimated amount of \$40,000 per year

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2024-432](#) County Executive requests approval of the Economic Development Investment (EDI) Board's recommendation for funding to support the City of Bellingham's Bear Creek Corridor Construction Project, the City of Lynden's Wastewater Treatment Plant Capacity and Nutrient Improvement Project, the City of Ferndale Water Treatment Plant Upgrades and Douglas Deep Well Projects, and the Housing Affordability through the Workforce Program

(From Council Committee of the Whole)

2. [AB2024-418](#) Resolution approving a Major Project Permit for the City of Bellingham
3. [AB2024-420](#) Ordinance amending Whatcom County Code 2.02.080, Standing Committees - Membership, to change the membership of all standing council committees from three members to seven

(No Committee Assignment)

4. [AB2024-400](#) Appointment of members to serve on pro and con statement writing committees for a proposed ballot measure amending the Whatcom County Charter to expand the standards for conflict of interest

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Per Whatcom County Code 2.03.070(B), the council must confirm or reject executive appointments within 30 days of submission to the council. County code deems the appointee confirmed if council does not take action within this time.

1. [AB2024-429](#) Request confirmation of the County Executive's reappointments of Georgiann Dustin and Jen Lautenbach to the Northwest Senior Services Board
2. [AB2024-461](#) Request confirmation of the County Executive's appointment of Mike Cullum to the Civil Service Commission

ITEMS ADDED BY REVISION

1. [AB2024-466](#) Resolution requesting Whatcom County Superior Court issue a declaratory judgement to determine whether Initiative 2024-01 is procedurally invalid

ITEM ADDED 7.8.2024
2. [AB2024-468](#) Ordinance imposing an emergency 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

ITEM ADDED 7.8.2024
3. [AB2024-469](#) Resolution requesting the Whatcom County Executive decommission all contracts with the Opportunity Council and Northwest Youth Services relating to the 22 North permanent supportive housing facility

ITEM ADDED 7.8.2024

INTRODUCTION ITEMS

Council action will not be taken. The council may accept these items for introduction (no action) in a single motion. Changes, in terms of committee assignment for example, may be made at this time.

1. [AB2024-419](#) Ordinance submitting to the qualified voters of Whatcom County a proposal to repeal Proposition 5
2. [AB2024-422](#) Receipt of application to a vacancy on the Solid Waste Advisory Committee, Waste Collection Industry representative, Applicant(s): Ted Carlson (deadline for additional applications for this position is 10 a.m. on Tuesday, July 16, 2024)
3. [AB2024-453](#) Ordinance creating Whatcom County Code 2.49, establishing the Justice Project Finance and Facility Advisory Board
4. [AB2024-460](#) Ordinance amending the project budget for the Way Station Project Fund, request no. 4

5. [AB2024-463](#) Ordinance amending the 2024 Whatcom County Budget, request no. 9, in the amount of 873,134
6. [AB2024-467](#) 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

ITEM ADDED 7.8.2024

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN