

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, July 9, 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 7.8.2024**

### **COUNCILMEMBERS**

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

### **CLERK OF THE COUNCIL**

Cathy Halka, AICP, CMC

# 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. [MIN2024-030](#) Regular County Council for June 4, 2024

### **APPROVED BY CONSENT**

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

**Nay:** 0

2. [MIN2024-031](#) Committee of the Whole for June 4, 2024

### **APPROVED BY CONSENT**

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

**Nay:** 0

3. [MIN2024-032](#) Special Council for June 11, 2024

### **APPROVED BY CONSENT**

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

**Nay:** 0

4. [MIN2024-033](#) Committee of the Whole for June 18, 2024

### **APPROVED BY CONSENT**

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

**Nay:** 0

5. [MIN2024-034](#) Regular County Council for June 18, 2024

### **APPROVED BY CONSENT**

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

**Nay:** 0

6. [MIN2024-035](#) Special Council for June 25, 2024

**APPROVED BY CONSENT**

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

**Nay:** 0

7. [MIN2024-036](#) Water Work Session for October 17, 2023

**APPROVED BY CONSENT**

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

**Nay:** 0

**PUBLIC HEARINGS**

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

**APPROVED**

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

**Nay:** 0

Enactment No: RES 2024-033

**OPEN SESSION**

**CONSENT AGENDA**

**(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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

This item was considered separately below.

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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)

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

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

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

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

**AUTHORIZED**

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

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

**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

**HELD IN COMMITTEE**

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

**Nay:** 0

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

2. [AB2024-418](#) Resolution approving a Major Project Permit for the City of Bellingham

**APPROVED**

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

**Nay:** 0

Enactment No: RES 2024-034

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

**HELD IN COMMITTEE**

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

**Nay:** 0

**(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

**DISCUSSED AND MOTION(S) APPROVED**



Motion approved 7-0 to appoint: Pro: Andrew Redding, Kathy Kershner, and John Westerfield; and Con: Doris Smith and Atul Deshmane

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

1. [AB2024-429](#) Request confirmation of the County Executive's reappointments of Georgiann Dustin and Jen Lautenbach to the Northwest Senior Services Board

**CONFIRMED**

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

**Nay:** 0

2. [AB2024-461](#) Request confirmation of the County Executive's appointment of Mike Cullum to the Civil Service Commission

**CONFIRMED**

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

**Nay:** 0

**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

**APPROVED**

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

**Nay:** 2 - Elenbaas, and Stremler

**Abstain:** 1 - Byrd

Enactment No: RES 2024-035

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

**TABLED**

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

**Nay:** 2 - Elenbaas, and Stremler

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

**REFERRED TO COMMITTEE**

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

**Nay:** 0

Motion Approved 7-0 to hold for three weeks so they can have a work session during their July 30th Health Board meeting.

## **INTRODUCTION ITEMS**

1. [AB2024-419](#) Ordinance submitting to the qualified voters of Whatcom County a proposal to repeal Proposition 5

This item was considered separately below.

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)

### **INTRODUCED**

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

**Nay:** 0

3. [AB2024-453](#) Ordinance creating Whatcom County Code 2.49, establishing the Justice Project Finance and Facility Advisory Board

### **INTRODUCED**

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

**Nay:** 0

4. [AB2024-460](#) Ordinance amending the project budget for the Way Station Project Fund, request no. 4

### **INTRODUCED**

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

**Nay:** 0

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

### **INTRODUCED**

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

**Nay:** 0

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

This item was considered separately below.

### **INTRODUCTION ITEMS CONSIDERED SEPARATELY**

1. [AB2024-419](#) Ordinance submitting to the qualified voters of Whatcom County a proposal to repeal Proposition 5

#### **SUBSTITUTE INTRODUCED AS AMENDED**

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

**Nay:** 0

Motion approved 7-0 to amend to get rid of the deletions in the Now Therefore Be It Ordained section so that that portion is as it came to them from the Prosecutor's Office.

Substitute ("Alternate Ordinance submitted for 6.18.2024 Introduction") Introduced as Amended 7-0

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

#### **INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 2 - Elenbaas, and Stremmler

Introduced for Public Hearing (but only referred to Committee of the Whole in two weeks with no action on that date) 5-2 with Elenbaas and Stremmler opposed

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

- [AB2024-462](#) Discussion of pending litigation with Civil Deputy Prosecutor, George Roche, re; national opioid litigation and the opportunity to amend complaints to add additional defendants [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1) (i)]

#### **DISCUSSED AND MOTION(S) APPROVED**

Motion approved 7-0 to authorize George Roche, Civil Deputy to advise Keller Rohrback, outside counsel handling the national opioid litigation for Whatcom County, to amend our complaint to add the following additional defendants as discussed in Executive Session: Albertsons, Indivior Inc., KVK-Tech, Inc., Express Scripts, OptumRx.

- [AB2024-446](#) Discussion with Parks Department staff regarding potential property acquisition [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(b)]

#### **DISCUSSED AND MOTION(S) APPROVED**

Motion approved 6-1, with Elenbaas opposed, to authorize County Executive Sidhu, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

[AB2024-336](#) Update from the investigative committee assigned to review recent employment law decisions

**DISCUSSED AND MOTION(S) APPROVED**

Motion approved 7-0 to have Council staff put in motion a budget supplemental not to exceed \$100,000 to engage a professional to come in and review our policies pursuant to the scope of work that we as a Council will agree to.

**ADJOURN**