

Whatcom County Council

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



Action Summary

VIRTUAL MEETING - VIEW ONLINE

Tuesday, November 10, 2020

6 PM

Virtual Meeting

COUNCILMEMBERS

Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

ROLL CALL

Present: 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, Ben Elenbaas, and Kathy Kershner

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2020-103](#) Special Council Cherry Point Work Session for October 20, 2020

APPROVED BY CONSENT

Aye: 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

2. [MIN2020-104](#) Water Work Session for October 20, 2020

APPROVED BY CONSENT

Aye: 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

3. [MIN2020-106](#) Special Council Budget Work Session for October 29, 2020

APPROVED BY CONSENT

Aye: 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

4. [MIN2020-107](#) Special Council Cherry Point Work Session for October 28, 2020

APPROVED BY CONSENT

Aye: 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

PUBLIC HEARINGS

- 1. [AB2020-445](#) Ordinance adopting amendments to Whatcom County Code 20.72, Point Roberts Special District

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-056

- 2. [AB2020-310](#) Ordinance granting Gordon Montgomery and John Milobar, a non-exclusive franchise for the provision of sewer services

SUBSTITUTE ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-057

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

**Clerk's note: The Consent Agenda was reconsidered later in the meeting. The actions below represent the original and the final action taken on each item except for AB2020-488. The original action for that item is listed in a note under the agenda title in this section and the final action for that item is under the second Consent Agenda Header late in the meeting.

(From Council Finance and Administrative Services Committee)

- 1. [AB2020-475](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Downtown Bellingham Partnership to reimburse operational losses due to COVID-19, in the amount of \$56,033

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

2. [AB2020-515](#) Request authorization for County Executive to enter into contract between Whatcom County and Aha! Childcare and Family Learning Center for economic losses due to COVID-19 in an amount not to exceed \$45,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2020-516](#) Request authorization for County Executive to enter into an agreement between Whatcom County and Gabriel’s Art Kids for economic losses due to COVID-19 in an amount not to exceed \$90,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2020-517](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and The Seedlings Early Learning Center, Inc. for economic losses due to COVID-19 in an amount not to exceed \$50,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

5. [AB2020-518](#) Request authorization for County Executive to enter into a contract amendment between Whatcom County and MORE Smiles Learning for economic losses due to COVID-19 in the amount of \$50,000 for a total amended contract amount not to exceed \$100,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

6. [AB2020-519](#) Request authorization for the County Executive to enter into a contract amendment

between Whatcom County and Whatcom Family YMCA for economic losses due to COVID-19 in the amount of \$131,000 for a total amended contract amount not to exceed \$426,221

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

7. [AB2020-499](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mt Baker School District for reimbursement of eligible COVID-related PPE expenses, in the amount of \$94,325

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

8. [AB2020-505](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Nooksack Valley School District for reimbursement of eligible COVID-related PPE and technology expenses, in the amount of \$82,755

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

9. [AB2020-506](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Lynden School District for reimbursement of eligible COVID-related technology expenses, in the amount of \$146,025

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

10. [AB2020-507](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Blaine School District for reimbursement of eligible COVID-related PPE and technology expenses, in the amount of \$94,905

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

11. [AB2020-476](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Department of Fish and Wildlife for FY2019 Operation Stonegarden (OPSG), in the amount \$25,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

12. [AB2020-477](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Sumas for FY2019 Operation Stonegarden (OPSG), in the amount of \$60,000.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

13. [AB2020-478](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Lynden for FY2019 Operation Stonegarden (OPSG), in the amount of \$30,000.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

14. [AB2020-479](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Ferndale for FY2019 Operation Stonegarden (OPSG) in the amount of \$30,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

15. [AB2020-480](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Everson for FY2019 Operation Stonegarden (OPSG) in the amount of \$60,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

16. [AB2020-481](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Blaine for FY2019 Operation Stonegarden (OPSG) in the amount of \$31,948.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

17. [AB2020-474](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whidbey Telephone Company for Communications Site Lease, in the amount of \$33,155.94

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

18. [AB2020-482](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Organized Crime Drug Enforcement Task Forces (OCDETF) for reimbursement of overtime of Whatcom County Sheriff's Office Deputies engaged in Federal Organized Crime Drug Enforcement Task Force investigations, in the amount of \$10,000.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

19. [AB2020-483](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Organized Crime Drug Enforcement Task Forces (OCDETF) for reimbursement of overtime of Whatcom County Sheriff's Office Deputies engaged in Federal Organized Crime Drug Enforcement Task Force investigations, in the amount of \$2,500.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

20. [AB2020-488](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Securus Technologies, LLC to provide Inmate Communication Services for commission percentage rates of 30% months 1-36, 47% months 37-48 and 55% months 49+

Note on AB2020-488: The first time this item was considered it was Authorized by Consent 6-1 with Elenbaas opposed. However, after Other Items from the Finance and Administrative Services Committee, all of the Consent Agenda items were reconsidered and this item was voted on separately. The motion and vote for this item can be found under the second "Consent Agenda" header.

21. [AB2020-500](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Julota to renew the annual contract and integrate the Advanced DataMart Interface in the amount of \$46,088.80 for a total amended contract amount of \$85,021.30

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

OTHER ITEMS

(From Council Natural Resources Committee)

1. [AB2020-497](#) Public Works staff will provide an update to Council on the discussion at the WRIA1 Watershed Management Board meeting on October 29, 2020 of the County Executive's Comprehensive Water Settlement concept and request that Council make a motion to proceed with the settlement concept

DISCUSSED AND MOTION(S) APPROVED

Motion approved 6-1, with Elenbaas opposed, to bring the framework forward as proposed by the Executive, and move that forward, recognizing that it is not exclusive to adjudication.

(From Council Finance and Administrative Services Committee)

2. [AB2020-449](#) Ordinance amending the project budget for the Civic Center Improvement Fund, Request No. 1 in the amount of \$4,350,000

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2020-058

3. [AB2020-450](#) Ordinance amending the 2020 Whatcom County Budget, request no. 20, in the amount of \$4,476,128

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2020-059

4. [AB2020-492](#) Request authorization for the County Executive to enter into a FEMA Public Assistance grant contract between Whatcom County and the Washington State Military Department for the emergency protective measures as well as the repair and restoration of damaged public facilities as approved by FEMA in project worksheets describing eligible scopes of work and associated funding

AUTHORIZED

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

Nay: 0

Absent: 0

5. [AB2020-503](#) Resolution approving a salary schedule and policies for Unrepresented Whatcom County Employees effective January 1, 2021, through December 31, 2021

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2020-046

6. [AB2020-521](#) Request authorization for the County Executive to enter into a contract amendment between G6 Hospitality Properties, LLC and Whatcom County to extend the lease term through February 28, 2021 with the option to extend an additional three months through May 30, 2021 at an increased of \$10,000 in the monthly base rent

SUBSTITUTE AUTHORIZED

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

Nay: 1 - Elenbaas

Absent: 0

7. [AB2020-526](#) Resolution requesting the County transition from paper to digital and decrease our environmental impact, streamline processes, support transparency, and cut expenses

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2020-047

8. [AB2020-527](#) Resolution requesting Whatcom County distribute surplus computers and similar devices to the community

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2020-048

CONSENT AGENDA

20. [AB2020-488](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Securus Technologies, LLC to provide Inmate Communication Services for commission percentage rates of 30% months 1-36, 47% months 37-48 and 55% months 49+

AUTHORIZED BY CONSENT

Aye: 5 - Browne, Buchanan, Frazey, Elenbaas, and Kershner

Nay: 2 - Byrd, and Donovan

Absent: 0

(From Council Public Works and Health Committee)

9. [AB2020-498](#) Presentation of the 2020 Public Works Winter Snow and Ice Policy and request for a motion from Council in support of the policy

DISCUSSED AND MOTION(S) APPROVED

Motion approved 7-0 to support the proposed 2020 Public Works Winter Snow and Ice Policy

10. [AB2020-431](#) Resolution affirming racism as a Public Health Crisis

HELD IN COMMITTEE

11. [AB2020-525](#) Resolution recognizing inequality and unconscious bias and its effects on community health

WITHDRAWN

ITEMS ADDED BY REVISION

INTRODUCTION ITEMS

1. [AB2020-487](#) Ordinance amending Whatcom County Code 8.10, Solid Waste and Residential Recycling Collection, regarding solid waste collection in Point Roberts, WA

WITHDRAWN

2. [AB2020-494](#) Ordinance amending the 2020 Whatcom County Budget, request no. 21, in the amount of \$316,676

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2020-495](#) Ordinance establishing the Shallow Shore Culvert Relocation Fund and establishing a project based budget for the Shallow Shore Culvert Relocation Fund

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2020-496](#) Ordinance amending the project budget for the Public Safety Radio System Fund, request no. 2

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

5. [AB2020-466](#) Ordinance amending Whatcom County Code Section 1.14, adjusting Precinct Boundary Lines and Precinct Maps

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 0

6. [AB2020-490](#) Ordinance authorizing the 2021 Whatcom County Unified Fee Schedule
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
7. [AB2020-504](#) Ordinance in the matter of the adoption of the final budget of Whatcom County for the Biennium 2021-2022
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
8. [AB2020-509](#) Ordinance authorizing the levy of taxes for County and State purposes in Whatcom County, Washington, for the year 2021
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
9. [AB2020-510](#) Ordinance authorizing the Levy of Taxes for Countywide Emergency Medical purposes for 2021
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
10. [AB2020-511](#) Ordinance limiting the General Fund property tax levy
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
11. [AB2020-512](#) Ordinance authorizing the Levy of Taxes for County Conservation Futures Purposes for 2021
- INTRODUCED FOR PUBLIC HEARING**

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

Nay: 1 - Elenbaas

Absent: 0

12. [AB2020-513](#) Ordinance authorizing the Levy of Taxes for road purposes for 2021

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 0

13. [AB2020-520](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

INTRODUCED FOR PUBLIC HEARING

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

Nay: 2 - Elenbaas, and Kershner

Absent: 0

14. [AB2020-491](#) Resolution adopting 2021 budget for the Point Roberts Transportation Benefit District (Council acting as the governing body of the Point Roberts Transportation Benefit District)

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 0

15. [AB2020-493](#) Resolution adopting the 2021 budget for the Whatcom County Flood Control Zone District and Subzones (Council acting as the Flood Control Zone District Board of Supervisors)

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 0

16. [AB2020-514](#) Resolution authorizing the levy of taxes for the Whatcom County Flood Control Zone District for 2021 (Whatcom County Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

A motion was approved 7-0 to request that the Administration look into purchasing the pallet shelter units by November 16.

A motion was approved 6-1, with Donovan opposed, to schedule a special meeting to get an update on the pallet shelters on Monday, November 16 at 2pm.

ADJOURN