

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, January 10, 2023**

**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 ON THE FOLLOWING 1.5.2023, 1.9.2023, AND 1.10.2023**

### **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

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

### MINUTES CONSENT

1. [MIN2022-083](#) Special Council for December 5, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [MIN2022-084](#) Committee of the Whole Executive Session for December 6, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [MIN2022-085](#) Committee of the Whole for December 6, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

4. [MIN2023-001](#) Regular County Council for December 6, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

5. [MIN2023-006](#) Special Council for December 28, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

**OPEN SESSION**

**CONSENT AGENDA**

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

1. [AB2022-707](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Domestic Violence and Sexual Assault Services for administrative, management and support services in the amount of \$180,000

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2022-723](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Bellingham Food Bank to procure, warehouse and distribute food and other essentials to low and very low income families in the amount of \$276,000

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

3. [AB2022-724](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Clean Earth Environmental Solutions, Inc. to operate the County's moderate risk waste facility known as Disposal of Toxics in the amount of \$120,000 for a total amended contract amount of \$1,320,000

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

4. [AB2022-726](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Snohomish County to implement youth cannabis and tobacco prevention activities in the amount of \$31,000 for a total amended contract amount of \$56,000

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

5. [AB2022-727](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Island County to implement youth cannabis and tobacco prevention activities in the amount of \$25,000 for a total amended contract amount of \$50,000

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

6. [AB2022-728](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Whatcom Conservation District to administer the Firewise fire risk reduction program throughout Whatcom County in the amount of \$80,000

**WITHDRAWN**

7. [AB2022-729](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and United General District 304 to implement youth cannabis and tobacco prevention activities, in the amount of \$81,650

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

8. [AB2022-730](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and San Juan County to implement youth cannabis and tobacco prevention activities in the amount of \$25,000 for a total amended contract amount of \$50,000

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

9. [AB2022-733](#) Request authorization for the County Executive to enter into an interagency agreement between Whatcom County and the State of Washington Department of Ecology for Whatcom Marine Resources Committee (MRC) Operations and Projects, in the amount of \$75,846.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

10. [AB2022-734](#) Request authorization for the County Executive to enter into a contract between Whatcom County and FLO Analytics to accurately map all Whatcom County solid waste landfills and their associated 1000' buffer zones, in the amount of \$51,655

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

11. [AB2023-005](#) Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the County to provide probation services to the City

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

12. [AB2023-006](#) Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and the City of Blaine for the County to provide probation services to the City

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

13. [AB2023-007](#) Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and the City of Everson for the County to provide probation services to the City

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

14. [AB2023-008](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and the Washington State Department of Transportation, to obligate federal Emergency Relief funding in the amount of \$1,840,000

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

15. [AB2023-012](#) Resolution to approve annual petition for refunds paid list consistent with RCW 84.69.020.

**APPROVED**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2023-001

16. [AB2023-013](#) Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for the County to provide probation services to the City

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

17. [AB2023-014](#) Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and the City of Sumas for the County to provide probation services to the City

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

18. [AB2023-015](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department for funding for local jurisdictions to prepare for all hazards through the sustainment and enhancement of local emergency management programs in the amount of \$80,956

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

19. [AB2023-016](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the County to oversee the administration of the Domestic Violence Perpetrator Opportunity for Treatment Funding (DVPOTS)

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

20. [AB2023-019](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Anchor QEA to prepare a multi-purpose water storage assessment for WRIA 1, in the amount of \$150,000.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

21. [AB2023-024](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Master's Touch LLC to provide printing and mailing of tax statements

This item was considered separately (see motion and vote after the Consent Agenda).

22. [AB2023-039](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Conservation District in support of the Firewise Wildfire Risk Reduction Program in the amount of \$80,000

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

23. [AB2023-041](#) Request authorization for the County Executive to enter into a collective bargaining agreement between Whatcom County and International Organization of Masters, Mates and Pilots and Inlandboatmen’s Union of the Pacific for the period of January 1, 2023 to December 31, 2025

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

24. [AB2023-042](#) Request authorization for a Letter of Understanding between Whatcom County and the Fraternal Order of Police, Matt Herzog Memorial Lodge #24 to amend the Collective Bargaining Agreement for the period January 1, 2022 - December 31, 2024

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

25. [AB2023-043](#) Request authorization for the County Executive to enter into a Letter of Agreement between Whatcom County and PROTEC17 to amend the Collective Bargaining Agreement for the period January 1, 2022 - December 31, 2023

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

26. [AB2023-044](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Parks and Recreation Commission for Recreational Boating Safety (RBS) Federal Financial Assistance Grant, in the amount of \$18,476.57

**AUTHORIZED BY CONSENT**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**CONSENT AGENDA ITEM CONSIDERED SEPARATELY**



21. [AB2023-024](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Master's Touch LLC to provide printing and mailing of tax statements

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**OTHER ITEMS**

**(From Council Climate Action and Natural Resources Committee)**

1. [AB2023-048](#) Discussion and approval of letter regarding Whatcom County's response to the Washington State Department of Natural Resources regarding Phase II of the Carbon Project

**DISCUSSED AND MOTION(S) APPROVED**

Motion approved 5-2, with Byrd and Elenbaas opposed, to approve sending the "Revised Draft Letter (Galloway) Following Committee 1.10.2023" as amended to include the last two paragraphs and the four bulleted points in the alternate letter ("Alternate Letter (Kershner) 1.10.2023") which starts with:

"We respectfully ask that the Board of Natural Resources direct DNR to provide the following information for each of the seven parcels in Whatcom County identified for potential inclusion in Phase I and II of the Carbon Project:"

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

2. [AB2022-725](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to operate the Ground Floor Day Use Center in the amount of \$160,000 for a total amended contract amount of \$576,770

**AUTHORIZED**

**Aye:** 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

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

**Absent:** 0

3. [AB2022-731](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Hunt Forensics for increased costs of services in the amount of \$893,449.13 for the total amount of \$3,356,602

**HELD IN COMMITTEE**

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

**Nay:** 0

**Absent:** 0

4. [AB2023-001](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Long Term Recovery Group to provide Housing Assistance to those impacted by the November 2021 Floods, in the amount of \$2,050,000

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

5. [AB2023-040](#) Request authorization for the County Executive to enter into an interagency agreement between Whatcom County and the Washington State Department of Ecology for site characterization activities at Plantation Rifle Range, in the amount of \$700,000

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

6. [AB2023-047](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Whatcom Humane Society for animal control and shelter services in the amount of \$932,218

**AUTHORIZED**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

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

1. [AB2022-640](#) Appointment to fill a vacancy on Diking District #1, Applicant Carl Douglas Channel

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

2. [AB2023-027](#) Appointment to various vacancies on the Board of Equalization, Applicant(s): John Bruton

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

3. [AB2023-028](#) Appointment to various vacancies on the Business and Commerce Advisory Committee, Applicant(s): Chris Trout, Casey Diggs, Paul Burrill, Pete Dawson, Andrew Gamble, Debbie Ahl, Russell Tewksbury, Sarah Rothenbuhler, Ryan Allsop, Carole “CJ” Seitz, Eva Schulte, Pamela Brady

**APPOINTED**

Appointed the following 7-0

Chris Trout, Manufacturing

Casey Diggs, Retail

Paul Burrill, Food Processing

Pete Dawson, Commercial real estate

Debbie Ahl, Health Care

Russell Tewksbury, Internet technology

Sarah Rothenbuhler, and Ryan Allsop, Other For-Profit

CJ Seitz, and Eva Schulte, Higher Education (nonvoting)

Pam Brady, Energy industry

4. [AB2023-029](#) Appointment to various vacancies on the Child and Family Well-Being Task Force, Applicant(s): Monika Mahal, Katherine Orłowski, Vann Dartt, Colton Redtfeldt, Rick Tanner, Pamela Jons, Tilda Doughty, Christina Jackson, Anne Granberg

**APPOINTED**

Appointed the following:

Anne Granberg, Monika Mahal, Katherine Orłowski, Colton Redtfeldt, Pamela Jons, Tilda Doughty, and Christina Jackson

5. [AB2023-030](#) Appointment to various vacancies on the Climate Impact Advisory Committee, Applicant(s): Derek Gremban, Ray Kamada, Stevan Harrell, Phillip Thompson, John Bosche, Michael Karp, Chris Hoops, Regina Jeffries

**APPOINTED**

Appointed the following:

Derek Gremban, Ray Kamada, Stevan Harrell, Phillip Thompson, Suneeta Eisenberg, and Regina Jeffries (partial term)

6. [AB2023-031](#) Appointment to various vacancies on the Drayton Harbor Shellfish Protection District Advisory Committee, Applicant(s): Julie Hirsch

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

- 7. [AB2023-032](#) Appointment to various vacancies on the Horticulture Pest and Disease Board, Applicant(s): Troy Kortus, John Grubb

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

- 8. [AB2023-033](#) Appointment to various vacancies on the Planning Commission, Applicant(s): William Dominic Mocerì

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

- 9. [AB2023-034](#) Appointment to various vacancies on the Portage Bay Shellfish Protection District Advisory Committee, Applicant(s): Alan Chapman

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

- 10. [AB2023-035](#) Appointment to various vacancies on the Public Health Advisory Board, Applicant(s): Leah Wainman, Madison Emry, Misty Flowers, Hannah Ordos, Robyn Phillips-Madson, Susan Prosser, Adrienne Renz, Ashley Thomasson, Shu-Ling Zhao

**APPOINTED**

Appointed the following with six votes each:

2 vacancies with terms that expire in 2026

Leah Wainman and Shu-Ling Zhao (6-1 with Byrd opposed)

Vacancies with terms that expire in 2025

Adrienne Renz and Ashley Thomasson

- 11. [AB2023-036](#) Appointment to various vacancies on the Solid Waste Advisory Committee,

Applicant(s): Rodd Pemble

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

12. [AB2023-038](#) Appointment to various vacancies on the Flood Control Zone District Advisory Committee, Applicant(s): Albert de Boer, Ron Bronsema, Jeff De Jong, Bruce Bosch, John Perry (Council acting as the Flood Control Zone District Board of Supervisors)

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

13. [AB2023-050](#) Appointments to various vacancies on the Noxious Weed Control Board, Applicant(s): Alan Yoder and Patricia Lenssen

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

**ITEMS ADDED BY REVISION**

1. [AB2023-055](#) Request authorization for the County Executive to enter into an Interlocal Amendment Between Whatcom County, City of Bellingham and Fire Protection District No 7 to pays in accordance with the 2023 portion of the 2023-2028 Levy Plan which includes a 5th Medic Unit in tha amount of \$13,837,716

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

2. [AB2022-732](#) Request authorization for the County Executive to enter into the Memorandum of Understanding between the North Sound Region Participating Local Governments and North Sound Behavioral Health Administrative Services Organization for the creation of the regional Opioid Abatement Council required by the One Washington Memorandum of Understanding

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

3. [AB2023-062](#) Resolution in support of adjudication funding in the Washington State 2023 - 2024 biennium

**REFERRED TO COMMITTEE**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

Motion approved 6-1, with Elenbaas opposed, to move this and the letter circulated by Galloway about legislative priorities to the Climate Action and Natural Resources Committee on the 24th.

4. [AB2023-063](#) Discussion and approval of motion to request the County Executive send a letter of support for Port of Bellingham and Whatcom County Public Utility District (PUD) #1 broadband project, with commitment of \$4 million for the Port and \$350,000 for the PUD

**APPROVED REQUEST**

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

**Nay:** 0

**Absent:** 0

**INTRODUCTION ITEMS**

1. [AB2023-002](#) Ordinance amending the Whatcom County Unified Fee Schedule - ferry rates

**SUBSTITUTE INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

Action Summary: Substitute Introduced for Public Hearing 7-0  
(Discussion to be scheduled for Finance Committee before the Public Hearing)

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

Councilmembers continued to vote on Committee Assignments from the Special Committee of the Whole.

Motion approved 7-0 to have an Executive Session to discuss a social media lawsuit and meet at the next available date that works for everyone.

**ADJOURN**