

# **Whatcom County Council**

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



## **Minutes - Draft Minutes**

**Tuesday, December 6, 2022**

**6 PM**

**Hybrid Meeting**

**HYBRID MEETING (PARTICIPATE IN-PERSON AT 311 GRAND AVENUE SUITE  
105, SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010)**

### **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

Council Chair Todd Donovan called the meeting to order at 6:01 p.m. in a hybrid meeting.

### ROLL CALL

**Present:** 6 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, and Kaylee Galloway

**Absent:** 1 - Kathy Kershner

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, reported on accomplishments of this past year and the work that lies ahead, and on the recent approval of a levy lid lift to establish a dedicated Healthy Children's Fund to support young children and families in Whatcom County. He thanked all the County staff for the work they do.

### MINUTES CONSENT

*Buchanan moved* to accept the minutes consent items. The motion was seconded by Byrd (see votes on individual items below).

1. [MIN2022-080](#) Special Council for November 17, 2022

**Buchanan moved and Byrd seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

2. [MIN2022-081](#) Committee of the Whole for November 22, 2022

**Buchanan moved and Byrd seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

3. [MIN2022-082](#) Regular County Council for November 22, 2022

**Buchanan moved and Byrd seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

### **PUBLIC HEARINGS**

1. [AB2022-581](#) Resolution to declare Whatcom County Real Property as Surplus and Approve Sale  
Donovan opened the Public Hearing and the following people spoke:

- Nathan and Molly Seimears
- Sandra Matheson

Hearing no one else, Donovan closed the Public Hearing.

Andrew Hester, Public Works Department, answered questions about the aerial map.

***Buchanan moved*** and Donovan seconded that the Resolution Requiring a Public Hearing be APPROVED.

Hester continued to answer questions about what property this is and spoke about why it is being surplus.

Elenbaas stated he would abstain.

**Buchanan's motion that the Resolution Requiring a Public Hearing be APPROVED carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

**Abstain:** 1 - Elenbaas

Enactment No: RES 2022-051

2. [AB2022-587](#) Request authorization for the County Executive to enter into an Interlocal Agreement with the City of Blaine concerning planning, annexation and development within the Blaine Urban Growth Area

Donovan opened the Public Hearing and, hearing no one, closed the Public Hearing.

**Frazezy moved and Buchanan seconded that the Agreement Requiring a Public Hearing be AUTHORIZED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

3. [AB2022-642](#) Request authorization for the County Executive to enter into an Interlocal Agreement with the City of Ferndale concerning planning, annexation and development within the Ferndale Urban Growth Area

Donovan opened the Public Hearing and, hearing no one, closed the Public Hearing.

**Frazezy moved and Byrd seconded that the Agreement Requiring a Public Hearing be AUTHORIZED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

4. [AB2022-643](#) Request authorization for County Executive to enter into an Interlocal Agreement between Whatcom County and the seven cities concerning procedures for amending the Countywide Planning Policies

Donovan opened the Public Hearing and the following person spoke:

- Todd Lagestee

Hearing no one else, Donovan closed the Public Hearing.

**Galloway moved** and Buchanan seconded that the Agreement Requiring a Public Hearing be AUTHORIZED.

Matt Aamot, Planning and Development Services Department, answered whether he had a response to the citizen who spoke, who has the final say on passage of an initiated amendment as referenced on page two of the proposed Interlocal Agreement, and whether the requirements for approving amendments have changed since the Council discussed it a few years ago.

**Galloway's motion that the Agreement Requiring a Public Hearing be AUTHORIZED carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

5. [AB2022-650](#) Ordinance Establishing Temporary one way traffic on Drayton Harbor Road

Donovan opened the Public Hearing and the following people spoke:

- Becky Savo
- David Hamilton
- Victor Missick
- Pete Terry
- Jennifer Plombon

Hearing no one else, Donovan closed the Public Hearing.

**Byrd moved** and Galloway seconded that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL.

Donovan asked if he would like to hold it until the next meeting and Byrd said he was okay with that if it works for staff.

Councilmembers spoke about continuing to engage the community and seeing if they can explore alternatives that might be more accommodating to the community while also achieving the County's construction goals, why they cannot use alternating lights, requesting staff to look at the issues this poses to postal service delivery as presented by one of the speakers, and requesting staff to find out what they are planning to do with the bus stop.

The following staff spoke:

- Jim Karcher, Public Works Department
- Doug Ranney, Public Works Department

Ranney stated they would address the concerns of the citizens, and **AB2022-653** could also be put on hold if they decide to do so on this item.

**Byrd's motion that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

6. [AB2022-651](#) Ordinance to install stop signs on Bay Road at the intersection with Kickerville Road

Donovan opened the Public Hearing and, hearing no one, closed the Public Hearing.

*Elenbaas moved* and Frazey seconded that the Ordinance Requiring a Public Hearing be ADOPTED. He spoke about his experience driving on this road.

**Elenbaas's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2022-087

7. [AB2022-652](#) Ordinance to install stop signs on Bay Road at the intersection with Valley View Road

Donovan opened the Public Hearing and, hearing no one, closed the Public Hearing.

Elenbaas spoke about his experience driving at this intersection and asked how they would let people know there is a stop sign there.

Doug Ranney, Public Works Department, answered which location was coming to blows because of the lack of traffic control and stated it was at Drayton Harbor.

Councilmembers voted but no one had made a motion so they came back to this item later.

Enactment No: ORD 2022-088

See motion and vote on this item after AB2022-653 below.

8. [AB2022-653](#) Ordinance to remove a temporary stop sign on Drayton Harbor Road

Donovan opened the Public Hearing and the following person spoke:

- Name not stated (resident at Drayton Harbor Road)

Hearing no one else, Donovan closed the Public Hearing.

**Galloway moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL until the next meeting. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

7. [AB2022-652](#) Ordinance to install stop signs on Bay Road at the intersection with Valley View Road  
*Clerk's note:* Councilmembers held a public hearing and discussed this item earlier before AB2022-653.

**Frazey moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2022-088

9. [AB2022-654](#) Ordinance to remove stop signs on Harksell Road at the intersection with Woodland Road  
Donovan opened the Public Hearing and, hearing no one, closed the Public Hearing.

**Frazey moved and Galloway seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2022-089

10. [AB2022-665](#) Ordinance authorizing the 2023 Whatcom County Unified Fee Schedule  
Donovan opened the Public Hearing and the following person spoke:

- Todd Lagestee

Hearing no one else, Donovan closed the Public Hearing.

**Frazey moved** and Galloway seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Byrd asked if they could hold this item and have the Emergency Medical Services (EMS) information included in this schedule.

Tyler Schroeder, Director of Administrative Services, answered whether this item is time-sensitive, whether the fees referenced by the speaker are federal reimbursement fees, and whether the fees are charged by the County or by the districts. He stated the 2016 through 2022 fee schedules are the fees that are being collected by the districts or by the providers. It is not in the Unified Fee Schedule because Whatcom County does not actually collect those fees.

Councilmembers discussed the motion.

Schroeder answered whether the districts are charging these fees but the district fee schedules are approved by the Council, when that would come to the Council, and whether it is an annual thing.

**Frazey's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

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

**Absent:** 1 - Kershner

Enactment No: ORD 2022-090

11. [AB2022-673](#) Ordinance amending Whatcom County Code Chapter 3.72 (Construction Projects-Apprenticeship Requirements) to extend the start dates and enhance the requirements for utilization of the contractor apprenticeship program

Donovan opened the Public Hearing and the following person spoke:

- Mary Gibb

Hearing no one else, Donovan closed the Public Hearing.

**Galloway moved** and Frazey seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Galloway thanked the Public Works Department and the Administration for working with her on this.

**Galloway's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 0



**Absent:** 1 - Kershner

Enactment No: ORD 2022-091

12. [AB2022-688](#) Ordinance authorizing the levy of taxes for Whatcom County and state purposes in Whatcom County, Washington, for the year of 2023

Donovan stated there are substitute versions of the Ordinance. He reported for the Committee of the Whole Executive Session and stated these funds will be dedicated to the Healthy Children's Fund. If those funds are not fully used they become banked capacity. They can only be used for Proposition five. This item was not an initiative but was put on the ballot by Council. The question they will consider is the rate, and according to the Attorneys, the Council has the authority to pick a different rate.

Byrd stated the General Fund Levy is not the General Fund account (where the money would be held). It is the tax mechanism that allows them to collect the tax.

Karen Frakes, Prosecuting Attorney's Office, spoke about the concept of banked capacity and stated if the County does not certify the full \$.19 increase and instead certifies \$.16, that \$.03 difference becomes what is referred to as banked capacity and it can be used in the future. When it is used it has to be used for the purposes outlined in the original Ordinance establishing the proposition.

Buchanan stated the Council needs to create the fund but they cannot create the fund until this Ordinance is adopted to levy the tax.

Donovan opened the Public Hearing and the following people spoke:

- Rachel Lucy
- Leslie Farris
- Deborah Parker
- John Marshall
- Elizabeth Oakes Roach
- Eliana and Annie Russell
- Russ Pfeiffer-Hoyt
- Joe Nolting
- David Lynch
- Bodi Hallett
- Ray Deck
- Brian (last name not stated)

- Chao-Ying Wu
- Shala Erlich
- Kim Lund
- Heather Powell
- Sati Mookherjee
- Vesla Tonnessen
- Simon Bakke
- Mike Hammes
- Sierra James
- Anna Palmer
- Kyle Kirsty
- Zach Coen
- Colton Redtfeldt
- Rebecca Quirke
- Andrew Shelton
- Rachel Kingsley
- John McDonald
- Bryant Engebretson
- Maya Morales
- Name not stated
- Todd Lagestee
- Christina Jackson
- Meredith Hayes
- Name inaudible
- Katya (last name not stated)
- Maya Hill
- Cathy MacKay
- Janet Johnson
- Nathan Evans
- Andrew Hanson
- Heather Flaherty
- Lyle Sorenson
- David Gell
- Pasquale Carbone
- Name not stated
- Oliver Trulock
- Name not stated
- Kris Halterman
- Misty Flowers

- Rebecca Lewis
- Brendan Walter
- Jennifer Wright
- Name not stated
- Klaus Klix
- Sara Rose
- Jerry Hunter
- Brel Froebe
- Danielle Humphreys
- Amy
- Natalie Chavez
- Travis Lofland
- Erin Lynch
- Enoch Mann

Hearing no one else, Donovan closed the Public Hearing.

***Buchanan moved*** and Galloway seconded that the SUBSTITUTE Ordinance Version B be ADOPTED.

Buchanan spoke about the motion, voter intent, the timing of the property assessment, and the need for this in our community and stated his motion is for "Substitute Ordinance Version B (2)" (on file).

Tyler Schroeder, Director of Administrative Services, answered how many Whatcom County levies are budget-based and how many are rate-based. He stated that Washington State has a budget-based system of property taxation according to Municipal Research and Services Center of Washington (MRSC).

Elenbaas spoke about what the actual plan is for how the money is going to be spent, how the Council districts voted on this levy, and how that compared to how they voted on the Emergency Medical Services (EMS) levy.

Schroeder answered how it is determined what percentage is a passing vote.

***Galloway*** spoke about the motion and ***moved*** to amend the sixth whereas statement in "Substitute Ordinance Version B (2)" to strike the word "approximately" and the words "Section 2 of" so that it would read:

WHEREAS, the levy lid lift authorized the county to increase the

General Fund levy in 2023 and in the following 9 years ~~approximately~~ by \$0.19 per \$1,000 of assessed value of taxable property within the County, with proceeds deposited in a separate fund (“Healthy Children’s Fund) and spent according to ~~Section 2 of~~ Ordinance 2022-045; and

The motion was seconded by Buchanan.

The motion to amend carried by the following vote:

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

**Nay:** 0

**Absent:** 1 - Kershner

Councilmembers discussed the motion to adopt the Substitute Ordinance as amended.

Buchanan stated that his motion includes Exhibit A that was emailed by the Clerk of the Council tonight.

Dana Brown-Davis, Clerk of the Council, answered a question about Exhibit A.

**Buchanan's motion that the SUBSTITUTE Ordinance Requiring a Public Hearing be ADOPTED AS AMENDED carried by the following vote:**

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

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

**Absent:** 1 - Kershner

Enactment No: ORD 2022-092

## **OPEN SESSION**

*Clerk's note:* Councilmembers took a short break.

The following people spoke:

- Name not stated
- Chris Van Staalduin
- Name not stated
- Andrew Hanson
- Name not stated
- Cliff Langley
- Maya Morales

- Jerry Burns
- Todd Lagestee
- Jason McGill
- Dean Wight
- Pam (last name not stated)
- Name not stated
- Heather Katahdin
- Lyle Sorenson
- Name not stated
- Kris Halterman
- Misty Flowers
- Name not stated
- Susan
- Klaus Klix
- Lindy McDonough
- Brel Froebe
- Sara Rose
- Natalie Chavez
- Amy
- Travis Lofland

Hearing no one else, Donovan closed the Open Session.

### **CONSENT AGENDA**

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

*Byrd* reported for the Finance and Administrative Services Committee and *moved* to approve all the Consent Agenda items except for item number 30 (**AB2022-718**).

Dana Brown-Davis, Clerk of the Council, answered whether **AB2022-732** needs to be considered separately and stated that **AB2022-687** and **AB2022-693** were requested by citizens to be discussed separately.

Elenbaas requested to vote separately on Consent Agenda item numbers 10 and 15 (**AB2022-687** and **AB2022-693**).

Donovan stated Consent Agenda items 10, 15, 30, and 32 will be voted on separately so *Byrd's* motion will be for all the Consent Agenda items except for those.

Tyler Schroeder, Director of Administrative Services, answered whether Sun Community Services (as referenced in **AB2022-680**) is a new group, how many employees they have, and whether they do anything else other than manage the Sun House.

Councilmembers voted on the Consent Agenda items (see votes on individual items below and also see items considered separately after the Consent Agenda).

1. [AB2022-667](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Conservation District for outreach, education and technical assistance with BWARM stormwater programs, in the amount of \$93,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

2. [AB2022-668](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Conservation District for education and outreach assistance with Lake Whatcom stormwater utility stormwater programs, in the amount of \$64,600

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

3. [AB2022-676](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to support operations at the permanent supportive housing facility known as Heart House in the amount of \$63,000 for a total amended contract amount of \$120,145

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

4. [AB2022-679](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Julota to integrate data among various data storage platforms used to track and monitor services and care provided to individuals frequently seen by the Health Department's Response Systems Division Programs in the amount of \$85,207 for a total amended contract amount of \$168,418

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

5. [AB2022-680](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Sun Community Services for emergency shelter operations at Sun House, in the amount of \$482,755

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

6. [AB2022-683](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Thomson Reuters for legal research purposes, in the amount of \$87,234.19

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

7. [AB2022-684](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Domestic Violence & Sexual Assault Services to operate

emergency domestic violence shelters, in the amount of \$50,000

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

8. [AB2022-685](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham to provide funding to support the GRACE Program in the amount of \$392,000 annually

**Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

9. [AB2022-686](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Acme Water District No. 18 (Water District) for inclusion of the Water District's utility improvements into the Jones Creek Debris Flow Risk Reduction Project, for a cost share amount of \$33,000.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

10. [AB2022-687](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the U.S Department of Justice for the FY 2022 Community Oriented Policing Services (COPS) Technology and Equipment Program Grant, in the amount of \$300,000.00

This item was considered separately. See below after the Consent Agenda.

11. [AB2022-689](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Conservation District (WCD) for continued



technical assistance for Flood Project Implementation, in the amount of \$40,000.00 over two years (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

12. [AB2022-690](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Regional Council to extend Nursing Services in the Jail and increase the maximum annual compensation by \$128,382.00 for a total of \$1,782,522

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

13. [AB2022-691](#) 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 \$8,250.00

**Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

14. [AB2022-692](#) 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 to address road safety for pedestrians and bicyclists, in the amount of \$14,000.00

**Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

15. [AB2022-693](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for Cooperative State and Local Task Force Agreement FY2023

This item was considered separately. See below after the Consent Agenda.

16. [AB2022-697](#) Request authorization for the County Executive to enter into a Local Agency Standard Consultant Agreement Supplemental No. 1 between Whatcom County and KPFF, Inc. to provide on-call professional mechanical engineering support for the Whatcom County ferry program in the amount of \$40,000

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

17. [AB2022-698](#) Request authorization for the County Executive to enter into a Local Agency Standard Consultant Agreement Supplemental No. 1 between Whatcom County and KPFF, Inc. to provide on-call professional structural engineering support for the Whatcom County bridge program

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

18. [AB2022-699](#) Request authorization for the County Executive to enter into a Local Agency Standard Consultant Agreement Supplement No. 1 between Whatcom County and Trantech Engineering, LLC to provide on-call professional structural engineering support for the Whatcom County bridge program in the amount of \$40,000

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

19. [AB2022-700](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the Washington State Department of Health for the delivery and funding of various public health services in the amount of \$109,206, for a total amended agreement amount of \$8,487,174

**Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

20. [AB2022-701](#) Request authorization for the County Executive to enter in to a Collective Bargaining Agreement between Whatcom County and the Washington State Nurses Association for the period of January 1, 2023 - December 31, 2025

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

21. [AB2022-702](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Office of Public Defense for the purpose of improving the quality of public defense services in the amount of \$200,639.00

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

22. [AB2022-703](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker Foothills Chamber of Commerce in the amount of \$125,000

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

23. [AB2022-704](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Birch Bay Chamber of Commerce in the amount of \$130,000

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

24. [AB2022-705](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Bellingham Whatcom County Tourism in the amount of \$250,000

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

25. [AB2022-709](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Northwest Regional Council in support of the Meals on Wheels Program in the amount of \$120,000

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

26. [AB2022-711](#) Request authorization for the County Executive to enter into a lease/contract between

Whatcom County and Unity-Flora Development LLC, to lease space at 104 Unity Street, Bellingham, in the amount of \$88,512

**Byrd reported for the Finance and Administrative Services Committee and moved that the Request for Motion be APPROVED by consent. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

27. [AB2022-714](#) Request authorization for the County Executive to enter into a contract with Midwest Employer Casualty renewal for insurance protection for the self-insured workers compensation program in the amount of \$107,590 for calendar year 2023

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

28. [AB2022-715](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Summit Law Group to provide legal services for matters related to collective bargaining, in the amount not to exceed \$89,076 annually through December 31, 2023

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

29. [AB2022-716](#) Request authorization for the County Executive to enter into interlocal agreement amendment between Whatcom County and the Whatcom Council of Governments for provision of Boundary Review Board administration

**Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

30. [AB2022-718](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Habitat for Humanity for their purchase of a property in Everson for construction of 30 homes in the amount of \$449,256

This item was considered separately. See below after the Consent Agenda.

31. [AB2022-719](#) Request approval for the County Executive to award Bid #22-58 Medical Outreach Van Modifications and enter into a contract between Whatcom County and North Point Metalworks, in the amount of \$45,096.15

**Byrd reported for the Finance and Administrative Services Committee and moved that the Bid Award be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

32. [AB2022-720](#) Resolution certifying Whatcom County's property tax levies for collection in 2023 to the County Assessor

Enactment No: RES 2022-052

This item was considered separately. See below after the Consent Agenda.

### **CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

10. [AB2022-687](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the U.S Department of Justice for the FY 2022 Community Oriented Policing Services (COPS) Technology and Equipment Program Grant, in the amount of \$300,000.00

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Interlocal be AUTHORIZED.

Tyler Schroeder, Director of Administrative Services, briefed the Councilmembers.

Elenbaas stated that every dollar goes for equipment.

**Byrd's motion that the Interlocal be AUTHORIZED carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

15. [AB2022-693](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for Cooperative State and Local Task Force Agreement FY2023
- Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Interlocal be AUTHORIZED.

Elenbaas stated he wanted to point out that this is a no-cost no-reimbursement agreement required by U. S. Drug Enforcement Administration (DEA) for the Sheriff's Office Drug Task Force to be located in the DEA's offices.

**Byrd's motion that the Interlocal be AUTHORIZED carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

30. [AB2022-718](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Habitat for Humanity for their purchase of a property in Everson for construction of 30 homes in the amount of \$449,256
- Buchanan moved** and Galloway seconded that the SUBSTITUTE Contract be AUTHORIZED.

Frazey and Byrd explained why they were the dissenting voters in Committee and Councilmembers discussed the motion.

Byrd stated he voted no but he got his question answered about how to better disclose to people so they know what they are getting into if they choose to buy a house out there.

Frazey stated her reason was that part of the land is in the 100-year flood zone and it was under water twelve months ago. They are going to raise the structures two feet, but where does that water go? She does not think it is responsible to build on land that was flooded twelve months ago when they keep building on this land and funneling the water other places.

Councilmembers discussed the motion and the following people spoke and

answered questions:

- Marcelo Pratesi, Habitat for Humanity
- Chris van Staaldin, Habitat for Humanity

They answered what has been done to plan for mitigation and notification, what studies have been done, what work with the Federal Emergency Management Agency (FEMA) has been done, what assurance there is of flood insurance, and whether they are asking for a zone change from commercial to residential.

Dana Brown-Davis, Clerk of the Council, mentioned for the record that this is a substitute version of the contract.

**Buchanan's motion that the SUBSTITUTE Contract be AUTHORIZED carried by the following vote:**

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

**Nay:** 1 - Frazey

**Absent:** 1 - Kershner

32. [AB2022-720](#) Resolution certifying Whatcom County's property tax levies for collection in 2023 to the County Assessor

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the SUBSTITUTE Resolution be APPROVED.

Cathy Halka, Council Legislative Analyst, answered which substitute version they would be voting on and spoke about the differences between "Substitute Resolution Version A" and "Substitute Resolution Version B."

They voted on whether to approve version B.

**Byrd's motion that the SUBSTITUTE (Version B) Resolution be APPROVED carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Kershner

Enactment No: RES 2022-052

## **OTHER ITEMS**

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



1. [AB2022-636](#) Ordinance amending Whatcom County Code 2.118, reactivating the Whatcom County Wildlife Advisory Committee beyond December 31, 2022

**Galloway reported for the Climate Action and Natural Resources Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Kershner

Enactment No: ORD 2022-093

2. [AB2022-661](#) Ordinance amending Whatcom County Code 16.20, Whatcom County Shellfish Protection Districts

**Galloway reported for the Climate Action and Natural Resources Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2022-094

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

3. [AB2022-657](#) Ordinance amending the Silver Beach Creek Stormwater Improvements Project Fund, request No. 1

**Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2022-095

4. [AB2022-659](#) Ordinance amending the 2023 Whatcom County Budget, request no. 1, in the amount of \$9,737,304

**Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following**

**vote:****Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway**Nay:** 0**Absent:** 1 - Kershner

Enactment No: ORD 2022-096

5. [AB2022-660](#) Ordinance amending the project based budget for the North Lake Samish Road Bridge No. 107 Replacement Fund, request no. 2

**Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway**Nay:** 0**Absent:** 1 - Kershner

Enactment No: ORD 2022-097

6. [AB2022-662](#) Ordinance amending the 2022 Whatcom County Budget, request no. 16, in the amount of \$636,513

**Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway**Nay:** 0**Absent:** 1 - Kershner

Enactment No: ORD 2022-098

7. [AB2022-675](#) Request authorization for the County Executive to enter into a contract between Whatcom County and World Relief Western Washington to facilitate distribution of refugee relief funds, in the amount of \$150,000

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway**Nay:** 0**Absent:** 1 - Kershner

8. [AB2022-677](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Youth Services to support the Positive Adolescent Development Program in the amount of \$115,000

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Contract be HELD IN COMMITTEE.

Buchanan made a motion to approve the contract but a motion to hold was already on the floor.

Councilmembers discussed the motion to hold.

The following people spoke and answered questions:

- Satpal Sidhu, County Executive
- Tyler Schroeder, Executive's Office
- Dana Brown-Davis, Clerk of the Council
- Jason McGill, Northwest Youth Services Executive Director

They discussed with Councilmembers whether this is money for the Positive Adolescent Development (PAD) program, whether Council could approve the funding and then just institute some conditions with it such as coming back in a certain number of months to give a report or sending a draft community engagement plan, how many months they should set for coming back to the Council, whether they could add terms without the contract having to be re-introduced or re-written, whether staff will be lost if they do not say yes to this tonight, the narrative that there are crimes at the PAD, whether the PAD will not allow the Bellingham Police Department inside, whether the contract has to be approved on a yearly basis or whether it can be approved for smaller increments of time, whether it is things like breaking curfew (as opposed to crime) that show up on a police blotter for this program, having more early engagement with things like this so that Councilmembers are not faced with an ultimatum such as people losing their jobs if they do not approve, and whether all County contracts should be broken up into smaller chunks of time.

The motion to hold failed by the following vote:

**Aye:** 2 - Byrd and Elenbaas

**Nay:** 4 - Donovan, Frazey, Galloway, and Buchanan

**Absent:** 1 - Kershner

**Buchanan moved** and Galloway seconded that the Contract be AUTHORIZED.

*Galloway suggested a friendly amendment* to the motion to add a condition of having an update at the first meeting in April as well as a presentation on a community engagement plan.

The motion was seconded by Frazey and accepted by Buchanan.

Councilmembers discussed the motion.

**Buchanan's motion that the Contract be AUTHORIZED AS AMENDED carried by the following vote:**

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

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

**Absent:** 1 - Kershner

9. [AB2022-681](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide housing case management services in the amount of \$607,235 for a total amended contract amount of \$1,456,130

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

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

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

**Absent:** 1 - Kershner

10. [AB2022-678](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to provide housing case management services in the amount of \$482,572 for a total amended contract amount of \$1,053,814

Byrd reported for the Finance and Administrative Services Committee and stated it was recommended that it be held in Committee.

**Buchanan moved** and Galloway seconded that the Contract be AUTHORIZED with the same conditions that Councilmember Galloway laid out for the other (AB2022-677) contract (having an update at the first meeting in April as well as a submission of a community engagement plan).

Jason McGill, Northwest Youth Services Executive Director, answered whether staff would lose their jobs in January if this were not approved tonight.

Councilmembers discussed the motion.

**Buchanan's motion that the Contract be AUTHORIZED AS AMENDED carried by the following vote:**

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

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

**Absent:** 1 - Kershner

**(From Council Planning and Development Committee)**

11. [AB2022-627](#) Resolution approving recommendations on three applications for open space current use assessment

**Elenbaas reported for the Planning and Development Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: RES 2022-053

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

1. [AB2022-696](#) Request confirmation of the County Executive's appointment of Valerie Billmire to the Whatcom County Housing Authority Board of Commissioners

***Buchanan moved*** and Galloway seconded that the Executive Appointment be CONFIRMED.

Satpal Sidhu, County Executive, answered if there was more than one applicant for this position. He stated there was only one.

**Buchanan's motion that the Executive Appointment be CONFIRMED carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

### **ITEMS ADDED BY REVISION**

There were no agenda items added by revision.

**INTRODUCTION ITEMS**

1. [AB2022-641](#) Ordinance adopting the Buildable Lands Report
- Buchanan moved* that the Ordinance Requiring a Public Hearing be introduced but Donovan stated that the Committee recommended to hold it. The *motion failed* for lack of a second.
- Elenbaas moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be removed from Introduction and WITHDRAWN. The motion carried by the following vote:**
- Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway
- Nay:** 0
- Absent:** 1 - Kershner

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

Councilmembers gave committee reports and other updates.

Karen Frakes, Prosecuting Attorney's Office, answered whether they can forward the letter that Council received from an attorney regarding Proposition five to anyone who requests it. She stated it would be fully available to the public without redaction.

Galloway requested they look ahead to the upcoming year and think about doing another Council retreat in the first quarter of the year to have conversations about what everyone's priorities are for the next year so they can work together on those.

Satpal Sidhu, County Executive, said happy holidays and stated he would be traveling to India.

**ADJOURN**

The meeting adjourned at 1:04 a.m. on Wednesday, December 7, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Todd Donovan, Council Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription