

Whatcom County Council

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



Action Summary

Tuesday, July 12, 2022

6 PM

Hybrid Meeting

HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN
INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010) - AGENDA REVISED 7.12.2022

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. [MIN2022-042](#) Committee of the Whole for June 21, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2022-043](#) Regular County Council for June 21, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2022-283](#) Resolution authorizing the transfer of Whatcom County surplus property

APPROVED

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

Enactment No: RES 2022-032

OPEN SESSION

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

1. [AB2022-362](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Domestic Violence and Sexual Assault Services to support shelter operations in the amount of \$1,500 for a total amended contract amount of \$41,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

2. [AB2022-366](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to support the youth and young adult vocational program in the amount of \$25,900 for a total amended contract amount of \$51,800

This item was considered separately. See motion and vote below after the other Consent Agenda Items.

3. [AB2022-374](#) Request authorization for the County Executive to award bid #22-29 and enter into a contract between Whatcom County and Western Refinery Services, Inc. for the 2022 and 2023 Swift Creek Channel Excavation in the amount of \$478,878.76

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

4. [AB2022-376](#) Request authorization for the County Executive to award Bid #22-36 and enter into a contract between Whatcom County and Tiger Construction for the Maple Beach Seawall Repair in the amount of \$79,500

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

5. [AB2022-386](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and North Sound Behavioral Health Administrative Services Organization to provide funding to support behavioral health services to Medicaid-insured individuals in Whatcom County in the amount of

\$484,460 for a total amended agreement amount of \$2,333,280

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

6. [AB2022-389](#) Request authorization for the County Executive to enter into Contract Amendment No. 2 between Whatcom County and Herrera Environmental Consultants, Inc. to perform engineering design services for the Truck Road Stabilization Project in the amount of \$340,647.54 for a total amended contract amount of \$559,088.81

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

7. [AB2022-391](#) Request permission for the County Executive to award bid #22-41 and enter into a contract between Whatcom County and Granite Construction Company for the Hot Mix Asphalt Pre-Level at Various Locations, Work Order No. 21565, in the amount of \$429,890.00

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

8. [AB2022-392](#) Request authorization for the County Executive to award bid #22-26 and enter into a contract between Whatcom County and Granite Construction Company for the Birch Bay Drive and Harborview Road Pavement Repair Project, CRP No. 922019, in the amount of \$274,910

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

9. [AB2022-393](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to reduce an ARPA funded grant award to \$200,000

This item was considered separately. See motion and vote below after the other Consent Agenda Items.

10. [AB2022-395](#) 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 \$819,759, for a total amended agreement amount of \$6,779,654

This item was considered separately. See motion and vote below after the other Consent Agenda Items.

11. [AB2022-396](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Island County to support participation in planning and engagement in youth cannabis and tobacco prevention strategies and activities, in the amount of \$25,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

12. [AB2022-397](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and United General Public Hospital District 304 to support participation in coordinating and implementing regional youth leadership opportunities in the amount of \$20,350 for a total amended contract amount of \$172,634

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

13. [AB2022-399](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Reisner Distributor, Inc. to provide magnetic card lock fuel service for Whatcom County fleet vehicles at Pacific Pride fueling stations in the amount of \$600,000.00

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

2. [AB2022-366](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to support the youth and young adult vocational program in the amount of \$25,900 for a total amended

contract amount of \$51,800

HELD IN COMMITTEE

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

Nay: 0

Absent: 0

9. [AB2022-393](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to reduce an ARPA funded grant award to \$200,000

AUTHORIZED

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

Nay: 0

Absent: 0

10. [AB2022-395](#) 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 \$819,759, for a total amended agreement amount of \$6,779,654

AUTHORIZED

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

Nay: 2 - Elenbaas, and Kershner

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2022-369](#) Request authorization for the County Executive to enter into a Purchase and Sale agreement between Whatcom County and Opportunity Council for the transfer of property at 1000 N. Forest St. at no cost for public benefit purposes consistent with RCW 39.33.015

AUTHORIZED

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

(From Council Committee of the Whole)

2. [AB2022-365](#) Ordinance providing for submission to the qualified voters of Whatcom County a

proposition renewing the levy of a regular property tax at a rate of \$.199 or less per \$1000 assessed valuation (amended from original request of \$.295) to continue to provide emergency medical services

WITHDRAWN

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

Nay: 2 - Elenbaas, and Kershner

Absent: 0

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-337](#) Appointment to fill a vacancy on the Lummi Island Ferry Advisory Committee, Resident/Landowner position - Applicant(s): Mary Marshall, Bill Sager, Lee Mosley

APPOINTED

Mary Marshall was appointed with seven votes.

2. [AB2022-343](#) Appointment to a vacancy on the Business and Commerce Advisory Committee, Marine Trades position - Applicant(s): Dana Wilson

APPOINTED

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

Nay: 0

Absent: 0

CONFIRMATION OF EXECUTIVE APPOINTMENT

1. [AB2022-385](#) Request confirmation of the County Executive's appointment of Bennett Knox as Director of Parks & Recreation effective 9/6/22 pursuant to Whatcom County Code Section 2.29.020

REFERRED TO COMMITTEE

Aye: 6 - Buchanan, Byrd, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Absent: 0

Abstain: 1 - Donovan

ITEMS ADDED BY REVISION

INTRODUCTION ITEMS

1. [AB2022-387](#) Ordinance amending the 2022 Whatcom County Budget, request no. 10, in the amount of \$4,085,565

This item was considered separately. See motion and vote below.

2. [AB2022-380](#) Ordinance granting Cascade Natural Gas Corporation a franchise for the transportation of natural gas in Whatcom County
INTRODUCED FOR PUBLIC HEARING
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0
Absent: 0
3. [AB2022-371](#) Receipt of application(s) to a vacancy on the Forestry Advisory Committee, Commercial Forest Landowner position - Applicant(s): Susan David (Additional applications for this position are due at 10:00 a.m. on July 19, 2022)
INTRODUCED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0
Absent: 0
4. [AB2022-388](#) Resolution amending the 2022 Flood Control Zone District & Subzones 2022 budget, request no. 4 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
INTRODUCED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0
Absent: 0
5. [AB2022-382](#) Ordinance providing for submission to the qualified voters of Whatcom County a proposition renewing the levy of a regular property tax at a rate of \$.295 or less per \$1000 assessed valuation to continue to provide emergency medical services

This item was considered separately. See motion and vote below.

INTRODUCTION ITEMS CONSIDERED SEPARATELY

1. [AB2022-387](#) Ordinance amending the 2022 Whatcom County Budget, request no. 10, in the amount of \$4,085,565
INTRODUCED AS AMENDED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0

Absent: 0

Motion approved to pull the Ukrainian refugee program out of the supplemental.

5. [AB2022-382](#) Ordinance providing for submission to the qualified voters of Whatcom County a proposition renewing the levy of a regular property tax at a rate of \$.295 or less per \$1000 assessed valuation to continue to provide emergency medical services

INTRODUCED

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

Motion approved to adopt the levy plan “Substitute Levy Plan (Frazey) for July 12”.

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

FROM COMMITTEE OF THE WHOLE EXECUTIVE SESSION

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

FROM PUBLIC WORKS COMMITTEE

Motion approved 7-0 to inquire with Berk regarding broad data of the report and the basis for the recommendations, specifically as it applies to the Health Board make-up.

Motion approved 7-0 that the Council ask that Berk review the scope of work to make sure they have accomplished helping Whatcom County to be ready for the next emergency.

ADJOURN