

# **Whatcom County Council**

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



## **Action Summary**

**VIRTUAL MEETING - VIEW ONLINE**

**Tuesday, July 21, 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

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

### MINUTES CONSENT

1. [MIN2020-060](#) Regular County Council for May 19, 2020

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [MIN2020-061](#) Committee of the Whole - Budget Retreat for May 26, 2020

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [MIN2020-062](#) Special Council for June 1, 2020

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

4. [MIN2020-063](#) Regular County Council Part 1 for June 2, 2020

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

5. [MIN2020-064](#) Regular County Council for June 2, 2020 Part 2

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

6. [MIN2020-065](#) Committee of the Whole - Executive Session for June 2, 2020

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

7. [MIN2020-070](#) Committee of the Whole for June 16, 2020

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

8. [MIN2020-071](#) Regular County Council for June 16, 2020

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

9. [MIN2020-072](#) Special Committee of the Whole for June 23, 2020

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

10. [MIN2020-073](#) Water Work Session for June 23, 2020

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

**PUBLIC HEARINGS**

1. [AB2020-253](#) Resolution authorizing Whatcom County to enter into a twenty-year communication tower lease agreement with Verizon Wireless for an existing tower site located at the Lookout Mountain Forest Reserve

**HELD IN COUNCIL**

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

**Nay:** 0

**Absent:** 0

2. [AB2020-254](#) Resolution authorizing Whatcom County to enter into a twenty-year communication lease agreement with PI Tower Development LLC for an existing tower site located at the Lookout Mountain Forest Reserve

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2020-029

**OPEN SESSION (20 MINUTES)****CONSENT AGENDA**

(From Council Finance and Administrative Services Committee)

1. [AB2020-211](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Nooksack Valley School District to provide behavioral health services, in the amount of \$120,000

**HELD IN COMMITTEE**

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

**Nay:** 1 - Frazey

**Absent:** 0

**Abstain:** 1 - Browne

2. [AB2020-220](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Lynden School District to provide behavioral health services, in the amount of \$111,000

**HELD IN COMMITTEE**

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

**Nay:** 2 - Browne, and Frazey

**Absent:** 0

3. [AB2020-231](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Blaine School District to provide behavioral health services, in the amount of \$131,400

**HELD IN COMMITTEE**

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

**Nay:** 2 - Browne, and Frazey

**Absent:** 0

4. [AB2020-235](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Meridian School District to provide behavioral health services, in the amount of \$108,000

**HELD IN COMMITTEE**

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

**Nay:** 2 - Browne, and Frazey

**Absent:** 0

A motion was approved 5-2 with Frazey and Browne opposed, that the following three agenda items be Held in Committee (see motions and votes on individual items below).

5. [AB2020-236](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Ferndale School District to provide behavioral health services, in the amount of \$120,000

**HELD IN COMMITTEE**

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

**Nay:** 2 - Browne, and Frazey

**Absent:** 0

6. [AB2020-237](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Bellingham School District #501 to provide behavioral health services, in the amount of \$138,000

**HELD IN COMMITTEE**

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

**Nay:** 2 - Browne, and Frazey

**Absent:** 0

7. [AB2020-244](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mount Baker School District to provide behavioral health services, in the amount of \$108,000

**HELD IN COMMITTEE**

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

**Nay:** 2 - Browne, and Frazey

**Absent:** 0

8. [AB2020-261](#) Request authorization for the County Executive to enter into a lease agreement between Whatcom County and the Boys and Girls Club of Whatcom County for use and maintenance of the baseball fields on County property adjoining the Phillips 66 soccer fields

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

9. [AB2020-286](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Lummi Nation for the purpose of effectuating efficient law enforcement, in the amount of zero dollars

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

10. [AB2020-288](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lake Whatcom Water and Sewer District to provide emergency management services, in the amount of \$100,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

11. [AB2020-289](#) Request authorization for the County Executive to award Bid #20-22 and enter into a subsequent contract between Whatcom County and Foss Maritime for the annual drydocking, repair and maintenance of the Whatcom Chief ferry, in the amount of \$436,161

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

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

1. [AB2020-276](#) Ordinance amending the 2020 Whatcom County Budget, request no. 14, in the amount of \$1,810,500

**ADOPTED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: ORD 2020-039

2. [AB2020-277](#) Ordinance establishing the Silver Beach Creek Fund and establishing a project based budget for the Silver Beach Creek Stormwater Improvements Fund

**ADOPTED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: ORD 2020-040

3. [AB2020-290](#) Request permission for the County Council to authorize the County Executive to award Bid #20-24 and execute a construction contract with the low bidder, Williamson Construction, for the Twinview Levee Improvement Project in the amount of \$60,814.25 including all taxes (Council acting as the Flood Control Zone District Board of Supervisors)

**AUTHORIZED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

4. [AB2020-298](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Cities of Blaine, Everson, Ferndale, Nooksack, Lynden and Sumas for the purposes of supporting a coordinated use of the local

CARES Act federal dollars and cost sharing related to the COVID-19 health crisis

**AUTHORIZED**

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

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

**Absent:** 0

NOTE: The version that was authorized was the version as presented in the packet.

**(From Council Public Works and Health Committee)**

5. [AB2020-296](#) Resolution approving the Lake Whatcom Water and Sewer District Comprehensive Sewer Plan 2020 Update

**APPROVED**

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

Enactment No: RES 2020-030

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

1. [AB2020-281](#) Appointment to the Wildlife Advisory Committee, member with technical expertise, applicant(s): Barry Wenger

**APPOINTED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2020-282](#) Appointment to the Homeless Strategies Workgroup, Homeless Advocate position, applicant(s): Markis (Dee) Stidham

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

3. [AB2020-283](#) Appointment to Consolidated Drainage Improvement District 1, supervisor position 3, applicant(s): James Bouma

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

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

1. [AB2020-285](#) Request confirmation of County Executive's appointment of Alysa Oradat to the Developmental Disabilities Advisory Board

#### **CONFIRMED**

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

**Nay:** 0

**Absent:** 0

### **INTRODUCTION ITEMS**

1. [AB2020-086](#) Ordinance granting Cellco Partnership d/b/a Verizon Wireless, a non-exclusive franchise for the provision of wireless telecommunications services

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2020-297](#) Ordinance amending the 2020 Whatcom County Budget, request no. 15, in the amount of \$716,503

#### **INTRODUCED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

3. [AB2020-291](#) Ordinance regarding installation of stop signs on certain County Roads

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

4. [AB2020-300](#) Receipt of application for the Homeless Strategies Workgroup, Special Populations position, applicant(s): Michael Berres (application deadline for any other applicants)

for this position is 10 a.m. on July 28, 2020)

**INTRODUCED**

**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 6-1 with Elenbaas opposed, to move the \$391,500 from Reserved/Unallocated to Digital Infrastructure (Schools) as referenced in AB2020-298.

A motion was approved 6-1 with Elenbaas opposed for the Councilmembers to have standing availability to meet at 1 pm every Tuesday for two hours until it is no longer needed.

**ADJOURN**