

Whatcom County Council

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



Action Summary

Tuesday, November 21, 2023

6 PM

Hybrid Meeting

HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT 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

ROLL CALL

Present: 6 - Barry Buchanan, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

Absent: 1 - Tyler Byrd

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2023-072](#) Committee of the Whole for November 8, 2023

APPROVED BY CONSENT

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

Nay: 0

Absent: 1 - Byrd

2. [MIN2023-073](#) Regular County Council for November 8, 2023

APPROVED BY CONSENT

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

Nay: 0

Absent: 1 - Byrd

PUBLIC HEARINGS

1. [AB2023-714](#) Ordinance Authorizing the Levy of Taxes for Conservation Futures Purposes for 2024

FAILED

Aye: 2 - Elenbaas, and Kershner

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

Absent: 1 - Byrd

2. [AB2023-760](#) Ordinance authorizing the levy of taxes for Conservation Futures for 2024, in an increased amount of 5.6% from the previous year

ADOPTED

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

Nay: 2 - Elenbaas, and Kershner

Absent: 1 - Byrd

Enactment No: ORD 2023-064

3. [AB2023-715](#) Ordinance Authorizing the Levy of Taxes for County Road Purposes for 2024

ADOPTED

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

Nay: 0

Absent: 1 - Byrd

Enactment No: ORD 2023-065

4. [AB2023-716](#) Ordinance Authorizing the Levy of Taxes for Countywide Emergency Medical Purposes for 2024

ADOPTED

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

Nay: 0

Absent: 1 - Byrd

Enactment No: ORD 2023-066

5. [AB2023-717](#) Ordinance Authorizing the Levy of Taxes for County and State Purposes in Whatcom County, Washington, for the Year of 2024

ADOPTED

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

Nay: 2 - Elenbaas, and Kershner

Absent: 1 - Byrd

Enactment No: ORD 2023-067

6. [AB2023-718](#) Resolution authorizing the levy of taxes for the Whatcom County Flood Control Zone District for 2024

APPROVED

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

Nay: 0

Absent: 1 - Byrd

Enactment No: RES 2023-046

7. [AB2023-721](#) Resolution adopting the 2024 budget for the Whatcom County Flood Control Zone District and Subzones (Council acting as the Flood Control Zone District Board of Supervisors)

APPROVED

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

Nay: 0

Absent: 1 - Byrd

Enactment No: RES 2023-047

8. [AB2023-729](#) Ordinance amending the 2024 Whatcom County Budget, request no. 1, in the amount of \$54,123,315

SUBSTITUTE ADOPTED

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

Enactment No: ORD 2023-068

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2023-737](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Bennett Engineering, LLC to monitor closed landfills in the amount of \$46,810 for a total amended contract amount of \$83,296

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

2. [AB2023-739](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to fund various public health programs in the amount of \$70,889 for a total amended agreement amount of \$14,142,658

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

3. [AB2023-740](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and National Alliance on Mental Illness (NAMI) of Whatcom County to provide mental illness education and support in the amount of \$38,000 for a total amended contract amount of \$114,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

4. [AB2023-741](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and Department of Ecology to provide funding to advance the technical work needed to develop and evaluate flood mitigation alternatives, with focus on the Everson-Sumas overflow corridor, and to support the FLIP planning process and add staffing capacity to the River and Flood division, in the amount of \$2,738,00.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

5. [AB2023-745](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Osborn Consulting, Inc to provide stormwater improvements, in the amount of \$250,149.53 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

6. [AB2023-753](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and the City of Ferndale to extend the term of the Jail Use Agreement until December 31, 2024

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

7. [AB2023-755](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the Washington State Military Department to acquire 12 properties within Whatcom County that were substantially damaged during the November 2021 flood, in the amount of \$9,371,642 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

This item was discussed again after this vote below after Other Items and again (with a motion) in Committee Reports

8. [AB2023-756](#) Request authorization for the County Executive to award bid #23-67 and enter into a contract between Whatcom County and Masterwork Roofing, Inc to replace the roof of the Silver Lake Park Day Lodge, in the amount of \$269,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

9. [AB2023-757](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Cooper Zietz Engineers, Inc (dba Akana) to conduct Phase 1 Environmental Site Assessments (ESAs) for an additional twelve properties that the Whatcom County Flood Control Zone District is acquiring using FEMA grant funds, in the amount of \$50,790 for a total amended amount of \$66,995 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

10. [AB2023-758](#) Request authorization for the County Executive to enter into a three year contract between Whatcom County and Carahsoft Technology Corporation for the purchase, implementation and subscription of the Granicus GovQA public records management software platform in the amount of \$270,165.25

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

11. [AB2023-759](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Herrera Environmental Consultants to provide additional support to update and broaden the scope of the 1999 Lower Nooksack River Comprehensive Flood Hazard Management Plan and continue Floodplain Integrated Planning (FLIP) process support, in the amended amount of \$1,207,840 for a total amended amount of \$2,407,540 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

12. [AB2023-761](#) Resolution approving a salary schedule and policies for Unrepresented Whatcom County employees effective January 1, 2024 through December 31, 2024

APPROVED

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

Enactment No: RES 2023-048

13. [AB2023-762](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Camano Fire and Rescue to reimburse the EMS Levy for the costs incurred while enrolled in the Paramedic training program, in the amount of \$28,211.95

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

14. [AB2023-764](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and North County Regional Fire Authority to reimburse the EMS Levy for the costs incurred while enrolled in the Paramedic training program, in the amount of \$28,211.95

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

15. [AB2023-765](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Marysville Fire District to reimburse the EMS Levy for the costs incurred while enrolled in the Paramedic training program, in the amount of \$63,455.25

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

16. [AB2023-766](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Fire Protection District #7 for the provision of Advanced Life Support services, in the amount of \$3,189,754.00

This item was considered separately (see below).

17. [AB2023-767](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the provision of Advanced Life Support services, in the amount of \$12,830,990.00

This item was considered separately (see below).

18. [AB2023-772](#) Request approval for the County Executive to authorize the purchase of 11 replacement computer servers from CDW-G, using the Washington State Contract/NASPO #05815-021, which expires 01/31/2024, in the amount of \$144,649.60

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

19. [AB2023-773](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Shawna Bosman, ARNP for examination, diagnosis, testing, coordination of services and oversight on all prescribed medication to ensure youth in Juvenile Detention receive appropriate medical care in the amount of \$35,919 for a total amended amount of \$131,598

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

- 20. [AB2023-774](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Shawna Bosman, ARNP, for services related to examination, diagnosis, testing coordination of services and oversight on all prescribed medications in the Juvenile Detention Center in the amount of \$2,128 for a total amended amount \$95,679

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 16. [AB2023-766](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Fire Protection District #7 for the provision of Advanced Life Support services, in the amount of \$3,189,754.00

HELD IN COMMITTEE

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

- 17. [AB2023-767](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the provision of Advanced Life Support services, in the amount of \$12,830,990.00

HELD IN COMMITTEE

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

- 1. [AB2023-693](#) Ordinance amending the project based budget for the Swift Creek Capital Projects Fund, Request No. 2

ADOPTED

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

Nay: 0

Absent: 1 - Byrd

Enactment No: ORD 2023-069

2. [AB2023-697](#) Ordinance amending the project-based budget for the Jackson Road / Terrell Creek Bridge No. 81 Replacement Fund, request no. 1

ADOPTED

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

Nay: 0

Absent: 1 - Byrd

Enactment No: ORD 2023-070

3. [AB2023-708](#) Ordinance Authorizing an Interfund Loan for the Purchase of Real Property

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

Enactment No: ORD 2023-071

4. [AB2023-723](#) Ordinance establishing a Whatcom County Climate Action Fund and establishing an initial budget for the Climate Action Fund

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

Enactment No: ORD 2023-072

5. [AB2023-724](#) Ordinance amending the 2024 Whatcom County Budget, request no. 2, in the amount of \$16,303,061

ADOPTED

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

Nay: 0

Absent: 1 - Byrd

Enactment No: ORD 2023-073

- 6. [AB2023-725](#) Ordinance closing the Triage Center Expansion Fund 374

ADOPTED

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

Nay: 0

Absent: 1 - Byrd

Enactment No: ORD 2023-074

- 7. [AB2023-726](#) Ordinance amending the project budget for the Integrated Land Records and Permit Management System Fund, request no. 2.

ADOPTED

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

Nay: 0

Absent: 1 - Byrd

Enactment No: ORD 2023-075

- 8. [AB2023-728](#) Ordinance amending the 2023 Whatcom County Budget, request no. 15, in the amount of 1,295,786

ADOPTED

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

Nay: 0

Absent: 1 - Byrd

Enactment No: ORD 2023-076

(From Council Public Works and Health Committee)

- 9. [AB2023-776](#) Resolution requesting that the Whatcom County Executive and staff pursue public access opportunities for trails on all county-owned land and easements

APPROVED

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

Enactment No: RES 2023-049

ITEM FROM CONSENT AGENDA DISCUSSED FURTHER

7. [AB2023-755](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the Washington State Military Department to acquire 12 properties within Whatcom County that were substantially damaged during the November 2021 flood, in the amount of \$9,371,642 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Discussed here and motion made under Committee Reports.

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-738](#) Request confirmation of the County Executive's appointments of Zosia Sherwood, Jennifer Thistle, and Bruce Tabb to the Developmental Disabilities Advisory Board

CONFIRMED

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

Nay: 0

Absent: 1 - Byrd

ITEMS ADDED BY REVISION

INTRODUCTION ITEMS

1. [AB2023-736](#) Ordinance amending Whatcom County Code Chapter 3.72, Construction projects - apprentice requirements, to align with RCW 39.04.320

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

2. [AB2023-746](#) Ordinance closing Sudden Valley Stormwater Improvement Fund 371

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

3. [AB2023-748](#) Ordinance adopting various amendments to Whatcom County Code Titles 20 (Zoning) and 21 (Land Division Regulations)

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

4. [AB2023-752](#) Ordinance closing the Marine Drive, Locust Avenue to Alderwood Avenue Fund 380

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

5. [AB2023-754](#) Ordinance amending the 2023 Whatcom County Budget, request no. 16, in the amount of 9,531,078

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

6. [AB2023-775](#) Ordinance amending Whatcom County Code Chapter 2.03, Boards and Commissions

SUBSTITUTE INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

7. [AB2023-778](#) Ordinance submitting to the qualified voters of Whatcom County a proposal to amend Whatcom County Charter Section 4.30 to expand the standards for conflict of interest

SUBSTITUTE INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

- [AB2023-755](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the Washington State Military Department to acquire 12 properties within Whatcom County that were substantially damaged during the November 2021 flood, in the amount of \$9,371,642 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

DISCUSSED AND MOTION(S) APPROVED

Motion approved 6-0 to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the 12 properties as described in the Description of Project attachment 3 of the Hazard Mitigation Grant Agreement included as agenda bill number AB2023-755.

ADJOURN