

# **Whatcom County Council**

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



## **Minutes - Final**

**Tuesday, November 21, 2023**

**6 PM**

**Hybrid Meeting**

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

### **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 Barry Buchanan called the meeting to order at 6:03 p.m. in a hybrid meeting.

### 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

There was no report.

### MINUTES CONSENT

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

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

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

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

**Nay:** 0

**Absent:** 1 - Byrd

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

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

**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

Buchanan opened the Public Hearing and the following people spoke:

- Christopher Deile

Hearing no one else, Buchanan closed the Public Hearing.

**Donovan moved** to approve the substitute ordinance from Galloway (which is the next item- **AB2023-760**). The motion was seconded by Frazey.

Councilmembers discussed whether there is a list of projects that an increased levy amount would cover or pay for.

Tyler Schroeder, Director of Administrative Services, answered what the fund balance is in the Conservation Futures Fund, and which fund the proposed interfund loan to accomplish some of the recent acquisitions is coming from. He stated it will be from the General Fund.

Buchanan stated there are two items on the agenda regarding the Conservation Futures Fund and the substitute (from Galloway) is item two.

Dana Brown-Davis, Clerk of the Council, answered how they should proceed with item one (this item).

**Donovan withdrew** his motion.

**Kershner moved** that the original ordinance for item one (this item) without the substitute be ADOPTED. The motion was seconded by Elenbaas.

Tyler Schroeder, Director of Administrative Services, answered what the collection rate is for Conservation Futures currently and Councilmembers discussed the motion.

**Kershner's motion that the Ordinance Requiring a Public Hearing be adopted FAILED by the following vote:**

**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

Buchanan opened the Public Hearing and hearing no one, closed the Public

Hearing.

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

**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

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

*Donovan moved* and Kershner seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Councilmembers discussed whether this money goes to the General Fund and not the Sheriff's department (based on the last BE IT FURTHER ORDAINED statement), and that it might not be clear that we are diverting Road Funds to the Sheriff from how the budget is presented.

Brad Bennett, Administrative Services Department Finance, answered why the funds were not just transferred from the Road Fund to the Sheriff, and he stated the transfer can be found in the Sheriff's Department budget.

Councilmembers discussed the transfer and making sure there is Prosecuting Attorney staffing to deal with infractions and enforcement issued by the Sheriff's Office.

Tyler Schroeder, Director of Administrative Services, answered where the Road Levy Diversion is mentioned in the Sheriff's budget and stated it is in Volume 2, page 149 of the 2023-2024 biennial budget.

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

**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

Buchanan opened the Public Hearing and the following people spoke:

- Scott Farrell
- Todd Lagestee

Hearing no one else, Buchanan closed the Public Hearing.

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

Tyler Schroeder, Director of Administrative Services, answered what the fund balance is in the Emergency Medical Services (EMS) fund, whether we need to levy taxes at the same rate if we are collecting \$4 million more than we are using every year, and how that fits in to the targeted reserve amount for the fund.

Councilmembers discussed the motion.

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

**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

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

***Donovan moved*** and Buchanan seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Councilmembers discussed the motion.

The following people answered questions:

- Tyler Schroeder, Director of Administrative Services
- Brad Bennett, Administrative Services Department Finance

They answered whether the levy is rate-based or budget-based and why the rate would not go down, when the rate was passed, whether new construction in 2024 will pay the reduced rate, whether the amount that the Healthy Children's Fund collects will go up gradually every year based on new construction, and why they have to address the Healthy Children's Fund on a separate line item.

**Donovan'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 - 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

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

**Donovan moved and Kershner seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED. The motion carried by the following vote:**

**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)

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

***Elenbaas moved* and Frazey seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED.**

Tyler Schroeder, Director of Administrative Services, answered whether they are just approving the budget on this one and not levying a tax, and why it has to be done in a separate resolution.

**Elenbaas's motion that the Resolution (FCZDBS) Requiring a Public Hearing**

be **APPROVED** carried by the following vote:

**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

Buchanan stated this is a substitute after the discussion in Committee of the Whole this afternoon.

Buchanan opened the Public Hearing and the following people spoke:

- Kristen Fagan

Hearing no one else, Buchanan closed the Public Hearing.

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

Tyler Schroeder, Director of Administrative Services, answered whether all the motions approved this afternoon are included in the substitute version and stated the eight items that were approved in Committee of the Whole are included in the package for consideration along with technical corrections and the realignment for the Prosecuting Attorney and Public Defender's Offices. He answered whether the net effect to the total supplemental is \$19,892,128 and stated that is correct. He answered whether some of the increases are offset by revenues or other local grants we are receiving, how many employees in the departments are American Rescue Plan Act (ARPA)-funded, and whether the ARPA funds run out in 2024.

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

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

Enactment No: ORD 2023-068

## **OPEN SESSION**

The following people spoke:

- Nick Karstetter
- Hunter Elliott
- Todd Lagestee
- Aaron Longstreth
- Doug "Yoshe" Revelle
- Christopher Deile
- Rosemary Van Beek
- Misty Flowers
- Kristen Fagan
- Lyle Sorenson
- Natalie Chavez

Hearing no one else, Buchanan closed the Open Session.

## **CONSENT AGENDA**

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

*Kershner* reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda item numbers 1-15 and 18-20 Councilmembers voted on those items (see votes on individual items below). **AB2023-766** and **AB2023-767** were considered separately.

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

**Kershner 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:** 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

**Kershner 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:** 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

**Kershner 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:** 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)

**Kershner 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:** 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)

**Kershner 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:** 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

**Kershner 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:** 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)

**Kershner 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:** 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 and Other Items.

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

**Kershner 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:** 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 I 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)

**Kershner 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:** 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

**Kershner 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:** 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)

**Kershner 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:** 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

**Kershner reported for the Finance and Administrative Services Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:**

**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

**Kershner 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:** 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

**Kershner 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:** 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

**Kershner 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:** 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

**Kershner 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:** 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

**Kershner 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:** 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

**Kershner 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:** 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

**Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be HELD IN COMMITTEE. The motion carried by the following vote:**

**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

**Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be HELD IN COMMITTEE. The motion carried by the following vote:**

**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

**Kershner 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, 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

**Kershner** reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED.

James Lee, Public Works Department, answered whether this is all a federal grant or whether it is coming from a different budget.

**Kershner's motion that the Ordinance be ADOPTED carried by the following vote:**

**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

**Kershner** reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED.

Galloway stated this is the interfund loan that Deputy Executive Schroeder mentioned earlier regarding the Conservation Futures Fund and is an example of the type of projects our county can fund with that account.

**Kershner's motion that the Ordinance be ADOPTED carried by the following vote:**

**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

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

**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

**Kershner** reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED.

Elenbaas asked whether this amendment is strictly regarding the Road Fund.

**Kershner's motion that the Ordinance be ADOPTED carried by the following vote:**

**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

**Kershner 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, 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.

**Kershner 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, 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

**Kershner 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, 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

**Kershner** reported for the Public Works and Health Committee and ***moved*** that the Resolution be APPROVED.

Frazey thanked Rachel Holladay, Council intern, for her help on this resolution.

Elenbaas spoke about his concerns.

**Kershner's motion that the Resolution be APPROVED carried by the following vote:**

**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)

Tyler Schroeder, Director of Administrative Services, brought this item up again and stated there are some acquisitions associated with it and he would like to get a Council motion.

Councilmembers and Schroeder discussed whether it should be scheduled in an Executive Session or whether it could be discussed in other business tonight (see motion below under Other Items).

Discussed here and motion made under Other Items below.

### **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  
***Donovan moved*** and Frazey seconded that the Executive Appointment be CONFIRMED.

Elenbaas asked if any applicants were in attendance but they were not.

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

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

**Nay:** 0

**Absent:** 1 - Byrd

### **ITEMS ADDED BY REVISION**

There were no agenda items added by revision.

### **INTRODUCTION ITEMS**

***Donovan moved*** to introduce items one through seven. The motion was seconded by Buchanan. Councilmembers voted on the introduction items (see votes on individual items below).

Elenbaas spoke about why he voted no after the vote.

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

**Donovan moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion**

**carried by the following vote:**

**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

**Donovan moved and Buchanan seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

**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 Title 20, Zoning, and Title 21, Land Division Regulations

**Donovan moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**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

**Donovan moved and Buchanan seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

**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

**Donovan moved and Buchanan seconded that the Ordinance be**

**INTRODUCED. The motion carried by the following vote:****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

**Donovan moved and Buchanan seconded that the SUBSTITUTE Ordinance be INTRODUCED. The motion carried by the following vote:****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

**Donovan moved and Buchanan seconded that the SUBSTITUTE Ordinance be INTRODUCED. The motion carried by the following vote:****Aye:** 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner**Nay:** 1 - Elenbaas**Absent:** 1 - Byrd**OTHER ITEMS**

- [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)

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

***Buchanan moved*** 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. The motion was seconded by Donovan.

The motion carried by the following vote:

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

**Nay:** 0

**Absent:** 1 - Byrd

Councilmembers discussed the acquisitions with Schroeder and whether there is any ability for us to transfer the development right and increase the density somewhere else, or salvage the materials of the demolished houses.

Galloway requested they bring this broader topic back to committee for further discussion.

**This agenda item was 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.

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

Councilmembers gave committee reports.

Dana Brown-Davis, Clerk of the Council, stated introduction items six and seven were substitutes.

Councilmembers gave other updates.

### **ADJOURN**

The meeting adjourned at 8:27 p.m.

The County Council approved these minutes on December 5, 2023.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

\_\_\_\_\_  
Barry Buchanan, Council Chair

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

SIGNED COPY ON FILE