

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, September 26, 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); AGENDA REVISED 9.25.2023 and 9.26.2023**

### **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

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

### MINUTES CONSENT

1. [MIN2023-062](#) Committee of the Whole for September 12, 2023

**APPROVED BY CONSENT**

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

**Nay:** 0

2. [MIN2023-063](#) Regular County Council for September 12, 2023

**APPROVED BY CONSENT**

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

**Nay:** 0

3. [MIN2023-064](#) Water Work Session for September 19, 2023

**APPROVED BY CONSENT**

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

**Nay:** 0

### PUBLIC HEARINGS

1. [AB2023-571](#) Ordinance establishing Paul Davis honorary signs on Lummi Island

**ADOPTED**

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

**Nay:** 0

Enactment No: ORD 2023-054

2. [AB2023-574](#) Resolution approving the Whatcom County Six-year Transportation Improvement Plan for the years 2024-2029

**APPROVED**

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

**Nay:** 0

Enactment No: RES 2023-024

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

1. [AB2023-551](#) Request authorization for the County Executive to sign the “Government Entity Release of All Claims” related to the settlement agreement between Altria and the settling government entity plaintiffs in the JUUL e-cigarette multi-district litigation (MDL)

**APPROVED REQUEST**

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

**Nay:** 0

2. [AB2023-587](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Blaine School District to provide funding for a Behavioral Health Coach staff position, in the amount of \$315,000

This item was considered separately below.

3. [AB2023-594](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to deliver various public health services in the amount of \$1,893,352 for a total amended contract amount of \$14,071,769

This item was considered separately below.

4. [AB2023-595](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Sanitary Service Company to lease the Cedarville and Birch Bay Transfer Stations, in the amount of \$6,997

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

5. [AB2023-598](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County, the seven cities, and the Whatcom Council of Governments concerning cost sharing associated with the 2025 Comprehensive Plan

update and Urban Growth Area review, in the amount of \$600,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

6. [AB2023-599](#) Request authorization for County Executive to enter into an interlocal agreement amendment with Whatcom County Fire District 7 to increase the compensation for Community Paramedic Services in the amount of \$37,664 for a total amended amount of \$941,716

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

7. [AB2023-600](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Family & Community Network to deliver youth prevention programs, in the amount of \$185,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

8. [AB2023-601](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide pass through funding for direct public services to low- and moderate-income persons in Whatcom, Island, and San Juan Counties in the amount of \$134,000

This item was considered separately below.

9. [AB2023-602](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Department of Commerce to help cover a portion of the Victim/Witness Coordinator position salary and benefits in an amount not to exceed \$60,461.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

10. [AB2023-603](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for the removal of solid and hazardous waste related to encampments and illegal dump sites, in the amount of \$150,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

11. [AB2023-604](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the United States Department of Interior, U.S. Geological Survey (USGS) to jointly fund stream gaging stations in the Nooksack River, in the amount of \$117,217 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

12. [AB2023-606](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Children, Youth and Families for the Nurse Family Partnership Program, in the amount of \$378,495.59

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

13. [AB2023-607](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority for expansion of the LEAD Program, in the amount of \$1,175,834

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

14. [AB2023-608](#) Request approval for the County Executive to authorize the purchase of six (6) servers, using the Washington State Contract #05815, from CDW-G, in an amount not to exceed \$81,382.40

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

15. [AB2023-611](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Fire District No. 5 for fire protection services on park properties in the annual amount of \$283.18

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

16. [AB2023-614](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mount Baker School District to provide funding for professional mental health services, in the amount of \$285,000

This item was considered separately below.

17. [AB2023-617](#) Request approval for the County Executive to award RFP #23-52, and authorization to enter into a 36-month lease with Global Lease Group for leasing four vehicles for the Sheriff's Office, in the amount of \$195,423.55

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

18. [AB2023-618](#) Request authorization for the County Executive to enter into a contract between Whatcom County and West Publishing - Thomson Reuters to provide a subscription agreement for an online database for legal research in the amount of \$212,244.10

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

19. [AB2023-619](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Long Term Recovery Group in the amount of \$527,888 to support the County's efforts following the November 2021 flood event

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

20. [AB2023-620](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Long Term Recovery Group in the amount of \$1,332,000 to support the County's efforts to aid those impacted by the November 2021 flood event

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

21. [AB2023-625](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Administrative Office of the Courts in the amount of \$191,377

**AUTHORIZED BY CONSENT**

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

Nay: 0

22. [AB2023-626](#) Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and Bellingham Fire Department for additional Medic 75 implementation costs in the amount of \$262,806.22

**AUTHORIZED BY CONSENT**

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

Nay: 0

23. [AB2023-627](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Bellingham Fire Department for expenses related to onboarding lateral paramedics in the amount of \$138,100.36

**AUTHORIZED BY CONSENT**

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

Nay: 0

24. [AB2023-629](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Lynden Fire Department for Medic 75 implementation costs in the amount of \$12,720.36

**AUTHORIZED BY CONSENT**

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

Nay: 0

25. [AB2023-631](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and Fire Protection District #5 to add the 2023 basic life support allocation in the amount of \$23,880.48 for a total compensation of \$85,635.87

**AUTHORIZED BY CONSENT**

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

Nay: 0

26. [AB2023-633](#) Request authorization for the County Executive to enter into an interlocal amendment between the Fire Departments and Fire Agencies to extend the term and add the 2023 allocation for Basic Life Support Services in the amount of \$1,476,119.52 for a total compensation of \$7,427,409.07

**AUTHORIZED BY CONSENT**

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

Nay: 0

**CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

2. [AB2023-587](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Blaine School District to provide funding for a Behavioral Health Coach staff position, in the amount of \$315,000

**AUTHORIZED**

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

**Nay:** 0

3. [AB2023-594](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to deliver various public health services in the amount of \$1,893,352 for a total amended contract amount of \$14,071,769

**AUTHORIZED**

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

**Nay:** 0

8. [AB2023-601](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide pass through funding for direct public services to low- and moderate-income persons in Whatcom, Island, and San Juan Counties in the amount of \$134,000

**AUTHORIZED**

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

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

16. [AB2023-614](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mount Baker School District to provide funding for professional mental health services, in the amount of \$285,000

**AUTHORIZED**

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

**Nay:** 0

**OTHER ITEMS**

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

1. [AB2023-555](#) Ordinance amending Whatcom County Code Sections 1.08.090 and 1.08.170 to reflect amended Charter language related to signature requirements for initiatives

**ADOPTED**

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



**Nay:** 0

Enactment No: ORD 2023-055

2. [AB2023-585](#) Ordinance amending the 2023 Whatcom County Budget, request no. 13, in the amount of \$12,557,496 (supplemental amended to \$12,473,352)

**SUBSTITUTE ADOPTED**

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

**Nay:** 0

Enactment No: ORD 2023-056

3. [AB2023-591](#) Resolution amending the Flood Control Zone District & Subzones 2023 budget, request no. 2, in the amount of \$655,792

**APPROVED**

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

**Nay:** 0

Enactment No: RES 2023-025

**(From Council Criminal Justice and Public Safety Committee)**

4. [AB2023-561](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham to consolidate previous amendments and extend the term date for the WHAT-COMM Communications Center

**AUTHORIZED AS AMENDED**

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

**Nay:** 0

Motion approved 7-0 to add the Bellingham Police Chief and the Fire Chief chosen from the Whatcom County Fire Chief's Association as ex-officio positions (along with the Bellingham Fire Chief).

Motion approved 7-0 that they amend to add an alternative response member to the makeup of the board in a non-voting position.

Motion approved 7-0 to authorize the interlocal as amended and return it to the City of Bellingham for review.

**(From Council Committee of the Whole)**

5. [AB2023-636](#) Discussion and approval of a letter to Senator Cantwell, Senator Murray, and Rep. Larson regarding the FEMA Hazard Mitigation Grant Program (HMGP)

**APPROVED REQUEST**

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

**Nay:** 0

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

1. [AB2023-532](#) Appointment to a vacancy on Drainage District #3, Commissioner Position 1, Applicant: Dave Blok

**APPOINTED**

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

**Nay:** 0

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

1. [AB2023-616](#) Request confirmation of the County Executive's appointment of Tera Lorimer to the Lodging Tax Advisory Committee

**CONFIRMED**

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

**Nay:** 0

### **ITEMS ADDED BY REVISION**

1. [AB2023-644](#) Approval of letter related to the Conservation Reserve Enhancement Program (CREP)

**APPROVED REQUEST AS AMENDED**

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

**Nay:** 0

The letter was approved as amended.

2. [AB2023-645](#) Ordinance imposing an emergency interim moratorium on the acceptance and processing of applications and permits for new uses in areas zoned heavy impact industrial within a City's designated urban growth area

**FAILED**

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

**Nay:** 3 - Byrd, Elenbaas, and Kershner

The motion to adopt failed 4-3, with Elenbaas, Kershner, and Byrd opposed (required a two-thirds vote).

### **INTRODUCTION ITEMS**

1. [AB2023-548](#) Ordinance amending WCC 2.145, Lummi Island Ferry Advisory Committee  
**SUBSTITUTE INTRODUCED**  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0
2. [AB2023-622](#) Resolution to sell tax title property by public auction (Sudden Valley Division No. 22)  
**INTRODUCED FOR PUBLIC HEARING**  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0
3. [AB2023-623](#) Resolution to sell tax title property by public auction (Sudden Valley Division No. 3)  
**INTRODUCED FOR PUBLIC HEARING**  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0
4. [AB2023-624](#) Resolution to sell tax title property by public auction (Sandy Point Garden Tracts)  
**INTRODUCED FOR PUBLIC HEARING**  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0
5. [AB2023-605](#) Resolution adopting the 2024-2029 Six-Year Water Resources Improvement Program (WRIP) by the Whatcom County Council (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)  
**INTRODUCED FOR PUBLIC HEARING**  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0
6. [AB2023-640](#) Ordinance establishing a task force to develop a Whatcom County Forest Resilience Plan

Items six and seven were considered separately below.

7. [AB2023-646](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new uses in areas zoned heavy impact industrial within a city's designated urban growth area

Items six and seven were considered separately below.

### **INTRODUCTION ITEMS CONSIDERED SEPARATELY**

6. [AB2023-640](#) Ordinance establishing a task force to develop a Whatcom County Forest Resilience

Plan

**SUBSTITUTE INTRODUCED**

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

**Nay:** 3 - Byrd, Elenbaas, and Kershner

7. [AB2023-646](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new uses in areas zoned heavy impact industrial within a city's designated urban growth area

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 3 - Byrd, Elenbaas, and Kershner

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

Motion approved 6-0-1, with Kershner out of the room, to direct staff to explore all options for Councilmember staff.

Motion approved 6-0-1, with Kershner out of the room, to fund Pacific Northwest Plateful for \$115,000 out of American Rescue Plan Act (ARPA) funds in the Food Security section.

Motion approved 6-0-1, with Kershner out of the room, to hold the motion to add \$350,000 for Christian Health Care Center for an emergency Information Technology and communication situation to the funding list.

Motion approved 6-0-1, with Kershner out of the room, to hold the motion to include Mt. Baker School District's request for \$150,000 in ARPA funding until the Mt. Baker School District can come to present on their proposal.

Motion approved 6-0-1, with Kershner out of the room, to fund the East Whatcom Regional Center for \$150,000 to upgrade the kitchen to commercial standards.

Motion approved 6-0-1, with Kershner out of the room, to support extra help for the Board of Equalization at \$50,000.

**ADJOURN**