

Whatcom County Council

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



Action Summary

Tuesday, September 12, 2023

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 9.11.2023

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. [MIN2023-057](#) Health Board and Public Health Advisory Board for August 1, 2023

APPROVED BY CONSENT

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

Nay: 0

2. [MIN2023-058](#) Committee of the Whole Executive Session for August 8, 2023

APPROVED BY CONSENT

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

Nay: 0

3. [MIN2023-059](#) Committee of the Whole for August 8, 2023

APPROVED BY CONSENT

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

Nay: 0

4. [MIN2023-060](#) Regular County Council for August 8, 2023

APPROVED BY CONSENT

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

Nay: 0

5. [MIN2023-061](#) Special Council for September 5, 2023

APPROVED BY CONSENT

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

Nay: 0

PUBLIC HEARINGS

1. [AB2023-399](#) Ordinance adopting various amendments to WCC Title 20, Zoning, regarding home-based businesses

PUBLIC HEARING HELD (file not final)

Motion approved 7-0 to hold the item.

2. [AB2023-526](#) Ordinance establishing parking restrictions on Euclid Avenue as Whatcom County Code 10.24.260

SUBSTITUTE ADOPTED

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

Nay: 0

Enactment No: ORD 2023-049

3. [AB2023-501](#) Ordinance establishing parking restrictions on Samish Way

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-050

4. [AB2023-528](#) Ordinance establishing parking restrictions on Aldrich Road as Whatcom County Code 10.24.265

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-051

OPEN SESSION**CONSENT AGENDA**

(From Council Finance and Administrative Services Committee)

1. [AB2023-536](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology for solid waste facility monitoring and code enforcement activities, in the amount of \$237,643

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

2. [AB2023-537](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology for collection and management of household hazardous waste, in the amount of \$540,857.50

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

3. [AB2023-538](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Dispute Resolution Center to provide youth conflict resolution workshops in the amount of \$35,000 for a total amended contract amount of \$70,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

4. [AB2023-542](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and Whatcom County Fire Protection District No. 7 for the additional costs of onboarding a replacement Community Paramedic in the amount of \$32,264 for a total amount of \$232,191

WITHDRAWN

5. [AB2023-543](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Commerce Office of Crime Victims Advocacy (OCVA) for reimbursement of services relating to advocacy for child victims of abuse or neglect in dependency proceedings, in the amount of \$27,942

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

6. [AB2023-544](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for reimbursement of services relating to the Uniform Guardianship Act in the amount of \$54,134 for SFY 2023-2024

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

7. [AB2023-546](#) 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 services relating to evidence-based programming such as Coordination of Services for juvenile offenders under the supervision of Juvenile Court to continue at the SFY2022-2023 reimbursement rate until the State has determined new rates

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

8. [AB2023-547](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for reimbursement of costs related to the Volunteer Guardian Ad Litem (VGAL) Program in the amount of \$87,861

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

9. [AB2023-549](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for FY 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, in the amount of \$14,942

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

10. [AB2023-552](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office to complete deferred maintenance at several Silver Lake Park cabins

APPROVED

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

Nay: 1 - Elenbaas

Enactment No: RES 2023-021

11. [AB2023-556](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Commerce for a Drug Task Force Justice Assistance Grant (JAG) FFY 2020-2021, in the amount of \$135,000 for a total amended amount of \$334,375

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

12. [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

This item was considered separately (see below).

13. [AB2023-562](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Social and Health Services to provide an advance in funding for DSHS-funded Developmental Disabilities Administration Programs, in an amount authorized up to \$470,230

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

14. [AB2023-564](#) Request for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for reimbursement of services relating to BECCA cases (Truancy, At-Risk Youth and Child In Need of Services) in the amount not to exceed \$270,876

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

15. [AB2023-572](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Council of Governments for evaluating siting options for electric vehicle charging infrastructure countywide, in the amount of \$5,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

16. [AB2023-573](#) Request authorization for the County Executive to enter into a Federal Aid Project Prospectus and Local Agency Agreement between Whatcom County and the Washington State Department of Transportation for the Jackson Road / Terrell Creek Bridge No. 81 Replacement, in the amount of \$625,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

17. [AB2023-576](#) Request authorization for the County Executive to enter into a contract between

Whatcom County and Washington State Department of Ecology to provide funding for the removal of litter and illegally discarded materials from public lands, in the amount of \$112,700

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

18. [AB2023-577](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Meridian School District to provide funding for a Behavioral/Mental Health Professional, in the amount of \$450,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

19. [AB2023-578](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Nooksack Valley School District to provide funding for Mental Health Professional personnel, in the amount of \$300,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

20. [AB2023-580](#) Request authorization for the County Executive to award bid #SWBB23-01 and enter into a contract between Whatcom County and Stremmer Gravel, Inc. for the Cottonwood Drive Stormwater Inlet Repairs in the amount of \$99,430.03

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

21. [AB2023-581](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority to provide funding for treatment and recovery support services to those involved in the criminal justice system, in the amount of \$651,108

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

22. [AB2023-584](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Bellingham School District to provide funding for mental and behavioral health personnel and staff professional development, in the amount of \$1,140,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

23. [AB2023-586](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Lynden School District to provide funding for behavioral health and social services personnel, in the amount of \$495,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

12. [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

REFERRED TO COMMITTEE

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

Nay: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2023-507](#) Ordinance amending the project budget for the Jail Improvement Fund, request no. 6

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-052

2. [AB2023-509](#) Ordinance amending the 2023 Whatcom County Budget, request no. 12, in the amount of \$2,126,139

ADOPTED

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

Nay: 2 - Byrd, and Elenbaas

Enactment No: ORD 2023-053

3. [AB2023-531](#) Request authorization for the County Executive to enter into a contract between

Whatcom County and Washington State Military Department in the amount of \$1,480,000 to support the county's efforts following the November 2021 flood event

AUTHORIZED

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

Nay: 0

Temp Absent: 1 - Byrd

4. [AB2023-533](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Commerce, in the amount of \$1,879,999, to support the county's recovery efforts following the November 2021 flood event

AUTHORIZED

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

Nay: 0

5. [AB2023-539](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Department of Ecology to provide a Washington Conservation Corps crew and supervisor, in the amount of \$181,575 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED

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

Nay: 0

6. [AB2023-540](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce to maintain current levels of homeless subsidies and emergency housing services, in the amount of \$2,890,020

AUTHORIZED

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

Nay: 0

7. [AB2023-545](#) Request authorization for the County Executive to enter into a project reimbursement agreement between Whatcom County and the Washington State County Road Administration Board in the amount of \$10,000,000

AUTHORIZED

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

Nay: 0

8. [AB2023-553](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and City of Bellingham to provide funding for staffing and implementation of the Alternative Response Team (ART) Program in the amount of \$80,000 for a total amended amount of \$570,096

AUTHORIZED

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

Nay: 0

9. [AB2023-554](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale Community Services to operate a severe weather shelter, in the amount of \$75,450

AUTHORIZED

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

Nay: 0

10. [AB2023-560](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for mental health support staff embedded at the Bellingham Central Library, in an annual amount not to exceed \$110,000

AUTHORIZED

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

Nay: 2 - Byrd, and Elenbaas

(From Council Public Works and Health Committee)

11. [AB2023-558](#) Resolution in the matter of considering vacating a portion of Camp 2 Road

APPROVED

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

Nay: 0

Enactment No: RES 2023-022

12. [AB2023-559](#) Resolution in the matter of considering vacating a portion of County Road and an unnamed alley within the Amended Plat of South Wickersham

APPROVED

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

Nay: 0

Enactment No: RES 2023-023

(From Council Committee of the Whole)

13. [AB2023-529](#) Discussion and approval of a joint Council/Executive letter to the Port of Bellingham regarding broadband investments

SUBSTITUTE REQUEST APPROVED

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

Nay: 2 - Byrd, and Elenbaas

Substitute Letter Approved as amended in Committee of the Whole.

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-524](#) Appointment to fill a vacancy on the Solid Waste Advisory Committee, waste recycling industry representative, Applicant: William McCarter

APPOINTED

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

Nay: 0

ITEMS ADDED BY REVISION**INTRODUCTION ITEMS**

1. [AB2023-532](#) Receipt of application to a vacancy on Drainage District #3, Commissioner Position 3, Applicant: Dave Blok (deadline for additional applications to this position is 10:00 a.m. on Tuesday, September 19, 2023.)

INTRODUCED

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

Nay: 1 - Elenbaas

2. [AB2023-548](#) Ordinance amending WCC 2.145, Lummi Island Ferry Advisory Committee

This item was considered separately (see below).

3. [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

INTRODUCED

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

Nay: 1 - Elenbaas

4. [AB2023-566](#) Resolution to sell county tax title property by negotiation

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

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

INTRODUCED

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

Nay: 1 - Elenbaas

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

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

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

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

8. [AB2023-575](#) Resolution to sell county tax title property by negotiation

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

9. [AB2023-588](#) Resolution to sell tax title property by public auction

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

10. [AB2023-589](#) Resolution to sell tax title property by public auction

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

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

INTRODUCED

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

Nay: 1 - Elenbaas

INTRODUCTION ITEM CONSIDERED SEPARATELY

2. [AB2023-548](#) Ordinance amending WCC 2.145, Lummi Island Ferry Advisory Committee

WITHDRAWN

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

Nay: 2 - Elenbaas, and Galloway

Motion approved 5-2, with Byrd and Elenbaas opposed, to remove this from introduction and put the related discussion item (AB2023-479) back in committee (Committee of the Whole) in two weeks.

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN