

# **Whatcom County Council**

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



## **Minutes - Final**

**Tuesday, September 12, 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 9.11.2023**

### **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

Council Chair Barry Buchanan called the meeting to order at 6:01 p.m. in a hybrid meeting.

### 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

There was no report.

### MINUTES CONSENT

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

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

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

**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

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

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

**Nay:** 0

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

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

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

**Nay:** 0

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

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

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

**Nay:** 0

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

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

**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

Cliff Strong, Planning and Development Services Department, stated he did not have a report.

Buchanan opened the Public Hearing and the following people spoke:

- Kaylee Rylaarsdam

Hearing no one else, Buchanan closed the Public Hearing.

*Byrd moved* that this be held for further review in committee. The motion was seconded by Elenbaas.

Councilmembers and Strong discussed the motion, whether this is different than vacation rentals, whether the code they are looking at with this ordinance makes it more permissive and expansive to have these home-based businesses in the Agricultural Zone, and whether they would be holding it to make it more expansive.

The motion to hold carried by the following vote:

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

**Nay:** 0

*Clerk's note:* See related discussion file **AB2023-398**.

**A PUBLIC HEARING WAS HELD (file not final) and a motion was approved**

**to hold this item.**

Motion approved 7-0 to hold the item for further review in committee.

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

Buchanan opened the Public Hearing and the following people spoke:

- David McLain

Hearing no one else, Buchanan closed the Public Hearing.

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

Doug Ranney, Public Works Department, answered what areas and times of day are included in the no-parking zone and how it will be enforced.

Kershner spoke about why she brought this proposal forward.

Councilmembers discussed that the ordinance was a substitute that was introduced on August 8, 2023 and Byrd clarified that for his motion.

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

**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

Doug Ranney, Public Works Department, stated he was available for questions.

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

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

**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

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

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

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

**Nay:** 0

Enactment No: ORD 2023-051

### **OPEN SESSION**

The following people spoke:

- John Ferdon
- John Westerfield
- Bob Anderson
- Pam Gould
- Russ Pfeiffer-Hoyt
- Riley Sweeney
- Tyson King
- Hale Hanaway
- Rhayma Blake
- Lyle Sorenson
- Natalie Chavez

Hearing no one else, Buchanan closed the Open Session.

### **CONSENT AGENDA**

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

Because of technical issues, Kershner asked that Frazey report for her committee.

*Frazey* reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items numbers 1-3 (item number 4 was withdrawn by the proposer), 5-11 (item number 12 was considered separately), and 13-23. Councilmembers voted on those items (see votes on individual items below).

*Clerk's note:* Elenbaas voted yes on the Consent Agenda items and then

later changed his vote to no.

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

**Fraze 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:** 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

**Fraze 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:** 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

**Fraze 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:** 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

**This agenda item was 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

**Frazey 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:** 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

**Frazey 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:** 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

**Frazey 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:** 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

**Frazey 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:** 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

**Frazezy 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:** 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

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

**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

**Frazezy 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:** 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



**Fraze 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:** 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

**Fraze 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:** 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

**Fraze 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:** 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

**Fraze reported for the Finance and Administrative Services Committee and moved that the Agreement be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**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

**Frazey 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:** 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

**Frazey 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:** 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

**Frazey 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:** 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 Stremler Gravel, Inc. for the Cottonwood Drive Stormwater Inlet Repairs in the amount of \$99,430.03

**Frazey 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:** 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

**Frazey 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:** 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

**Frazey 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:** 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

**Frazey 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:** 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

**Frazey** reported for the Finance and Administrative Services Committee and ***moved*** that the Interlocal be AUTHORIZED.

Councilmembers discussed the conversation that was held in committee today about maybe requesting that the Administrative Board do an evaluation of their current membership and report back to Council with a recommendation, and that the Council have further discussion about the composition of the board.

Tyler Schroeder, Executive's Office, answered whether holding this would work with the timeline and stated they just need to get the agreement accomplished by the end of the year.

**Galloway moved** to hold until September 26 when they can have a discussion during the Criminal Justice and Public Safety Committee on the composition of the Administrative Board. The motion was seconded by Byrd. She requested that someone communicate with and invite current board members who might be interested in giving feedback.

Councilmembers and staff discussed the committee in which the discussion should be scheduled.

**Galloway's motion that the Interlocal be HELD and REFERRED to the Criminal Justice and Public Safety Committee to discuss the composition of the Administrative Board carried by the following vote:**

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

**Nay:** 0

## **OTHER ITEMS**

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

*Clerk's note:* Elenbaas requested to change his vote from yes to no on the items approved by consent.

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

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

**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

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

Galloway stated she would be interested in a presentation to learn more about the housing project for which there is a \$1 million investment and also more about other housing projects in the context of the broader

housing topic.

Elenbaas asked about the remodel for the Assessor's Office.

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

**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

**Frazey reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

**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

**Frazey reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:**

**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)

**Frazey** reported for the Finance and Administrative Services Committee and **moved** that the Contract (FCZDBS) be AUTHORIZED.

Elenbaas asked whether these are inmates.

**Frazey's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:**

**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

**Frazey** reported for the Finance and Administrative Services Committee and **moved** that the Interlocal be AUTHORIZED.

Elenbaas asked whether you have to pay back a grant.

**Frazey's motion that the Interlocal be AUTHORIZED carried by the following vote:**

**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

**Frazey** reported for the Finance and Administrative Services Committee and **moved** that the Agreement be AUTHORIZED.

Donovan thanks to the staff who put all the work into getting this County Road Administration Board (CRAB) grant and stated it gets us that much closer to building a boat.

**Frazey's motion that the Agreement be AUTHORIZED carried by the following vote:**

**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

**Frazey** reported for the Finance and Administrative Services Committee and **moved** that the Interlocal be AUTHORIZED.

Councilmembers and Tyler Schroeder, Executive's Office, discussed

whether we have been getting good feedback on this program, the intention to expand the program to the county in 2024, whether there is a lot of staff turnover in the program, and the need for expanding not only in geography but in days and hours per week.

**Frazey's motion that the Interlocal be AUTHORIZED carried by the following vote:**

**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

**Frazey reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

**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

**Frazey reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:**

**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

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

Elenbaas asked whether this resolution is not for the actual vacation but is authorizing staff to put it together and to have a public hearing, and whether it is not something the Public Works director can do.

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

**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

**Frazey reported for the Public Works and Health Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:**

**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

***Buchanan* reported for the Committee of the Whole and *moved* that the SUBSTITUTE letter (as amended in committee) be APPROVED.**

Frazey reviewed the amendment that was approved in committee and Councilmembers discussed the item with the following people:

- Tyler Schroeder, Executive's Office
- Satpal Sidhu, County Executive

They discussed the motion, that the letter states they are still requesting that this be a matching fund, whether they should look at a different internet provider or type (such as Starlink), putting this money in a fund that is need-based instead to get internet to those who need it, that this should be the responsibility of the Federal Government, whether the money should be tied to State funding, the Executive's support of the letter, whether the letter is asking the Economic Development Investment (EDI) Board to look at this issue and bet back to the Council with a recommendation, and transferring the commitment of funds from American Rescue Plan Act (ARPA) to EDI.

**Buchanan's motion that the SUBSTITUTE letter be APPROVED carried by the following vote:**

**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

***Byrd moved*** and Buchanan seconded that the Council Appointment Requiring Introduction be APPOINTED by acclamation.

Elenbaas asked whether the applicant was in attendance but he was not.

**Byrd's motion that the Council Appointment Requiring Introduction be APPOINTED carried by the following vote:**

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

**Nay:** 0

## **ITEMS ADDED BY REVISION**

There were no agenda items added by revision.

## **INTRODUCTION ITEMS**

***Galloway moved*** to introduce items one and three through eleven (Item number two was considered separately below). The motion was seconded by Kershner (see votes on individual items below).

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

**Galloway moved and Kershner seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:**

**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

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

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

**Nay:** 1 - Elenbaas

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

**Galloway moved and Kershner seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**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 (supplemental amended to \$12,473,352)

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

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

**Nay:** 1 - Elenbaas

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

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

**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

**Galloway moved and Kershner seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

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

**Galloway moved and Kershner seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

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

**Galloway moved and Kershner seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

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

**Galloway moved and Kershner seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**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

**Galloway moved and Kershner seconded that the Resolution (FCZDBS) be INTRODUCED. The motion carried by the following vote:**

**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

***Donovan moved*** and Kershner seconded that the Ordinance be INTRODUCED.

Galloway stated there were three amendments that were recommended during the Public Works and Health Committee.

Councilmembers and Council staff discussed whether they can introduce the ordinance with the proposed amendments, and putting the item back in committee.

***Donovan withdrew*** his motion and stated there is a lot of work they did not get to, including how the Lummi representative would be designated and how the incorporated versus unincorporated off-island people would be designated.

Buchanan asked whether Donovan would like to remove it from Introduction and put it in committee and Donovan stated he would.

***Buchanan moved*** and Byrd seconded to remove this from introduction and put it back in Committee of the Whole in two weeks.

Councilmembers discussed the motion.

**Buchanan's motion that the Ordinance be WITHDRAWN from Introduction and the discussion REFERRED to Committee of the Whole carried by the following vote:**

**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**

Dana Brown-Davis, Clerk of the Council, spoke about Council Office and County budget suggestions submitted for 2024 (**AB2023-569** which did not get discussed in the Committee of the Whole today because of time) and referenced the proposals submitted by a councilmember as of September 7 (on file).

Brown-Davis, Councilmembers and Tyler Schroeder, Executive's Office, discussed how and when they should discuss this item and that the

Administration will give them a couple extra days. They will discuss it on September 26.

Brown-Davis stated she is going to add another item for the Council Office having to do with the Board for Equalization.

Councilmembers gave Committee reports and other updates.

**ADJOURN**

The meeting adjourned at 8:34 p.m.

The County Council approved these minutes on September 26, 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