

Whatcom County Council

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



Action Summary

VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010); AGENDA

REVISED 6.15.2021

Tuesday, June 15, 2021

6 PM

Virtual Meeting

COUNCILMEMBERS

Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

ROLL CALL

Present: 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, and Kathy Kershner

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2021-047](#) Committee of the Whole Executive Session for June 1, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

2. [MIN2021-048](#) Committee of the Whole for June 1, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

3. [MIN2021-049](#) Regular County Council for June 1, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

OPEN SESSION (20 MINUTES)**CONSENT AGENDA****(From Council Finance and Administrative Services Committee)**

1. [AB2021-319](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Arc of Whatcom County to provide information, education, and family support to individuals with developmental disabilities, their family members, and the general public, in the amount of \$150,616

AUTHORIZED BY CONSENT**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner**Nay:** 0**Absent:** 0

2. [AB2021-321](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the County Road Administrative Board (CRAB) in order to receive Rural Arterial Preservation grant funding for the Hampton Road Pavement Rehabilitation project in the amount of \$170,100

AUTHORIZED BY CONSENT**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner**Nay:** 0**Absent:** 0

3. [AB2021-322](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Executive Office of the President for a grant award for funding from the High Intensity Drug Trafficking Areas (HIDTA) program in the amount of \$205,073.00

AUTHORIZED BY CONSENT**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner**Nay:** 0**Absent:** 0

4. [AB2021-325](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide funding for Child Development Services to eligible children ages birth to three who have developmental disabilities and delays, in the estimated amount of \$77,812, for a total estimated amended contract amount of \$213,952

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

5. [AB2021-332](#) Resolution to amend Resolution 2020-046 for unrepresented Whatcom County employees

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2021-021

6. [AB2021-333](#) Request authorization for a Letter of Understanding between Whatcom County and General Teamsters' Local Union 231 to amend the Master Collective Bargaining Agreement for the period January 1, 2019 - December 31, 2021

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

7. [AB2021-335](#) Request authorization for a Letter of Understanding between Whatcom County and the WA State Nurses Association to amend the collective bargaining agreement for the period January 1, 2021 - December 31, 2022

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

8. [AB2021-336](#) Request authorization for a Letter of Understanding between Whatcom County and PROTEC17 to amend the collective bargaining agreement for the period January 1, 2019 - December 31, 2021

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

9. [AB2021-337](#) Request authorization for the County Executive to enter into an interlocal agreement

between Whatcom County and Northwest Educational Services District 189 to provide behavioral health services, in the amount of \$121,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2021-307](#) Ordinance amending the 2021 Whatcom County Budget, request no. 9, in the amount of \$1,138,322

ADOPTED

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

Enactment No: ORD 2021-035

2. [AB2021-310](#) Ordinance establishing the American Rescue Plan Act Fund and establishing a budget for the American Rescue Plan Act Fund

ADOPTED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: ORD 2021-036

3. [AB2021-324](#) Request authorization for the County Executive to enter into Local Agency Agreement Supplement No. 4 between Whatcom County and the Washington State Department of Transportation for the Birch Bay Drive and Pedestrian Facility Project in the amount of \$1,100,000

AUTHORIZED

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

Nay: 0

Absent: 0

4. [AB2021-330](#) County Executive requests approval of the Economic Development Investment (EDI) Board's recommendations for funding to support three project applications from the

City of Lynden, Port of Bellingham, and Bellingham Housing Authority

APPROVED REQUEST AS AMENDED

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

Nay: 0

Absent: 0

Abstain: 1 - Byrd

The following motions were approved:

Motion approved 7-0 to change the EDI funding request from the Port of Bellingham from \$6 million to \$2 million.

Motion approved 7-0 that before they can accept the grant, the Port of Bellingham has to come back to the Council with a plausible explanation of how they are going to do the last mile.

Motion approved 6-0-1, with Browne abstaining, to accept the EDI application from Lynden as submitted.

Motion approved 6-1, with Byrd opposed, to approve the Bellingham Housing Authority proposal.

Motion approved 6-0-1, with Byrd abstaining, to approve the item as amended.

5. [AB2021-331](#) Request authorization for the County Executive to award bid #21-26 and enter into a contract between Whatcom County and Tiger Construction LTD for the Plantation Indoor Range HVAC and Roof Replacement, in the amount of \$1,032,352.54

AUTHORIZED

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

Nay: 0

Absent: 0

Abstain: 2 - Browne, and Frazey

(From Council Public Works and Health Committee)

6. [AB2021-320](#) Discussion of community-requested revision to the Birch Bay Golf Cart Zone boundary, and request for Council direction

DISCUSSED AND MOTION(S) APPROVED

Motion approved 7-0 to amend the motion from committee as follows: to remove the portion of Bay Road that the residents have asked us to do (without the traffic study), return the speed limit to 35, and save the traffic study for the additional area that the residents would like us to look at including.

(From Council Committee of the Whole)

7. [AB2021-279](#) Ordinance submitting to the qualified voters of Whatcom County a proposal to amend Whatcom County Charter Section 8.22 to align requirements for amending the Charter by citizen initiative with Washington State norms

FAILED

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

This item required a supermajority vote.

(No Committee Assignment)

8. [AB2021-323](#) Request approval to send letter of appreciation to child care team members

APPROVED REQUEST

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

1. [AB2021-360](#) Ordinance to establish an independent review of the community response to the COVID-19 Pandemic

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

INTRODUCTION ITEMS

1. [AB2021-185](#) Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County

WITHDRAWN

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

Nay: 0

Absent: 0

This item was withdrawn from Introduction and held in Committee.

2. [AB2021-327](#) Ordinance amending the Whatcom County Budget, request no. 10, in the amount of

\$744,800

INTRODUCED

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

Nay: 0

Absent: 0

3. [AB2021-328](#) Resolution amending the Flood Control Zone District and subzones 2021 budgets, request no. 1, in the amount of \$15,415 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

INTRODUCED

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

Nay: 0

Absent: 0

4. [AB2021-340](#) Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities operational standards

INTRODUCED

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

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN