

Whatcom County Council

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



Action Summary

Tuesday, June 7, 2022

6 PM

Hybrid Meeting

HYBRID MEETING - PLEASE NOTE: WE ARE EXPERIENCING INTERMITTENT DIFFICULTIES WITH OUR MEETING MANAGEMENT SYSTEM. IF YOU ARE UNABLE TO VIEW VIA THE "IN-PROGRESS" LINK, SEE ZOOM INSTRUCTIONS AT whatcomcounty.us/joinvirtualcouncil.

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

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2022-036](#) Committee of the Whole for May 24, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

Temp Absent: 1 - Kershner

2. [MIN2022-037](#) Regular County Council for May 24, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

Temp Absent: 1 - Kershner

PUBLIC HEARINGS

1. [AB2022-303](#) Ordinance providing for the submission of a proposition to the qualified electors of Whatcom County authorizing the County to lift the limit on regular property taxes under Chapter 84.55 RCW for the purpose of funding for childcare, early learning programs, and increased support for vulnerable children

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 0

Abstain: 1 - Byrd

Enactment No: ORD 2022-045

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2022-300](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lydia Place to provide operational funding for a new permanent supportive housing program known as Heart House, in the amount of \$57,145

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

2. [AB2022-305](#) Resolution updating the appendix of the 2022 Comprehensive Economic Development Strategy (CEDS)

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2022-030

3. [AB2022-306](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the Washington State Department of Social and Health Services to provide funding for developmental disability services in the amount of \$4,099,797 for a total amended contract amount of \$8,225,332

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

4. [AB2022-307](#) Request authorization for the County Executive to enter into a contract amendment

between Whatcom County and Language Exchange, Inc. to provide language interpreter and translation services for the Health Department in the amount of \$19,000 for a total amended contract amount of \$49,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

5. [AB2022-310](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the Washington State Department of Health for the delivery and funding of various public health services in the amount of \$36,795, for a total amended agreement amount of \$5,959,895

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

6. [AB2022-313](#) Request approval for the County Executive to enter into the Rural Arterial Program Funding Contract Amendment No. 1 between Whatcom County and the County Road Administration Board in the amount of \$690,000 for a total amended amount of \$860,100

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

7. [AB2022-316](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Skagit Valley College for use of the Plantation Rifle Range for training purposes, in the amount of \$7,177.87

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

8. [AB2022-328](#) Request approval for the County Executive to award Bid No 22-28 and enter into a contract with lowest responsible bidder, American Construction Co., Inc. for the Lummi Island Dolphin Repair Project in the amount of \$327,429

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

OTHER ITEMS

(From Council Climate Action and Natural Resources Committee)

1. [AB2022-335](#) Request approval to send a letter to the State Building Code Council on residential energy code

DISCUSSED AND MOTION(S) APPROVED

Motion approved 7-0 to postpone the letter until a June 14th special session after the Water works session.

(From Council Finance and Administrative Services Committee)

2. [AB2022-280](#) Ordinance amending Whatcom County Code Section 3.08.095, Small Works Roster Contract Award process, to update requirements for Bids and Proposals

ADOPTED AS AMENDED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: ORD 2022-046

Motion approved 7-0 to amend to include a sunset clause after two years.

3. [AB2022-319](#) Ordinance amending the 2022 Whatcom County Budget, request No. 8a, in the amount of \$1,500,000

ADOPTED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: ORD 2022-047

4. [AB2022-317](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Pyramid Communications for public communications for the Incarceration Prevention and Reduction Task Force in the amount of \$88,800.00

WITHDRAWN

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-281](#) Appointment to a vacancy on the Board of Equalization for an at-large alternate -
Applicant(s): Thomas Goetzl and Jen Glyzinski

APPOINTED

Appointed Glyzinski with six votes

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

1. [AB2022-332](#) Request confirmation of the County Executive's reappointment of Marshall
Gartenlaub and George Edward to the Northwest Senior Services Board

CONFIRMED

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION**INTRODUCTION ITEMS**

1. [AB2021-424](#) Ordinance adopting amendments to the Whatcom County Code Title 20, Zoning to
allow and regulate Battery Energy Storage Systems

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 0

2. [AB2022-320](#) Ordinance closing the Agate Heights/Estate Bay Lane Stormwater Improvements
Fund 365

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2022-321](#) Ordinance closing the Northshore Drive/Edgewater Lane Stormwater Improvements
Fund 381

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2022-326](#) Ordinance amending the project based budget for the North Lake Samish Road Bridge No. 107 Replacement Fund, request no. 1

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

5. [AB2022-327](#) Ordinance amending the Shallow Shore Culvert Relocation Fund, request no. 1

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

6. [AB2022-329](#) Ordinance amending the 2022 Whatcom County Budget, request no. 9, in the amount of \$15,838,261

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

7. [AB2022-322](#) Resolution amending the Flood Control Zone District & Subzones 2022 budget, request no. 3, in the amount of \$5,250,617 (Council acting as the Flood Control Zone District Board of Supervisors)

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

From Committee of the Whole Executive Session:

The following motion was approved 7-0:

I hereby move to approve defense and indemnification of David Reynolds, named as a defendant in Fred A. Pulphus, Plaintiff v. Compass Health, a Washington Corporation, Whatcom County, Whatcom County Sheriff's Office, Wendy Jones, and David Reynolds, Defendants, United States District Court Western District of Washington Case No.

2:21-cv-00930-TL-BAT Based on the following findings:

- A. David Reynolds was acting in a matter in which the county had an interest;
- B. David Reynolds was acting in the discharge of a duty imposed or authorized by law;
- C. David Reynolds acted in good faith.

ADJOURN