

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, February 21, 2023**

**6 PM**

**Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY -- (PARTICIPATE IN-PERSON AT 311 GRAND AVENUE SUITE 101, SEE REMOTE JOIN INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010), AGENDA REVISED 2.20.2023 AND 2.21.2023**

### **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

**Absent:** None

## FLAG SALUTE

## ANNOUNCEMENTS

## COUNTY EXECUTIVE'S REPORT

## MINUTES CONSENT

1. [MIN2023-014](#) Health Board for January 31, 2023

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [MIN2023-015](#) Committee of the Whole for February 7, 2023

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [MIN2023-016](#) Regular County Council for February 7, 2023

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

## PUBLIC HEARINGS

1. [AB2023-095](#) Ordinance Regarding Installation of stop signs on certain county roads

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2023-004

2. [AB2023-097](#) Ordinance establishing a speed limit for the plat of Harbor View Heights

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2023-005

**OPEN SESSION**

**CONSENT AGENDA**

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

1. [AB2023-046](#) Request authorization for the County to enter into an agreement between Whatcom County and Sustainable Connections in support of the Whatcom Housing Alliance in the amount of \$200,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [AB2023-089](#) Resolution ordering the cancellation of accounts receivable incurred prior to 2021

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2023-003

3. [AB2023-119](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Snohomish County to utilize State Homeland Security Program (SHSP) funding to sustain and enhance Division of Emergency Management programs, in the amount of \$80,684

This item was considered separately (see below).

4. [AB2023-120](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and US Department of Agriculture, Forest Service for overtime patrol services, in the amount of \$21,900.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

5. [AB2023-123](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the University of Washington School of Health Sciences to provide specialized technical assistance for an investigation into extrapolated initial recommended instream flow information and subsequent hydrologic updates in support of watershed and salmon recovery planning in the amount of \$12,250.00 (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

**Absent:** 0

6. [AB2023-124](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the Whatcom Long Term Recovery Group to provide November 2021 Flood Disaster Case Management through 06/30/2023 in the amount of \$200,000 for a total amended contract amount of \$400,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

7. [AB2023-130](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Parks and Recreation Commission for approval of the Sheriff's Office boating safety program, in the amount of \$0

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

- 8. [AB2023-131](#) Resolution ordering the cancellation of unredeemed checks (warrants) more than one year old

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2023-004

- 9. [AB2023-133](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for FY23 cooperative agreement, in the amount of \$0

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

- 10. [AB2023-134](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Inmate Calling Solutions LLC, a commission based agreement

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

- 11. [AB2023-135](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Lynden to provide no-cost technical assistance site visits and prevention pollution education to small quantity generators

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

- 12. [AB2023-136](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Status Automation for maintenance and support for the security electronics and DVMS (digital video monitoring system) at the Main Jail, Jail Work Center and Juvenile Detention in the amount of \$52,136.96

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

13. [AB2023-137](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Social and Health Services for developmental disabilities services in the amount of \$519,222 for a total amended amount of \$4,616,019

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

14. [AB2023-139](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Commerce to provide resources necessary to obtain and maintain housing stability to people who are experiencing homelessness or at imminent risk of homelessness in the amount of \$1,961,269 for a total amended agreement amount of \$10,013,119

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

15. [AB2023-141](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Broadview Planning to provide project management of a climate vulnerability assessment focusing on the inclusion of vulnerable communities, in the amount of \$60,441

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

16. [AB2023-144](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County, the Port of Bellingham and the City of Bellingham for additional Economic Development Services in the amount of \$72,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

Absent: 0

**CONSENT AGENDA ITEM CONSIDERED SEPARATELY**

- 3. [AB2023-119](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Snohomish County to utilize State Homeland Security Program (SHSP) funding to sustain and enhance Division of Emergency Management programs, in the amount of \$80,684

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**OTHER ITEMS**

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

- 1. [AB2023-098](#) Ordinance amending the project budget for the Shallow Shore Project Based Budget Fund, request no. 2

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2023-006

- 2. [AB2023-108](#) Ordinance amending the Whatcom County Budget, request no. 3, in the amount of \$4,791,300

**ADOPTED**

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

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

**Absent:** 0

Enactment No: ORD 2023-007

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

- 3. [AB2023-090](#) Ordinance repealing Whatcom County Code 1.28, Standards for Correctional Facilities, in its entirety

**FAILED**

**Aye:** 1 - Elenbaas

**Nay:** 5 - Buchanan, Byrd, Donovan, Frazey, and Galloway

**Absent:** 0

**Abstain:** 1 - Kershner

**(From Council Planning and Development Committee)**

4. [AB2023-121](#) Resolution docketing Comprehensive Plan and Development Regulation amendments

**APPROVED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2023-005

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

5. [AB2023-107](#) Resolution accepting the Justice Project Needs Assessment Report (Public Health, Safety, and Justice Facility Needs Assessment)

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2023-006

**(No Committee Assignment)**

6. [AB2023-143](#) Request authorization for the County Executive/County Executive Pro Tem to sign the Government Entity Release of All Claims on behalf of Whatcom County related to the JUUL e-cigarette multi-district litigation (MDL).

**APPROVED REQUEST**

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

**Nay:** 0

**Absent:** 0

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

1. [AB2023-080](#) Appointment to various vacancies on the Public Health Advisory Board, Applicant(s): Madison Emry, Misty Flowers, Hannah Ordos, Robyn Phillips-Madson, Susan Prosser, Guy Occhiogrosso, Chris Kobdich, Claire Thurman-Moore, Matthew Durkee, Kathleen Hennessy, Jeffery Hart



**APPOINTED**

Appointed the following by the following votes: Guy Occhiogrosso (6), Jeffery Hart (5) , and Chris Kobdish (4)

2. [AB2023-118](#) Appointment to vacancies on the Wildlife Advisory Committee, Applicant(s): Susan Kane-Ronning

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

3. [AB2023-125](#) Appointments to fill vacancies on the Portage Bay Shellfish Protection District Advisory Committee, Applicant(s): Eleanor Hines

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

4. [AB2023-126](#) Appointment to fill vacancies on the Sumas/Everson/Nooksack Flood Control Subzone Advisory Committee, Applicant(s): Elliot Swaney (Council acting as the Flood Control Zone District Board of Supervisors)

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

5. [AB2023-132](#) Appointments to fill vacancies on the Surface Mining Advisory Committee, Applicant(s): Brad Davis

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

6. [AB2023-110](#) Appointment to fill vacancy on the Laurel Watershed Improvement District Board

**APPOINTED**

Appointed Eric Sundstrom with 6 votes.

**ITEMS ADDED BY REVISION**

- 1. [AB2023-148](#) Letter of support for the revised scope of the Birch Bay Vogt Library project

**APPROVED REQUEST**

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

**Nay:** 0

**Absent:** 0

- 2. [AB2023-150](#) Request confirmation of the Executive’s appointment of Piper Mertle to the Whatcom County Salary Commission

**CONFIRMED**

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

**Nay:** 0

**Absent:** 0

**INTRODUCTION ITEMS**

- 1. [AB2023-122](#) Ordinance updating Whatcom County Code (WCC) 12.36, Load Limits and repealing WCC 10.30, Permanent Weight Limitations

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

- 2. [AB2023-129](#) Receipt of application to fill a vacancy on the Child and Family Well-Being Task Force, Applicant(s): Vann Dartt (Deadline for additional applications to this vacancy is 10 a.m. on Tuesday, February 28, 2023)

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

- 3. [AB2023-127](#) Resolution adopting the Healthy Children’s Fund Implementation Plan

**SUBSTITUTE INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

4. [AB2023-156](#) Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities Operational Standards

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

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

**ADJOURN**