

Whatcom County Council

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



Minutes - Final

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, 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

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

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

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

Byrd moved and Frazey 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. [MIN2023-015](#) Committee of the Whole for February 7, 2023

Byrd moved and Frazey 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. [MIN2023-016](#) Regular County Council for February 7, 2023

Byrd moved and Frazey 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. [AB2023-095](#) Ordinance Regarding Installation of stop signs on certain county roads

Jim Karcher, Public Works Department, stated he was available for questions.

Buchanan opened the Public Hearing and the following person spoke:

- Sandy Zeitel

Hearing no one else, Buchanan closed the Public Hearing.

Donovan moved and Byrd seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

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

Councilmembers discussed the motion.

Ranney addressed the concerns of the speaker and answered how long it would be until the stop signs would go in, and whether there is something different about this stop sign from ones they voted to approve on Bay Road, Valley View Road, and Kickerville Road.

Donovan's motion that the 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 2023-004

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

Jim Karcher, Public Works Department, stated he is available for questions.

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

Byrd moved and Frazey seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Karcher answered whether the speed limit there is 35 miles per hour.

Byrd's motion that the 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 2023-005

OPEN SESSION

The following people spoke:

- John Marshall
- Erin Godwin
- Cliff Langley
- Doug "Yoshe" Revelle
- Lyle Sorenson
- Natalie Chavez
- Dam Pham
- Misty Flowers

Hearing no one else, Buchanan closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Kershner reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items one through sixteen.

Elenbaas spoke about **AB2023-123**. He then requested to remove Consent Agenda item number three (**AB2023-119**) and vote on it separately.

Councilmembers voted on Consent Agenda items one and two, and four through sixteen (see votes on individual items below).

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

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

Nay: 0

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

Kershner reported for the Finance and Administrative Services 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 2023-003

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

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

Nay: 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)

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 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

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

Nay: 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

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

Nay: 0

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

Kershner reported for the Finance and Administrative Services 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 2023-004

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

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

Nay: 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

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

Nay: 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

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

Nay: 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

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

Nay: 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

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

Nay: 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

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

Nay: 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

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

Nay: 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

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

Nay: 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

Councilmembers discussed an email that was sent to Council by a citizen regarding this item.

Donovan moved and Elenbaas seconded that the Contract be AUTHORIZED. The motion 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)

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

Kershner 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 2023-006

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

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

Tyler Schroeder, Director of Administrative Services, answered questions about staff notes on the supplemental request documents, the status of the Laurel and Forest Housing project, whether they only give the money for the project as it is used as opposed to when the project is approved, what happens if the contractor does not use all of the funding and does not meet the proportion required for its grants, why the Savage Agricultural Conservation Easement is coming through as a supplemental as opposed to a stand-alone request, and whether this supplemental is the County accepting USDA Natural Resource Conservation Service funds.

Kershner'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 2023-007

(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

Dana Brown-Davis, Clerk of the Council, answered what the Council should do with this Ordinance since a new Ordinance will be introduced tonight (as per the discussion in Committee).

Donovan moved and Frazey seconded that the Ordinance be ADOPTED.

Councilmembers discussed whether the alternate Ordinance discussed in Committee will be on the agenda tonight for Introduction and discussed the motion.

Donovan's motion that the Ordinance be Adopted FAILED by the following vote:

Aye: 1 - Elenbaas

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

Abstain: 1 - Kershner

(From Council Planning and Development Committee)

4. [AB2023-121](#) Resolution docketing Comprehensive Plan and Development Regulation amendments
Galloway reported for the Planning and Development Committee and *moved* that the Resolution be APPROVED.

Councilmembers discussed the motion.

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

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

Nay: 1 - Elenbaas

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)

Buchanan reported for the Committee of the Whole 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 2023-006

(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).

Buchanan moved and Byrd seconded that the Request for Motion be

APPROVED. The motion carried by the following vote:

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

Nay: 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 Kobdish, Claire Thurman-Moore, Matthew Durkee, Kathleen Hennessy, Jeffery Hart

Galloway moved to nominate all applicants and have each Councilmember vote for three. The motion was seconded by Donovan.

Councilmembers voted as follows:

Buchanan: Guy Occhiogrosso, Chris Kobdish, and Jeffery Hart

Byrd: Robyn Phillips-Madson, Susan Prosser, and Guy Occhiogrosso

Donovan: Guy Occhiogrosso, Chris Kobdish, and Jeffery Hart

Elenbaas: Misty Flowers, Hannah Ordos, and Susan Prosser

Frazey: Guy Occhiogrosso, Chris Kobdish, and Jeffery Hart

Galloway: Guy Occhiogrosso, Chris Kobdish, and Jeffery Hart

Kershner: Guy Occhiogrosso, Hannah Ordos, and Jeffery Hart

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

This agenda item was APPOINTED.

Action Summary: Guy Occhiogrosso, Jeffery Hart, and Chris Kobdish were appointed.

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

Galloway moved and Donovan seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:

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

Nay: 0

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

Donovan moved and Byrd seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:

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

Nay: 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)

Kershner moved and Frazey seconded that the Council Appointment be APPOINTED.

Elenbaas read from the application.

Kershner's motion that the Council Appointment be APPOINTED carried by the following vote:

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

Nay: 0

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

Kershner moved and Buchanan seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:

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

Nay: 0

6. [AB2023-110](#) Appointment to fill vacancy on the Laurel Watershed Improvement District Board
Dana Brown-Davis, Clerk of the Council, stated there is one vacancy (and two applicants).

Elenbaas moved to nominate both Kevin Sterk and Eric Sundstrom. The motion was seconded by Galloway.

Councilmembers discussed the applicants.

Sundstrom was appointed by the following vote:

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

Sterk: 1 - Byrd

This agenda item was APPOINTED.

Action Summary: Appointed Eric Sundstrom.

ITEMS ADDED BY REVISION

1. [AB2023-148](#) Letter of support for the revised scope of the Birch Bay Vogt Library project
Kershner moved and Galloway seconded that the Letter be APPROVED.

Councilmembers discussed the letter, what the Council is asking for through the letter, and who the recipients should be.

Tyler Schroeder, Director of Administrative Services, answered whether we could ask our lobbyist, on behalf of the County, to have a quick check-in with key members to advocate for this.

Councilmembers and Brown-Davis discussed working on the list of copied recipients, the timeline for when the letter needs to be signed, and that the motion is to approve the letter now with the understanding that it might be addressed to different members of the Legislature.

Kershner's motion that the Request for Motion be APPROVED carried by the following vote:

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

Nay: 0

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

Donovan moved and Byrd seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:

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

Nay: 0

INTRODUCTION ITEMS

Byrd moved to introduce items one through four. The motion was seconded by Frazey.

Frazey spoke about **AB2023-127** and Dana Brown-Davis, Clerk of the Council, stated that it is a substitute.

Councilmembers voted on the Introduction items (see votes on individual items below).

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

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

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

Nay: 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)

Byrd moved and Frazey seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

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

Byrd moved and Frazey seconded that the SUBSTITUTE Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 0

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

Byrd moved and Frazey seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave Committee reports and other updates.

ADJOURN

The meeting adjourned at 7:51 p.m.

The County Council approved these minutes on March 7, 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