

Whatcom County Council

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



Minutes - Final

Tuesday, September 13, 2022

6 PM

Hybrid Meeting

**HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN
INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010), AGENDA REVISED 9.12.2022**

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 Vice Chair Barry Buchanan called the meeting to order at 6:01 in a hybrid meeting (Buchanan chaired the meeting because Donovan was in a remote location).

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

Satpal Sidhu, County Executive, reported on the following:

- The County was successful in receiving the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant of \$25 million for the Lummi Island Ferry as well as \$10 million and approval from the County Road Administration Board (CRAB).
- Flood response. He stated they are working with the Canadians and have been invited to Abbotsford to meet with their team, and they have finalized the flow split design for north of the Everson bridge. The project should be completed before November. They are also waiting for Federal Emergency Management Agency (FEMA) maps to define the flood plain and floodway. There is also a proposal that they should plan for levies around the cities.
- The biennium budget process and Additional Service Requests (ASRs) from the departments.
- His upcoming trip to India.

He answered what the final sticker price is on the ferry and what amount they are trying to get to, whether the Council will see the ASRs before mid-October, and whether the total amount of \$60 million is for just the ferry vessel or also for onshore expenses.

MINUTES CONSENT

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

1. [MIN2022-051](#) Special Council for August 2, 2022

Donovan 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

Absent: 0

2. [MIN2022-052](#) Committee of the Whole Executive Session for August 9, 2022

Donovan 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

Absent: 0

3. [MIN2022-053](#) Committee of the Whole for August 9, 2022

Donovan 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

Absent: 0

4. [MIN2022-054](#) Regular County Council for August 9, 2022

Donovan 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

Absent: 0

PUBLIC HEARINGS

Council staff played a short instructional video about how to speak at the meeting.

1. [AB2022-431](#) Resolution vacating an unnamed alley within the Plat of Lummi Park on Lummi Island
Buchanan opened the Public Hearing and, hearing no one, closed the Public Hearing.

Byrd moved and Kershner seconded that the Resolution Requiring a Public

Hearing be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-037

2. [AB2022-443](#) Resolution authorizing the sale of personal property, pursuant to WCC 1.10

Buchanan opened the Public Hearing and the following people spoke:

- Misty Flowers

Hearing no one else, Buchanan closed the Public Hearing.

Dana Brown-Davis, Clerk of the Council, answered the speaker's question about whether the County is putting retired police dogs (as listed on Exhibit A) up for auction. This is releasing them from the County's possession so they can be with the officers that they have lived with. They are not going up for auction.

Frazey moved and Donovan seconded that the Resolution Requiring a Public Hearing be APPROVED.

Kershner stated the Council already got a briefing from staff on this Resolution in August.

Frazey's motion that the Resolution Requiring a Public Hearing be APPROVED carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-038

OPEN SESSION

The following people spoke:

- Name not stated
- Todd Lagestee
- Tammi (last name not stated)
- Adam Lambe

- John DeVries
- Lyle Sorenson
- Natalie Chavez
- Pamela Carron
- Hannah Ordos
- Robert Bystrom
- Karla Rae
- Misty Flowers
- Cliff Langley
- Ken Domorod
- Enoch Mann

Hearing no one else, Buchanan closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Byrd reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items one through seven and nine through thirty (he stated that item number eight would be considered separately).

Kershner addressed public comments and spoke about the long list of financial items in the Consent Agenda. She stated that they discussed issues in committee.

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

1. [AB2022-455](#) Request authorization for the County Executive to enter into the Allocation Agreement Governing the Allocation of Funds Paid by the Settling Opioid Distributors in Washington State and the Subdivision Settlement Participation Form in the Distributors Washington Settlement

Byrd 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

Absent: 0

2. [AB2022-456](#) Request authorization for the County Executive to enter into an interlocal agreement

between Whatcom County and the City of Everson for use of building space at Everson City Hall for senior programming, in the amount of \$500

Byrd 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

Absent: 0

3. [AB2022-458](#) Request authorization for the County Executive to enter into an Interagency Agreement between Whatcom County and the Washington Administrative Office of the Courts for reimbursement of expenses incurred relating to the Volunteer Guardian Ad Litem program, in the amount of \$91,751

Byrd 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

Absent: 0

4. [AB2022-459](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Military Department for FY2021 Operation Stonegarden (OPSG), in the amount of \$156,292.50

Byrd 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

Absent: 0

5. [AB2022-460](#) Request authorization for the County Executive to enter into a Subrecipient Agreement between Whatcom County and City of Bellingham to provide for a pass-through grant for reimbursement of equipment costs to What-Comm Communications Center, in the amount of \$126,251

Byrd 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

Absent: 0

6. [AB2022-461](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority to establish an alternative response team to respond to 911 calls that do not require law enforcement, in the amount of \$2,213,000

Byrd 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

Absent: 0

7. [AB2022-462](#) Request authorization for the County Executive to enter into an Interlocal Agreement between the Whatcom County Flood Control Zone District and Public Utility District No. 1 of Whatcom County (PUD) to provide funding to complete a Regional Water Supply Plan, in the amount of \$16,000.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

Nay: 1 - Elenbaas

Absent: 0

8. [AB2022-463](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Michael Bobbink for hearing examiner services

This item was considered separately. See below under the Consent Agenda.

9. [AB2022-464](#) Request authorization for the County Executive to enter into a two year grant contract between Whatcom County and Mt. Baker-Snoqualmie National Forest in the amount \$57,442.00

Byrd 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

Absent: 0

10. [AB2022-466](#) Request authorization for the County Executive to enter into a grant contract amendment between Whatcom County and Washington State Health Care Authority to expand the MOUD (Medication for Opioid Use Disorder) program in the Jail, in the amount of \$180,291.00

Byrd 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

Absent: 0

11. [AB2022-470](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Children's Home Society of Washington for additional support allocated to the Parent for Parent Program, in the total amended amount of \$94,350.00

Byrd 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

Absent: 0

12. [AB2022-472](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Mercy Housing Northwest to provide funding for permanent supportive housing personnel at Trailview Apartments, in the amount of \$209,250

Byrd 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

Absent: 0

13. [AB2022-475](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Crossroads Consulting to expand the term, scope and

compensation of the agreement for a total of \$150,950

Byrd 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

Absent: 0

14. [AB2022-476](#) Request approval for the County Executive to enter into a contract with S. S. Papadopulos & Associates, Inc. for the purpose of making refinements and improvements to the Whatcom County Groundwater Model in the amount of \$286,016 (Council acting as the Flood Control Zone District Board of Supervisors)

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

Nay: 1 - Elenbaas

Absent: 0

15. [AB2022-477](#) Request approval for the County Executive to enter into a contract amendment with Tetra Tech, Inc. to provide ongoing technical consulting services for the preparation of Benefit Cost Analyses (BCA) and grant application submittals in the amount of \$231,551 for a total amended contract amount of \$271,271,551 (Council acting as the Flood Control Zone District Board of Supervisors)

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

Nay: 1 - Elenbaas

Absent: 0

16. [AB2022-478](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the Office of Crime Victims Advocacy Community Services and Housing Division in the amount of \$60,461.00 for the SFY 2023 Victim/Witness grant

Byrd 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

Absent: 0

17. [AB2022-479](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the United State Department of Interior, U.S. Geological Survey (USGS) to jointly fund continued stream gaging stations in the Nooksack River in the amount of \$199,672.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

Nay: 1 - Elenbaas

Absent: 0

18. [AB2022-480](#) Request authorization for the County Executive to enter into a Grant Program Agreement between the Whatcom County Flood Control Zone District and the State of Washington Department of Ecology in the amount of \$ 500,00.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

Nay: 1 - Elenbaas

Absent: 0

19. [AB2022-483](#) Request authorization for the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and the Deputy Sheriff's Guild for the period January 1, 2023 - December 31, 2025

Byrd 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

Absent: 0

20. [AB2022-484](#) Request authorization for the County Executive to enter into a contract amendment

between Whatcom County and Herrera Environmental Consultants to provide continuing support of the Floodplain Integrated Planning Process (FLIP) in the amount of \$606,500.00 for a total amended contract amount of \$1,199,700.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

Nay: 1 - Elenbaas

Absent: 0

21. [AB2022-486](#) Request authorization for the County Executive to enter into a contract amendment between Stryker Corporation and Whatcom County to increase the annual payment for purchase of Advanced Life Support Equipment for the Fifth Paramedic Unit including adding powerload lift equipment to the annual maintenance program in the amount of \$121,545/year for the remaining 8 years of the agreement

Byrd 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

Absent: 0

22. [AB2022-488](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Coastal Geologic Services, Inc., for long-term monitoring of the Birch Bay Drive & Pedestrian Facility in the amount of \$284,800

Byrd 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

Absent: 0

23. [AB2022-491](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide emergency housing for families experiencing unsheltered homelessness in the amount of \$107,000 for a total amended contract amount of \$707,074

Byrd 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

Absent: 0

24. [AB2022-492](#) Request authorization for the County Executive to award a contract to Squalicum Mountain Ecological Restoration Inc., and enter into a contract for annual maintenance costs for plantings on the Birch Bay Drive and Pedestrian Facility in the amount of \$64,617

Byrd 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

Absent: 0

25. [AB2022-494](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Bellingham Food Bank for the provision of food purchases in the amount of \$500,000

Byrd 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

Absent: 0

26. [AB2022-495](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and The Vida Agency for phase 2 of the communication efforts for the Justice Project in the amount of \$146,984 for a total amount of \$186,907

Byrd 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

Absent: 0

27. [AB2022-496](#) 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 \$309,314, for a total amended agreement amount of \$8,377,968

Byrd 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

Absent: 0

28. [AB2022-497](#) Request authorization for the County Executive to enter into an agreement with the US Department of Agriculture Natural Resource Conservation Service to secure matching funds for the Savage Agricultural Conservation Easement through the Conservation Easement Program

Byrd 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

Absent: 0

29. [AB2022-498](#) Request authorization for the County Executive to enter into an agreement with the US Department of Agriculture Natural Resource Conservation Service in order to secure matching funds for the VanderWerff Agricultural Conservation Easement through the Conservation Easement Program

Byrd 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

Absent: 0

30. [AB2022-499](#) Request approval to sign agreement with USDA NRCS in order to secure matching funds for the Vander Veen Agricultural Conservation Easement through the Conservation Easement Program

Byrd 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

Absent: 0

8. [AB2022-463](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Michael Bobbink for hearing examiner services

Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be HELD IN COMMITTEE (to request that Council staff go back to Michael Bobbink and propose a six percent increase in the first year and six percent in the second year). The motion carried by the following vote:

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

Nay: 0

Absent: 0

Abstain: 1 - Galloway

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

2. [AB2022-434](#) Resolution amending the Flood Control Zone District & Subzones 2022 budget, request no. 5, in the amount of \$78,598 (Council acting as the Flood Control Zone District Board of Supervisors)

Byrd reported for the Finance and Administrative Services Committee and moved that the Resolution (FCZDBS) be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-039

1. [AB2022-435](#) Ordinance amending the 2022 Whatcom County Budget, request no. 12, in the amount of \$4,068,703

Byrd 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

Absent: 0

Enactment No: ORD 2022-059

(From Council Committee of the Whole)

3. [AB2022-451](#) Ordinance amending Whatcom County Code Chapter 5.04, Ambulance Franchises, to address diversity, equity, and inclusion on the EMS Oversight Board and EMS Technical Advisory Committee and to define the process and elements of an EMS Levy Service Plan

Buchanan reported for the Committee of the Whole.

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-060

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

1. [AB2022-481](#) Request confirmation of the County Executive's appointments of Adam Morrow, Tyler Buys and Gregory Burg to the Development Standards Technical Advisory Committee

Donovan moved and Byrd seconded that the Executive Appointment be CONFIRMED.

Elenbaas asked if any of the applicants were in attendance and whether they would like to address the Council but no one came forward.

Donovan's motion that the Executive Appointment be CONFIRMED carried by the following vote:

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

Agenda Revision Summary: AB2022-379 (Introduction item number four) was withdrawn from Introduction.

INTRODUCTION ITEMS

Donovan moved to introduce items one through three and five through seven. The motion was seconded by Byrd.

Councilmembers discussed with Dana Brown-Davis, Clerk of the Council, the changes made in the substitute version of item number five (AB2022-489).

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

1. [AB2022-454](#) Ordinance amending Whatcom County Code to restructure the Public Health Advisory Board

**Donovan moved and Byrd 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

Absent: 0

Enactment No: ORD 2022-064

2. [AB2022-485](#) Ordinance amending the Whatcom County Budget, request no. 13, in the amount of \$2,081,283

**Donovan moved and Byrd 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

Absent: 0

Enactment No: ORD 2022-062

3. [AB2022-487](#) Ordinance amending the project based budget for the Courthouse Building Envelope Fund, request no. 4

**Donovan moved and Byrd 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

Absent: 0

Enactment No: ORD 2022-063

4. [AB2022-379](#) Ordinance amending Whatcom County Code 3.72 (Construction Projects - Apprenticeship Requirements) to extend the timelines for implementation, rename the program to the Contractor Apprenticeship Program, and allow waivers at any time

This agenda item was WITHDRAWN.

5. [AB2022-489](#) Ordinance adopting various amendments to WCC Title 20, Zoning; Chapter 20.51 - Lake Whatcom Watershed Overlay District and Chapter 20.71 - Water Resource Protection Overlay District, and other references to the Department of Ecology Stormwater Manual

Donovan moved and Byrd seconded that the SUBSTITUTE 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

Absent: 0

Enactment No: ORD 2022-061

6. [AB2022-469](#) Appointment to fill a vacancy on the Climate Impact Advisory Committee, applicant(s): Fletcher Wilkinson, Tracy Petroske, Irena Lambrou, and Derek Gremban

Donovan moved and Byrd 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

Absent: 0

7. [AB2022-493](#) Resolution approving the Whatcom County Six-year Transportation Improvement Program for the years 2023-2028

Donovan moved and Byrd seconded that the 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

Absent: 0

Enactment No: RES 2022-040

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave committee reports.

Buchanan reported for the Committee of the Whole Executive Session (regarding AB2022-473) and *moved* the following:

I hereby move to approve defense and indemnification of Breanna Brock, RN, BSN, named as defendants in Jerome Lenorda Powell, II, v. Whatcom County Jail, Breanna Brock, RN, BSN, and the City of Bellingham, United States District Court for Western District of Washington in Tacoma, Cause No. 2:22-cv-00728-JLRTLf.

Based on the following findings:

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

The motion was seconded by Kershner.

The motion carried by the following vote:

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

Nay: 0

Kershner reported for Committee of the Whole Executive Session and *moved* to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

The motion was seconded by Buchanan.

The motion carried by the following vote:

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

Nay: 0

Councilmembers continued committee reports.

Kershner reported for Public Works and Health Committee and **moved** to accept the final report and forward it to the Executive's Office and the Sheriff's Office for consideration.

The motion carried by the following vote:

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

Nay: 0

Councilmembers continued committee reports and gave other updates.

Three motions were approved.

ADJOURN

The meeting adjourned at 7:30 p.m.

The County Council approved these minutes on September 27, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Todd Donovan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE