

Whatcom County Council

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



Action Summary

Tuesday, July 25, 2023

6 PM

Hybrid Meeting

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

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

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2023-045](#) Committee of the Whole Executive Session for June 20, 2023

APPROVED BY CONSENT

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

Nay: 0

2. [MIN2023-046](#) Regular County Council for June 20, 2023

APPROVED BY CONSENT

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

Nay: 0

3. [MIN2023-047](#) Committee of the Whole for June 20, 2023

APPROVED BY CONSENT

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

Nay: 0

4. [MIN2023-048](#) Committee of the Whole Executive Session for July 11, 2023

APPROVED BY CONSENT

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

Nay: 0

5. [MIN2023-049](#) Committee of the Whole for July 11, 2023

APPROVED BY CONSENT

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

Nay: 0

6. [MIN2023-050](#) Regular County Council for July 11, 2023

APPROVED BY CONSENT

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

Nay: 0

PUBLIC HEARINGS

1. [AB2023-387](#) Ordinance adopting amendments to Whatcom County Code Title 20 (Zoning) to regulate short-term/vacation rentals

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-041

2. [AB2023-397](#) Ordinance amending Whatcom County Code Chapter 20.14, Wind Energy Systems, and Chapter 20.97, Definitions

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-042

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2023-453](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology for technical assistance and education outreach to small businesses, in the amount of \$275,075

AUTHORIZED BY CONSENT

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

Nay: 0

2. [AB2023-454](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and U.S. Department of Justice Organized Crime Drug Enforcement Task Force (OCDETF) for continuing an OCDETF investigation, in the amount of \$14,000, for a total amount of \$16,500

AUTHORIZED BY CONSENT

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

Nay: 0

3. [AB2023-458](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for Aquatic Invasive Species (AIS) enforcement patrols on Lake Whatcom and Lake Samish, in the amount of \$20,000.00

AUTHORIZED BY CONSENT

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

Nay: 0

4. [AB2023-459](#) Request approval for the County Executive to award Bid #23-50, Rental Rates for Maintenance and Construction Equipment Without Operator, to all bidders with the award for each vendor not to exceed \$100,000.00

AUTHORIZED BY CONSENT

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

Nay: 0

5. [AB2023-460](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to deliver various public health services in the amount of \$3,197,322 for a total amended agreement amount of \$12,178,417

AUTHORIZED BY CONSENT

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

Nay: 0

6. [AB2023-462](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Children, Youth and Families for reimbursement for work performed related to the Juvenile Detention Alternative Initiative (JDAI) in the amount of \$28,000 per year for a total of \$56,000 over 2 years

AUTHORIZED BY CONSENT

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

Nay: 0

7. [AB2023-463](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Children, Youth and Families for reimbursement of services relating to programming for juvenile offenders under the supervision of Juvenile Court, with reimbursement to continue at the SFY2022-2023 rate in Whatcom County Contract No. 202106029 until the State

has determined the SFY 2024-2025 rates

AUTHORIZED BY CONSENT

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

Nay: 0

8. [AB2023-464](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and The Administrative Office of the Court for reimbursement for costs related to resentencing and vacating convictions for those individuals affected by the Blake Decision in the maximum reimbursement amount of \$837,967

AUTHORIZED BY CONSENT

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

Nay: 0

9. [AB2023-467](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority for the coordination and implementation of prevention programs and strategies, in the amount of \$260,000 annually with a not to exceed amount of \$1,320,000

AUTHORIZED BY CONSENT

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

Nay: 0

10. [AB2023-468](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and the Whatcom Conservation District to complete components of a National Estuary Program (NEP) funded grant scope of work including data coordination, technical assistance and outreach, in the amount of \$773,332 (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

11. [AB2023-476](#) Request authorization for the County Executive to enter into a lease between Whatcom County and Lengosot LLC to provide temporary space to perform autopsies in the amount of a base rent of \$250 per autopsy and an additional \$50 transportation cost per trip

AUTHORIZED BY CONSENT

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

Nay: 0

OTHER ITEMS**(From Council Climate Action and Natural Resources Committee)**

1. [AB2023-472](#) Resolution authorizing the County Executive to grant an easement to Puget Sound Energy across park property to service two private residences located off of Blue Canyon Road

APPROVED

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

Nay: 0

Enactment No: RES 2023-017

(From Council Finance and Administrative Services Committee)

2. [AB2023-448](#) Ordinance Establishing the Central Shop NPDES Stormwater Improvements Project Based Budget

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-043

3. [AB2023-451](#) Ordinance amending the 2023 Whatcom County Budget, request no. 10, in the amount of 1,493,534

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-044

(From Council Public Works and Health Committee)

4. [AB2023-294](#) Resolution adopting the Food System Plan created by the Whatcom County Food System Committee

APPROVED

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

Nay: 0

Enactment No: RES 2023-018

5. [AB2023-483](#) Discussion and request approval of motion to appoint one member of Council to the Multi-Agency Coordination (MAC) Group

DISCUSSED AND MOTION(S) APPROVED

Motion approved 7-0 to appoint Buchanan

(From Council Committee of the Whole)

6. [AB2023-434](#) Resolution for Whatcom County Code language revisions to address equity, diversity, and inclusion

APPROVED

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

Nay: 0

Enactment No: RES 2023-019

(No Committee Assignment)

7. [AB2023-258](#) Ordinance amending Whatcom County Code 10.34, Ferry Rates

ADOPTED

Aye: 5 - Byrd, Elenbaas, Frazey, Galloway, and Kershner

Nay: 2 - Buchanan, and Donovan

Enactment No: ORD 2023-045

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-455](#) Appointment to fill a vacancy on the Surface Mining Advisory Committee, position for a representative of a potable domestic groundwater supply, preferably a public water system representative or private well owner - Applicant(s): Kathleen Greenbaum

APPOINTED

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

Nay: 0

2. [AB2023-469](#) Appointment of members to serve on pro and con statement writing committee for a proposed ballot measure regarding a sales and use tax for public health, safety, and justice facility purposes

APPOINTED

Motion approved 7-0 to consider all candidates for the position on the pro side and all candidates on the con side.

Appointed Peter Frazier (7), Scott Korthuis (5), and Rud Browne (5) for the Pro statement writing committee and Andrew Reding (5), Makenzie Graham (7), and Todd Lagestee (7) for the Con statement writing committee.

ITEMS ADDED BY REVISION

INTRODUCTION ITEMS

1. [AB2023-470](#) Ordinance amending the 2023 Whatcom County Budget, request no. 11, in the amount of \$250,000

INTRODUCED

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

Nay: 0

2. [AB2023-475](#) Ordinance establishing the Lummi Island Ferry Replacement and System Modernization Fund and establishing a project based budget for the Lummi Island ferry replacement and modernization project; CRP #919008

SUBSTITUTE INTRODUCED

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

Nay: 0

3. [AB2023-471](#) Ordinance establishing a temporary closure of West Smith Road from Northwest Drive to the Ferndale city limits

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

4. [AB2023-480](#) Receipt of application to a vacancy on the Business and Commerce Advisory Committee, construction industry representative, Applicant: Dan Dunne (deadline for additional applications to this position is 10:00 a.m. on Tuesday, August 1, 2023)

INTRODUCED

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

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Motion approved from Executive Session 6-1 with Elenbaas opposed to authorize the County Executive to move forward with and complete the acquisition of the property as long as the purchase price does not exceed the amount discussed in Executive Session.

ADJOURN