

Whatcom County Council

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



Action Summary

Tuesday, January 23, 2024

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 1.23.2023

COUNCILMEMBERS

Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Kaylee Galloway
Jon Scanlon
Mark Stremler

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, Kaylee Galloway, Jon Scanlon, and Mark Stremler

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2024-001](#) Special Committee of the Whole for January 9, 2024

APPROVED BY CONSENT

Aye: 5 - Buchanan, Byrd, Galloway, Scanlon, and Stremler

Nay: 0

Temp Absent: 2 - Donovan, and Elenbaas

2. [MIN2024-002](#) Committee of the Whole for January 9, 2024

APPROVED BY CONSENT

Aye: 5 - Buchanan, Byrd, Galloway, Scanlon, and Stremler

Nay: 0

Temp Absent: 2 - Donovan, and Elenbaas

3. [MIN2024-003](#) Regular County Council for January 9, 2024

APPROVED BY CONSENT

Aye: 5 - Buchanan, Byrd, Galloway, Scanlon, and Stremler

Nay: 0

Temp Absent: 2 - Donovan, and Elenbaas

PUBLIC HEARINGS

1. [AB2024-032](#) Resolution adopting the 2024 Comprehensive Parks, Recreation and Open Space (CPROS) Plan

APPROVED

Aye: 6 - Buchanan, Byrd, Donovan, Galloway, Scanlon, and Stremler

Nay: 0

Temp Absent: 1 - Elenbaas

Enactment No: RES 2024-004

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2024-052](#) Request for authorization for the County Executive to enter into an amended contract agreement between Whatcom County and L&L Counseling and Consultation for services related to evaluations and treatment services for youth referred to or sentenced under the Special Sex Offender Disposition Alternative in the amount of \$35,000 for a total contract amount of \$70,000

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

2. [AB2024-054](#) Request authorization for the County Executive to enter into an interagency agreement between Whatcom County and the State of Washington Department of Ecology for Whatcom Marine Resources Committee (MRC) operations and projects, in the amount of \$135,500.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

3. [AB2024-055](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Exact Scientific Services to provide water quality analytical testing services, in the amount of \$90,000.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

4. [AB2024-067](#) Resolution canceling uncollectible personal property taxes

APPROVED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

Enactment No: RES 2024-005

5. [AB2024-076](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the State of Washington Department of Ecology to receive funding for adjudication technical assistance, in the amount of \$300,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

6. [AB2024-077](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and United States Geological Survey for funding and technical analysis to assess topographic changes in the Nooksack River channel and support the Floodplain Integrated Planning (FLIP) work, in the amount of \$94,050 (Council acting as Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

7. [AB2024-078](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Conservation District for education and outreach assistance, in the amount of \$72,666.31

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

8. [AB2024-079](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Conservaton District for outreach, education and technical assistance, in the amount of \$107,341.56 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

9. [AB2024-080](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and Washington State Military Department to increase the awarded amount for the Operation Stonegarden program by \$96,525.00, for a total of \$197,025.00

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

- 10. [AB2024-081](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to fund various public health programs in the amount of \$282,183 for a total amended agreement amount of \$14,424,841

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

- 11. [AB2024-082](#) Resolution accepting the Treasurer’s list of petitions for property tax refunds consistent with RCW 84.69.020

APPROVED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

Enactment No: RES 2024-006

- 12. [AB2024-083](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Stephen Jackson Law, PLLC to provide legal representation for Rules of Appeal of Decisions in Courts of Limited Jurisdiction (RALJ) appeal cases in the amount of \$18,000.00 for a total amended contract amount of \$38,000.00

AUTHORIZED BY CONSENT

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

- 1. [AB2024-027](#) Ordinance establishing a project budget for the Cedar Hills Culvert Replacement Project Fund; SWP #SWLW23-05

SUBSTITUTE ADOPTED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

Enactment No: ORD 2024-003

2. [AB2024-028](#) Ordinance amending the project budget for the Public Safety Radio System Fund, request no. 4
- ADOPTED**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
- Nay:** 0
- Enactment No: ORD 2024-004
3. [AB2024-034](#) Ordinance amending the 2024 Whatcom County Budget, request no. 3, in the amount of 1,693,840
- ADOPTED**
- Aye:** 6 - Buchanan, Byrd, Donovan, Galloway, Scanlon, and Stremler
- Nay:** 1 - Elenbaas
- Enactment No: ORD 2024-005

(From Council Committee of the Whole)

4. [AB2024-053](#) Letter to the Department of Natural Resources to confirm concurrence with 650 acres identified for the Natural Climate Solutions proviso
- SUBSTITUTE REQUEST APPROVED**
- Aye:** 4 - Buchanan, Donovan, Galloway, and Scanlon
- Nay:** 3 - Byrd, Elenbaas, and Stremler

The substitute letter, as amended in Committee, was approved. See more discussion on this item in Committee Reports at the end of the meeting.

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2024-050](#) Appointment to vacancies on the Incarceration Prevention & Reduction Task Force, Applicant(s): Teri Bryant, Donna M. Wells, Bertha Safford, Robert Sullivan, Max Whipple, Corbett Hanson, Josh Hauseman, Douglas Benjamin, Hannah Sloan, Richard Gleason, Jeffrey Holmes, Michael Holbrook, Ava Sakowski, Arlene Feld, Martin Cooper, Jessica Kopicki, Peter Frazier, Mimi Turin, James Schmotzer, Ethan Martez, Brian Hoorn, Robert Wilson, Scott Pelton, Kyle Bickel, Rosa Hunter, Rafael Gonzalez, Angela Burke, Tawsha Thompson, Jennifer Quigg
- APPOINTED**

Motion approved 6-1, with Stremler opposed, to accept late applicants.

Motion approved 7-0 to nominate Arlene Feld for the Health and Social Services Provider position.

The following two people were appointed to the Health and Social Services Provider position: Bertha Safford (5 votes) and Arlene Feld (5 votes)

Motion approved 5-2, with Elenbaas and Stremmer opposed, to add Rosa Hunter and Angela Burke to the Consumer of Services position list of applicants.

Rosa Hunter was appointed to the Consumer of Services position with 4 votes.

Peter Frazier was appointed to the Concerned Citizen position with 5 votes.

2. [AB2024-070](#) Appointment to a vacancy on the Criminal Justice Treatment Account Panel,
Applicant(s): Julie Grendon

APPOINTED

Appointed Julie Grendon with 7 votes

3. [AB2024-091](#) Reconsideration of appointment to a position on the Whatcom County Ferry
Advisory Committee, Member: Fabian Mendoza

HELD IN COUNCIL

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

Nay: 0

4. [AB2024-094](#) Appointment to a vacancy on the Lynden/Everson Flood Control Subzone Advisory
Committee, Applicant(s): Sherman Polinder (Council Acting as the Whatcom County
Flood Control Zone District Board of Supervisors)

APPOINTED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

Nay: 0

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

1. [AB2024-071](#) Request confirmation of the County Executive's appointment of Lyn Salazar to the
Americans with Disabilities Act (ADA) Compliance Committee

CONFIRMED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

Nay: 0

2. [AB2024-073](#) Request confirmation of the County Executive's reappointment of Michael MacKay
to the Marine Resources Committee

CONFIRMED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

3. [AB2024-074](#) Request confirmation of the County Executive's appointments of Danielle Gaughen and John H. Miller to the Whatcom County Rural Library Board

CONFIRMED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

4. [AB2024-075](#) Request confirmation of the County Executive's reappointment of Alan Friedlob to the North Sound Behavioral Health Organization Advisory Board

CONFIRMED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

5. [AB2024-084](#) Request confirmation of the County Executive's appointment of Fred Likkel to the Agricultural Advisory Committee

CONFIRMED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

6. [AB2024-085](#) Request confirmation of the County Executive's appointment of Sierra Crook to the Food System Committee

CONFIRMED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

7. [AB2024-086](#) Request confirmation of the County Executive's reappointment of Raegen Miller to the Developmental Disabilities Advisory Board

CONFIRMED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

8. [AB2024-087](#) Request confirmation of the County Executive's reappointment of Jodi Sipes and Jana Finkbonner to the Northwest Senior Services Board

CONFIRMED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

ITEMS ADDED BY REVISION

AB2024-100 was added by revision to Introduction (see below).

INTRODUCTION ITEMS

1. [AB2024-088](#) Ordinance adopting amendments to Whatcom County Code Title 2 (Administration and Personnel) and 3 (Revenue and Finance) to amend the qualifications for serving on the Wildlife Advisory Committee, the composition of the Conservation Easement Program Oversight Committee, and cleaning up the Agricultural Advisory Committee code

SUBSTITUTE INTRODUCED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

2. [AB2024-096](#) Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities Operational Standards

INTRODUCED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

3. [AB2024-100](#) Ordinance adopting amendments to Whatcom County Code Title 2 (Administration and Personnel) to abolish the Appeals Board and assign its duties to the Hearing Examiner

INTRODUCED

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN