

# **Whatcom County Council**

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



## **Minutes - Final**

**Tuesday, February 7, 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)**

### **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

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

There was no report.

### MINUTES CONSENT

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

1. MIN2023-008 Committee of the Whole for January 10, 2023

**Donovan moved and Galloway 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. MIN2023-009 Regular County Council for January 10, 2023

**Donovan moved and Galloway 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. MIN2023-010 Water Work Session for January 17, 2023

**Donovan moved and Galloway 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. MIN2023-011 Committee of the Whole Executive Session for January 24, 2023

**Donovan moved and Galloway 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

5. MIN2023-012 Committee of the Whole for January 24, 2023

**Donovan moved and Galloway 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

6. MIN2023-013 Regular County Council for January 24, 2023

**Donovan moved and Galloway 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

## **OPEN SESSION**

The following people spoke:

- Cynthia Sue Ripke-Kutsagoitz
- Lindy McDonough
- Barbara Powers
- Pam (last name not stated)
- Doug "Yoshe" Revelle
- Lyle Sorenson
- Dan Pham
- Natalie Chavez

- Misty Flowers
- Hannah Ordos

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 seven.

*Galloway moved* to pull out Consent Agenda items two (AB2023-085) and four (AB2023-094) for separate consideration. The motion was seconded by Kershner.

The motion carried by the following vote:

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

**Nay:** 0

Councilmembers voted on items one, three, five, six, and seven (see votes on individual items below) then considered items two and four separately (see below after the Consent Agenda).

1. AB2023-067 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington State University to continue the jointly shared costs for faculty positions and program support for WSU Extension in the amount of \$255,071 for a total amended contract amount of \$2,986,499.90

**Kershner reported for the Finance and Administrative Services Committee and moved that the Memorandum of Agreement be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

2. AB2023-085 Request authorization for the County Executive to enter into a two year interlocal agreement between Whatcom County and the City of Bellingham for work crew services, in the amount of \$55,250.00 per year

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

3. AB2023-091 Request authorization for the County Executive to enter into a contract between Whatcom County and Lifeline Connections to provide substance use disorder

assessments and post-assessment treatment coordination for people releasing from the Whatcom County Jail or who are referred through criminal/legal referral channels, in the amount of \$138,642

**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

**Absent:** 0

4. AB2023-094 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Military Department for FY2019 Operation Stonegarden (OPSG), in the amount of \$54,069.48

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

5. AB2023-099 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Ferndale for County coordinated opioid misuse prevention and abatement strategies within the Ferndale community, in the amount of \$15,434.66

**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

**Absent:** 0

6. AB2023-101 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Road2Home to operate overnight severe weather shelters in the amount of \$40,561 for a total amended contract amount of \$79,729

**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

**Absent:** 0

7. AB2023-111 Request authorization for the County Executive to enter into a contract between Whatcom County and Sean Humphrey House to provide a forgivable grant and

recoverable loan for the acquisition of an affordable assisted housing unit 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

**Absent:** 0

### **CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

2. AB2023-085 Request authorization for the County Executive to enter into a two year interlocal agreement between Whatcom County and the City of Bellingham for work crew services, in the amount of \$55,250.00 per year

***Byrd moved*** and Donovan seconded that the Interlocal be AUTHORIZED.

Councilmembers discussed the motion.

Wendy Jones, Sheriff's Office, shared more about the work crew program.

**Byrd's motion that the Interlocal be AUTHORIZED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

4. AB2023-094 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Military Department for FY2019 Operation Stonegarden (OPSG), in the amount of \$54,069.48

***Kershner reported*** for the Finance and Administrative Services Committee and ***moved*** that the Interlocal be AUTHORIZED. The motion was seconded by Byrd.

Councilmembers discussed the concerns brought up by a citizen.

Doug Chadwick, Undersheriff, spoke about the program.

**Kershner's motion that the Interlocal be AUTHORIZED carried by the following vote:**

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

Nay: 0

Absent: 0

## **OTHER ITEMS**

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

1. AB2023-077 Ordinance amending the Whatcom County Budget, request no. 2, in the amount of \$6,395,173

**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

**Absent:** 0

Enactment No: ORD 2023-001

2. AB2023-078 Ordinance amending the project based budget for the Plantation Rifle Range Lead Reclamation and Capital Improvement by adding \$700,000 for a total amount of \$1,355,000

**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

**Absent:** 0

Enactment No: ORD 2023-002

3. AB2022-731 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Hunt Forensics for increased costs of services in the amount of \$893,449.13 for the total amount of \$3,356,602

Kershner reported for the Finance and Administrative Services Committee and stated this was discussed in the Committee and forwarded to the Council with no recommendation.

Buchanan stated there was a revised version that was emailed by Deputy Executive Schroeder this afternoon.

***Donovan moved*** and Galloway seconded that the SUBSTITUTE Contract be

AUTHORIZED.

Tyler Schroeder, Director of Administrative Services, answered whether the total consideration for the substitute version should still be \$3,356,602 and stated it is an error and would be modified prior to it being presented for signature if this substitute is approved tonight.

Councilmembers and Schroeder discussed a concern about a request for an increase less than a year after the provider signed a contract for a negotiated amount, whether we have asked our Medical Examiner to do additional work and that is what is causing the request for an increase, getting evidence that the Medical Examiner has used personal funds to complete her job, where the substitute contract would need to be changed to fix the aforementioned error (first page of the contract amendment number four in the second paragraph), whether the contract amendment would set a precedence, and recognizing the increased work load of the Medical Examiner.

**Donovan's motion that the SUBSTITUTE Contract be AUTHORIZED carried by the following vote:**

**Aye:** 4 - Buchanan, Donovan, Frazey, and Galloway

**Nay:** 3 - Byrd, Elenbaas, and Kershner

**Absent:** 0

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

4. AB2023-069 Ordinance amending Whatcom County Code 2.09 to conform with newly adopted and amended Court rules

***Buchanan*** reported for the Criminal Justice and Public Safety Committee and ***moved*** that the Ordinance be ADOPTED.

Councilmembers briefly discussed what their vote was for on the last item (AB2023-731).

Karen Frakes, Prosecuting Attorney's Office, gave a summary of the amendments to the Code.

**Buchanan's motion that the Ordinance be ADOPTED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0



Enactment No: ORD 2023-003

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

1. AB2023-109 Appointment to fill a vacancy on the Birch Bay Watershed and Aquatic Resources Management Advisory Committee, Applicant(s): Jane Olson Mauk

**Byrd 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

**Absent:** 0

2. AB2023-110 Appointment to fill vacancy on the Laurel Watershed Improvement District Board  
Dana Brown-Davis, Clerk of the Council, stated one application was received (Sterk) but the information did not make it into the packet because it was late.

**Donovan moved** and Frazey seconded that Kevin Sterk be Appointed.

Councilmembers discussed whether other applications had come in.

Brown-Davis answered whether there are multiple vacancies.

**Donovan withdrew** his motion to appoint.

**Kershner moved** and Buchanan seconded to delay making the appointment for two weeks.

Councilmembers discussed whether they will accept more applicants and whether they could extend an invitation to the applicants to speak at the next meeting.

**Kershner's motion that the Council Appointment be HELD IN COUNCIL carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

3. AB2023-112 Appointment to fill vacancies on the Wildlife Advisory Committee, Applicant(s): Barry Wenger

**Donovan moved and Kershner 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

**Absent:** 0

4. AB2023-113 Appointment to fill a vacancy on the Planning Commission, Council District 2 or 4, Applicant(s): Daniel Dahlquist

***Kershner moved*** and Donovan seconded that the Council Appointment be **APPOINTED**.

Elenbaas stated he was impressed by the applicant and finds it helpful to have people who have boots on the ground in those positions.

Donovan stated having only one applicant is a change from years past.

**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

**Absent:** 0

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

1. AB2023-103 Request confirmation of the County Executive's appointment of Trevor Gearhart to the Whatcom County Food System Committee

**Donovan moved and Frazey 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

**Absent:** 0

2. AB2023-104 Request confirmation of the County Executive's appointment of Shannon Boustead to the Whatcom County Behavioral Health Advisory Committee

**Frazey moved and Donovan 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

**Absent:** 0

3. AB2023-114 Request confirmation of Executive Sidhu's appointment of Patrick Alesse to the Whatcom County Bicycle Pedestrian Advisory Committee

***Frazey moved*** and Kershner seconded that the Executive Appointment be CONFIRMED.

Councilmembers spoke about the applicant.

**Frazey'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**

There were no agenda items added by revision.

### **INTRODUCTION ITEMS**

***Donovan moved*** to introduce items one through five. The motion was seconded by Kershner.

Kershner requested that item number four (AB2023-095) regarding installation of stop signs on certain county roads be scheduled in the Public Works Committee for discussion.

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

1. AB2023-090 Ordinance repealing Whatcom County Code 1.28, Standards for Correctional Facilities, in its entirety

**Donovan moved and Kershner 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

2. AB2023-098 Ordinance amending the project budget for the Shallow Shore Project Based Budget Fund, request no. 2

**Donovan moved and Kershner 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 2023-006

3. AB2023-108 Ordinance amending the Whatcom County Budget, request no. 3, in the amount of \$4,791,300

**Donovan moved and Kershner 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 2023-007

4. AB2023-095 Ordinance Regarding Installation of stop signs on certain county roads

**Donovan moved and Kershner 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**Absent:** 0

Enactment No: ORD 2023-004

5. AB2023-097 Ordinance establishing a speed limit for the plat of Harbor View Heights

**Donovan moved and Kershner 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**Absent:** 0

Enactment No: ORD 2023-005

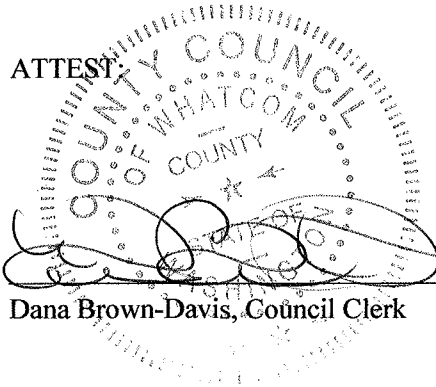
**COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

Councilmembers gave Committee reports and gave other updates.

**ADJOURN**

The meeting adjourned at 7:24 p.m.

The County Council approved these minutes on February 21, 2023.

ATTEST:  
The seal of the Whatcom County Council is circular with a double border. The outer border contains the text "COUNTY COUNCIL" at the top and "WHATCOM COUNTY" at the bottom. The inner border contains "OF WHATCOM COUNTY". In the center, there is a five-pointed star and the year "1842".  
\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

A handwritten signature in black ink, appearing to read "Barry Buchanan".  
\_\_\_\_\_  
Barry Buchanan, Council Chair

A handwritten signature in black ink, appearing to read "Kristi Felbinger".  
\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription