

Whatcom County Council

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



Action Summary

**VIRTUAL MEETING - VIEW ONLINE; AGENDA REVISED 2.8.2021 (TO
PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010)
Tuesday, February 9, 2021**

6 PM

Virtual Meeting

COUNCILMEMBERS

Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

ROLL CALL

Present: 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, and Kathy Kershner

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

Buchanan announced the following:

- Openings on various boards and commissions
- The opening of a warming center starting at 5 p.m. tonight

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2021-005](#) Regular County Council for January 12, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2021-006](#) Water Work Session for January 19, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

3. [MIN2021-007](#) Committee of the Whole Executive Session for January 26, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

4. [MIN2021-008](#) Committee of the Whole for January 26, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

5. [MIN2021-009](#) Regular County Council for January 26, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2021-051](#) Ordinance adopting Countywide Planning Policies relating to the Review and Evaluation Program (also known as Buildable Lands) and dispute resolution procedures

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-003

2. [AB2021-058](#) Ordinance adopting the temporary installation of stop signs on Deer Trail

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-004

3. [AB2021-075](#) Ordinance authorizing the closure of a portion of 4th Street in Custer, Washington, related to COVID-19 economic relief

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-005

OPEN SESSION (20 MINUTES)**CONSENT AGENDA****(From Council Finance and Administrative Services Committee)**

1. [AB2021-066](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and US Imaging, Inc. to extend the original contract from 12/31/2020 to 12/31/2021 (original contract amount was \$128,000 previously approved by Council)

AUTHORIZED BY CONSENT**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner**Nay:** 1 - Elenbaas**Absent:** 0

2. [AB2021-076](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Status Electrical Corporation for the purpose of Security Electronics and DVMS System Support & Maintenance Agreement

AUTHORIZED BY CONSENT**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner**Nay:** 1 - Elenbaas**Absent:** 0

3. [AB2021-077](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Conservation District to provide a Community Wildfire Risk Reduction Program in the amount of \$50,000

AUTHORIZED BY CONSENT**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner**Nay:** 1 - Elenbaas**Absent:** 0

4. [AB2021-078](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Oak Harbor for Mini-Chain Services in the amount of \$2,138

AUTHORIZED BY CONSENT**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner**Nay:** 1 - Elenbaas**Absent:** 0

5. [AB2021-081](#) Request authorization for the County Executive to enter into a 2-year interlocal agreement between Whatcom County and the City of Bellingham for Work Crew Services in the amount of \$89,000.00 per year
- AUTHORIZED BY CONSENT**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
6. [AB2021-085](#) Request authorization for the County Executive to enter into a two year interlocal agreement between Whatcom County and South Whatcom Fire Authority for Work Crew Services in the amount of \$1,700.00 per year
- AUTHORIZED BY CONSENT**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
7. [AB2021-090](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Seattle, in the amount of \$3,000 for a geodetic grade GPS antenna
- AUTHORIZED BY CONSENT**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
8. [AB2021-099](#) Request authorization for the County Executive to renew a Collective Bargaining Agreement between Whatcom County and General Teamsters' Local Union 231 Corrections Deputies and Sergeants for the period January 1, 2021 through December 31, 2021
- AUTHORIZED BY CONSENT**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
9. [AB2021-100](#) Request authorization for the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and the Washington State Nurses Association for the period January 1, 2021 through December 31, 2022
- AUTHORIZED BY CONSENT**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner

Nay: 1 - Elenbaas

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2021-049](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Henry Hollander to provide facilities management and support services at the COVID Temporary Housing Facility in the amount of \$20,000 for a total amended contract amount of \$60,000

AUTHORIZED

Aye: 4 - Browne, Buchanan, Donovan, and Frazey

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

2. [AB2021-052](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lighthouse Mission Ministries to provide oversight and assistance at the COVID-19 Temporary Housing Facility in the amount of \$103,088 for a total amended contract amount of \$476,302

AUTHORIZED

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

Nay: 2 - Byrd, and Elenbaas

Absent: 0

3. [AB2021-053](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pacific Security to provide security services at the COVID-19 Temporary Housing Facility in the amount of \$79,425 for a total amended contract amount of \$278,972

AUTHORIZED

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

Nay: 2 - Byrd, and Elenbaas

Absent: 0

4. [AB2021-067](#) Resolution cancelling uncollectible personal property taxes

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2021-006

5. [AB2021-074](#) Ordinance adopting amendments to Whatcom County Code 2.66 County-Owned Vehicles

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-006

6. [AB2021-079](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and SeaMar Community Health Centers to provide oversight and assistance at the COVID-19 Temporary Housing Facility in the amount of \$95,460 for a total amended contract amount of \$357,976

AUTHORIZED

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

Nay: 2 - Byrd, and Elenbaas

Absent: 0

7. [AB2021-080](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the United States Department of the Treasury for rental and utility assistance and other housing expenses, in the amount of \$6,911,585

AUTHORIZED

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

Nay: 0

Absent: 0

8. [AB2021-087](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Brown & Caldwell to conduct Phase 2 of the Lake Whatcom Total Maximum Daily Load (TMDL) Reassessment in the amount of \$303,935

AUTHORIZED

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

Nay: 0

Absent: 0

9. [AB2021-091](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington State Department of Transportation in

the amount of \$2,047,063 for a total amended contract amount of \$2,197,063

AUTHORIZED

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

Nay: 0

Absent: 0

10. [AB2021-094](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Crossroads Consulting to provide consulting and facilitation services for the COVID Employer Support Task Force, for a total amended contract amount of \$130,000

AUTHORIZED

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

Nay: 1 - Byrd

Absent: 0

11. [AB2021-095](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Elizabeth Boyle Consulting to provide strategic coordination of the COVID Safer Stronger Together Campaign, in the amount of \$25,000 for a total amended contract amount of \$45,000

AUTHORIZED

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

Nay: 2 - Byrd, and Elenbaas

Absent: 0

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2021-031](#) Council appointment to fill vacancies on the Business & Commerce Advisory Committee - Applicant(s): Brad Rader

APPOINTED

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

Nay: 0

Absent: 0

2. [AB2021-040](#) Council appointment to fill vacancies on the Portage Bay Shellfish Protection District Advisory Committee - Applicant(s): Dorie Belisle

APPOINTED

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

Nay: 0

Absent: 0

Abstain: 1 - Elenbaas

3. [AB2021-043](#) Council appointment to fill vacancies on the Solid Waste Advisory Committee -
Applicant(s): Brandi Hutton

APPOINTED

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

Nay: 0

Absent: 0

4. [AB2021-084](#) Council appointment to fill vacancies on the Noxious Weed Control Board -
Applicant(s): Dale Yoder and Alexander Vondrell

APPOINTED

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

1. [AB2021-112](#) Discussion and request for Council motion to assist Facilities Management in selection
of in-house or contracted custodial services for outlier buildings

DISCUSSED AND MOTION(S) APPROVED

Motion approved 6-1, with Byrd opposed, to approve option B. to convert the existing budget amount to labor (from Contracted Services), and bring forward an Additional Service request in the amount of \$32,082 and Council approval for 3 FTE positions.

2. [AB2021-106](#) Request confirmation of County Executive's appointment of Katherine Smith and
Grant Heitman to the Point Roberts Community Advisory Committee

CONFIRMED

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

Nay: 0

Absent: 0

Abstain: 1 - Byrd

3. [AB2021-117](#) Letter sent by Council with time constraints (noted as "other business" with no action
necessary): Letter to Department of Health requesting information on COVID-19
vaccine rollout

DISCUSSED**INTRODUCTION ITEMS**

1. [AB2021-092](#) Ordinance amending the 2021 Whatcom County Budget, request no. 3, in the amount of \$7,854,280

INTRODUCED

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

Nay: 0

Absent: 0

2. [AB2021-096](#) Ordinance adopting amendments to Whatcom County Code Title 15 (Buildings & Construction) to adopt by reference the 2018 Editions of the International Building and other associated codes

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

The following motion from Committee of the Whole – Executive Session carried 7-0:

The County Council met in executive session concerning the lawsuit Anderson as Personal Representative of Estate of Kirk Powless, et al. v. Whatcom County, et al., US District Court for the Western District of Washington No. 2:20-cv-01125. Pursuant to Whatcom County Code 2.56, the Council hereby finds the following:

A. Dr. Stewart Andrews was acting in a matter in which the county had an interest;

B. Dr. Stewart Andrews was acting in the discharge of a duty imposed or authorized by law;

C. Dr. Stewart Andrews acted in good faith.

The officers, officials, agents or employees will be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

Motion carried 7-0 to move forward with option #1 regarding the Northwest Annex Feasibility Study as follows: Bring forward for Council approval consideration of budget authority to further refine the design, including some tena improvement development and further civil engineering design and feasibility. Roughly \$30,000. This would be the incremental approach.

Motion carried 7-0 to request that Planning and Development Services staff work out what the average sized house is and use that to do a calculation for how many credits would be needed, the lowest costing way to reach the required amount of energy credits to comply with the new regulations and what the cost would be.

ADJOURN