

Whatcom County Council

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



Action Summary

Wednesday, November 6, 2024

6 PM

Hybrid Meeting - Council Chambers

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
Kaylee Galloway
Jon Scanlon
Mark Stremler

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

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. [MIN2024-072](#) Water Work Session for October 15, 2024

APPROVED BY CONSENT

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

Nay: 0

2. [MIN2024-073](#) Committee of the Whole Executive Session for October 22, 2024

APPROVED BY CONSENT

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

Nay: 0

3. [MIN2024-074](#) Committee of the Whole for October 22, 2024

APPROVED BY CONSENT

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

Nay: 0

4. [MIN2024-075](#) Regular County Council for October 22, 2024

APPROVED BY CONSENT

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

Nay: 0

INTRODUCTION ITEMS

1. [AB2024-697](#) Ordinance adopting the Seven-Year Capital Improvement Program for Whatcom County Facilities 2025-2031

This item was considered separately below.

2. [AB2024-714](#) Appointment to two vacancies on the Climate Impact Advisory Committee, Applicant(s): Marc Hoeschele, Ted Scott, Joshua Williams
INTRODUCED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
Nay: 0
3. [AB2024-719](#) Ordinance amending the project budget for the Central Shop NPDES Stormwater Improvements Project Fund, request no. 1
INTRODUCED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
Nay: 0
4. [AB2024-723](#) Ordinance amending the project based budget for the Goshen Road/Anderson Creek Bridge No. 248 Replacement Fund and Project Based Budget, request no. 1, in the amount of \$200,000, for a total amended amount of \$700,000
INTRODUCED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
Nay: 0
5. [AB2024-728](#) Ordinance authorizing the levy of taxes for Countywide Emergency Medical purposes for 2025
INTRODUCED FOR PUBLIC HEARING
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
Nay: 0
6. [AB2024-729](#) Ordinance authorizing the levy of taxes for Conservation Futures purposes for 2025
INTRODUCED FOR PUBLIC HEARING
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
Nay: 0
7. [AB2024-730](#) Ordinance authorizing the levy of taxes for County Road purposes for 2025
INTRODUCED FOR PUBLIC HEARING
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
Nay: 0
8. [AB2024-731](#) Ordinance authorizing the levy of taxes for County and State Purposes in Whatcom County, Washington for the year of 2025

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

9. [AB2024-732](#) Resolution amending the levy of taxes for the Whatcom County Flood Control Zone District for 2025 (Council acting as the Flood Control Zone District Board of Supervisors)

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

10. [AB2024-739](#) Ordinance amending Whatcom County Code Chapter 2.130, Economic Development Investment Board

This item was considered separately below.

11. [AB2024-742](#) Resolution adopting the 2025 budget for the Whatcom County Flood Control Zone District and Subzones (Council acting as the Flood Control Zone District Board of Supervisors)

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

12. [AB2024-743](#) Ordinance authorizing the 2025 Whatcom County Unified Fee Schedule

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

13. [AB2024-744](#) Ordinance amending the 2024 Whatcom County Budget, request no. 14, in the amount of \$4,564,923

INTRODUCED

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

Nay: 0

14. [AB2024-745](#) Ordinance in the matter of the adoption of the final budget of Whatcom County for the Biennium 2025-2026

This item was considered separately below.

15. [AB2024-748](#) Ordinance amending the project budget for the 23-Hour Crisis Relief Center Project

Fund, request no. 1

INTRODUCED

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

Nay: 0

16. [AB2024-749](#) Ordinance amending the project budget for the Hovander Park Building Improvement Project, request no. 3

INTRODUCED

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

Nay: 0

17. [AB2024-750](#) Ordinance amending the project budget for the Courthouse Building Envelope Fund, request no. 6

INTRODUCED

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

Nay: 0

18. [AB2024-752](#) Ordinance amending the project budget for the Integrated Land Records and Permit Management System Fund, request no. 3

INTRODUCED

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

Nay: 0

19. [AB2024-753](#) Ordinance establishing the project based budget and an initial budget for the courtroom audio visual systems upgrade

INTRODUCED

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

Nay: 0

20. [AB2024-747](#) Ordinance amending Whatcom County Code Chapter 2.06, Medical Examiner, to establish a Medical Examiner Department

INTRODUCED

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

Nay: 0

INTRODUCTION ITEMS CONSIDERED SEPARATELY

1. [AB2024-697](#) Ordinance adopting the Seven-Year Capital Improvement Program for Whatcom County Facilities 2025-2031

SUBSTITUTE INTRODUCED FOR PUBLIC HEARING AS AMENDED

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

Nay: 0

Motion approved 6-1, with Scanlon opposed, to amend item one to have the Capital Improvement Program include a \$174 million estimate for the justice facility and the most recent estimate on the ferry.

10. [AB2024-739](#) Ordinance amending Whatcom County Code Chapter 2.130, Economic Development Investment Board

INTRODUCED AS AMENDED

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

Nay: 0

Motion approved 7-0 to amend 2.130.020(A) (Purpose) of Exhibit A so that it reads: A. "Increase the number of family wage jobs available in Whatcom County."

14. [AB2024-745](#) Ordinance in the matter of the adoption of the final budget of Whatcom County for the Biennium 2025-2026

SUBSTITUTE INTRODUCED FOR PUBLIC HEARING

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

Nay: 2 - Elenbaas, and Stremler

Motion approved 7-0 to enter into executive session to discuss personnel matters, pursuant to RCW 42.30.110(g), until no later than 8:15 p.m., and if more time is needed the chair can come out and extend the time.

Motion approved 7-0 to create a new Additional Service Request (ASR) that reflects a two-year temporary position (in the Council Office) with benefits.

Motion approved 7-0 that they request that the executive schedule a policy discussion with Council in quarter one of 2025 regarding food bank funding as the use of either: A. the Healthy Children's Fund reserves from year one and two, and/or B. incorporation of food assistance into the upcoming Healthy Children's Fund Implementation Plan.

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2024-722](#) Request confirmation of the County Executive's appointment of Dr. Aldo Fusaro as Medical Examiner effective December 9, 2024

CONFIRMED

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

Nay: 0

OTHER ITEMS - PART ONE

(From Council Committee of the Whole)

3. [AB2024-725](#) Resolution establishing ferry level of service-decision on a replacement

DISCUSSED

Enactment No: RES 2024-048

See consideration of this item under Other Items - Part two

PUBLIC HEARINGS

1. [AB2024-695](#) Ordinance adopting amendments to WCC Titles 20 and 22 to enact SSB 5290 regarding local project review

HEARD PUBLIC TESTIMONY AND HELD IN COUNCIL

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

Nay: 0

Motion approved 7-0 to hold this item until November 19th and schedule a work session on Tuesday, November 12th after their WSAC courthouse briefing.

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

1. [AB2024-682](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bellingham and Whatcom County Housing Authorities to develop a licensed child care facility in the Samish Commons affordable housing complex, in the amount of \$1,093,637

AUTHORIZED BY CONSENT

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

Nay: 0

2. [AB2024-709](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lake Whatcom Water and Sewer District to provide emergency management services to Lake Whatcom Water and Sewer District in the amount of \$50,000

AUTHORIZED BY CONSENT

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

Nay: 0

3. [AB2024-711](#) Request authorization for the County Executive to enter into a contract amendment

between Whatcom County and Elizabeth Boyle Consulting to provide meeting facilitation services in the amount of \$23,000, for a total amended contract amount of \$46,000

AUTHORIZED BY CONSENT

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

Nay: 0

4. [AB2024-715](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the purchase of brine at a cost of \$.63 per gallon

AUTHORIZED BY CONSENT

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

Nay: 0

5. [AB2024-716](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Sanitary Service Company, Inc. to collect waste along Birch Bay Drive in the amount of \$15,000, for a total contract amount of \$43,000

AUTHORIZED BY CONSENT

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

Nay: 0

6. [AB2024-717](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Elliot Bay Design Group, LLC, to provide engineering services for the annual dry dock of the MV Whatcom Chief ferry along with other on-call services as needed for the Lummi Island Ferry System, in the amount of \$75,000

AUTHORIZED BY CONSENT

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

Nay: 0

7. [AB2024-720](#) Request authorization for the County Executive to enter into a three year subscription agreement with West Publishing for legal research databases in the amount of \$151,672.68

AUTHORIZED BY CONSENT

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

Nay: 0

8. [AB2024-721](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the What-Comm Communications Center in support of reimbursement for E911 capital equipment

expenses in the amount of \$43,747

AUTHORIZED BY CONSENT

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

Nay: 0

9. [AB2024-726](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Fire Protection District 5 (Point Roberts) for Basic Life Support Services in Whatcom County, in the amount of \$21,869.16

AUTHORIZED BY CONSENT

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

Nay: 0

10. [AB2024-727](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Washington State Department of Commerce to examine the potential for an Office of Healthy Housing in the amount of \$190,000

AUTHORIZED BY CONSENT

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

Nay: 0

11. [AB2024-734](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the US Department of Justice Drug Enforcement Agency (DEA) for Organized Crime Drug Enforcement Task Force (OCDETF) investigation # PA-WAW-0376, in the amount of \$5,000

AUTHORIZED BY CONSENT

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

Nay: 0

12. [AB2024-735](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the US Department of Justice Drug Enforcement Agency (DEA) for Organized Crime Drug Enforcement Task Force (OCDETF) investigation # PA-WAW-0385, in the amount of \$5,000

AUTHORIZED BY CONSENT

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

Nay: 0

13. [AB2024-736](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the US Department of Justice Drug Enforcement Agency (DEA) for Organized Crime Drug Enforcement Task Force (OCDETF) investigation PA-WAW-0386, in the amount of \$5,000

AUTHORIZED BY CONSENT

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

Nay: 0

14. [AB2024-737](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the US Department of Justice Drug Enforcement Agency (DEA) for Organized Crime Drug Enforcement Task Force (OCDETF) investigation # PA-WAW-0387, in the amount of \$5,000

AUTHORIZED BY CONSENT

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

Nay: 0

15. [AB2024-738](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Washington Traffic Safety Commission for High Visibility Emphasis (HVE) patrols, in the amount of \$28,000

AUTHORIZED BY CONSENT

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

Nay: 0

16. [AB2024-740](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lutheran Community Services Northwest to lease a facility intended for use as the 2024-2025 winter shelter, in the amount of \$66,625

AUTHORIZED BY CONSENT

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

Nay: 0

OTHER ITEMS - PART TWO**(From Council Finance and Administrative Services Committee)**

1. [AB2024-654](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale School District to purchase and install an ADA-compliant playground, in the amount of \$700,000

SUBSTITUTE AUTHORIZED

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

Nay: 0

(From Council Criminal Justice and Public Safety Committee)

2. [AB2024-691](#) Ordinance amending Whatcom County Code Section 5.04.085 EMS technical advisory board

ADOPTED

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

Nay: 0

Enactment No: ORD 2024-056

(From Council Committee of the Whole)

See discussion of this item above (under OTHER ITEMS PART ONE)

- 3. [AB2024-725](#) Resolution establishing ferry level of service-decision on a replacement

APPROVED

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

Nay: 0

Enactment No: RES 2024-048

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

- 1. [AB2024-680](#) Appointment to a vacancy on the Child and Family Well-Being Task Force, Applicant(s): Jessica Goette

APPOINTED

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

Nay: 0

- 2. [AB2024-712](#) Appointment to a vacancy on the Justice Project Oversight and Planning Committee, substance use disorder provider position, Applicant(s): Suzanne Scala, Alexis Hahs, Amber Rucker

APPOINTED

Appointed Amber Rucker with five votes.

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

- 1. [AB2024-722](#) Request confirmation of the County Executive’s appointment of Dr. Aldo Fusaro as Medical Examiner effective December 9, 2024

This item was considered out of order after Introduction above.

ITEMS ADDED BY REVISION

- AB2024-779** Ordinance authorizing the levy of taxes for Countywide Emergency Medical purposes

for 2025

INTRODUCED FOR PUBLIC HEARING

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

Nay: 2 - Byrd, and Elenbaas

Motion approved 5-2, with Byrd and Elenbaas opposed, that they introduce the substitute version 2 of the EMS levy ordinance to be considered concurrently with the executive's proposal.

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

From Committee of the Whole Executive Session (AB2024-724)

Motion approved 7-0 to approve defense and indemnification of Ryan Swinburnson, named as a defendant in Jacob Dean Ringenbach, an individual, Plaintiff v. Attorney Ryan Swinburnson, Defendant. Based on the following findings

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

ADJOURN