

Whatcom County Council

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



Action Summary

Tuesday, August 8, 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. [MIN2023-051](#) Special Council for June 26, 2023

APPROVED BY CONSENT

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

Nay: 0

2. [MIN2023-052](#) Water Work Session for July 18, 2023

APPROVED BY CONSENT

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

Nay: 0

3. [MIN2023-053](#) Joint Special Health Board and Public Health Advisory Board for July 18, 2023

APPROVED BY CONSENT

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

Nay: 0

4. [MIN2023-054](#) Committee of the Whole Executive Session for July 25, 2023

APPROVED BY CONSENT

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

Nay: 0

5. [MIN2023-055](#) Committee of the Whole for July 25, 2023

APPROVED BY CONSENT

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

Nay: 0

6. [MIN2023-056](#) Regular County Council for July 25, 2023

APPROVED BY CONSENT

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

Nay: 0

PUBLIC HEARINGS

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

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-046

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2023-484](#) Request authorization for the County Executive to enter into a contract between Whatcom County and FCS Group to conduct a rate study and funding analysis for the Birch Bay Watershed & Aquatic Resources Management (BBWARM) District, in the amount of \$61,440.00 (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

2. [AB2023-486](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide child development services to eligible children, in an estimated amount not to exceed \$87,570

AUTHORIZED BY CONSENT

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

Nay: 0

3. [AB2023-487](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Center for Early Learning to provide child development services to eligible children, in an estimated amount not to exceed \$106,960

AUTHORIZED BY CONSENT

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

Nay: 0

4. [AB2023-488](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Environmental Science Associates to complete a climate vulnerability assessment, in the amount of \$69,997

AUTHORIZED BY CONSENT

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

Nay: 0

5. [AB2023-494](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Military Department for FY2022 Operation Stonegarden (OPSG), in the amount of \$97,500.00

AUTHORIZED BY CONSENT

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

Nay: 0

6. [AB2023-495](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Tetra Tech, Inc. in support of the Point Roberts Drainage Study, to perform surface water planning and design services related to the growing need for solving stormwater problems in the Point Roberts area, in the amount of \$128,745

AUTHORIZED BY CONSENT

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

Nay: 0

7. [AB2023-496](#) Request authorization for the County Executive to enter into an interagency agreement between Whatcom County and Washington State Department of Commerce to receive state funds for the 2025 Comprehensive Plan and development regulations update, in the amount of \$700,000

AUTHORIZED BY CONSENT

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

Nay: 0

8. [AB2023-497](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Children's Home Society for reimbursement of services provided by the Parents for Parents Program (P4P) for one year July 2023-June 2024 in an amount not to exceed \$42,536.78

AUTHORIZED BY CONSENT

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

Nay: 0

9. [AB2023-498](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and North Sound Behavioral Health Administrative Services Organization to acknowledge and fund Whatcom County's participation in the North Sound Integrated Care Network in the amount of \$523,788 for a total amended agreement amount of \$972,979

AUTHORIZED BY CONSENT

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

Nay: 0

10. [AB2023-499](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and North Sound Behavioral Health Administrative Services Organization to fund the Recovery Navigator Program to enhance Law Enforcement Assisted Diversion (LEAD) programming, in the amount of \$512,455

AUTHORIZED BY CONSENT

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

Nay: 0

11. [AB2023-503](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and the City of Bellingham for construction of a crosswalk at Samish Way and Galbraith Lane, in the amount of \$17,000 (amount revised to \$22,100)

SUBSTITUTE AUTHORIZED BY CONSENT

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

Nay: 0

12. [AB2023-512](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to administer the Housing and Essential Needs program in the amount of \$5,106,192 for a total amended contract amount of \$7,917,456

This item was considered separately (see below).

13. [AB2023-517](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Siemens Industry Inc. to provide the energy management software migration, in the amount of \$216,791.81

AUTHORIZED BY CONSENT

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

Nay: 0

14. [AB2023-519](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and the City of Bellingham to provide pass-through grant funding for the What-Comm Communications Center in the amount of \$49,050

AUTHORIZED BY CONSENT

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

Nay: 0

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

12. [AB2023-512](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to administer the Housing and Essential Needs program in the amount of \$5,106,192 for a total amended contract amount of \$7,917,456

AUTHORIZED

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

Nay: 1 - Elenbaas

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

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

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-047

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

ADOPTED

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

Nay: 0

Enactment No: ORD 2023-048

3. [AB2023-502](#) Request authorization for the County Executive to enter into a new grant agreement between Whatcom County and the State of Washington Department of Ecology to

provide for continued implementation of the Swift Creek Sediment Management Action Plan Projects, in the amount of \$4 million

AUTHORIZED

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

Nay: 0

4. [AB2023-508](#) Request authorization for the County Executive to enter into a Local Agency Agreement and execute the Federal Aid Project Prospectus between Whatcom County and the Washington State Department of Transportation, for federal aid funds for the construction phase of the E. Smith Road & Hannegan Intersection Improvement project, in the amount of \$3,952,642

AUTHORIZED

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

Nay: 0

5. [AB2023-514](#) Request approval for the County Executive to award Bid #23-34 for the purchase of two (2) rescue boats from West Coast Marine Services, located in Bellingham, in an amount not to exceed \$104,702.20

AUTHORIZED

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

Nay: 0

6. [AB2023-516](#) Request authorization for the County Executive to enter into a grant contract amendment between Whatcom County and Washington State Health Care Authority to expand the Medication for Opioid Use Disorder (MOUD) program in the jail in the amount of \$174,945.00 for a total amended amount of \$505,075.00

AUTHORIZED

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

Nay: 0

7. [AB2023-520](#) Request authorization for County Executive to enter into a contract between Chuckanut Health Foundation and Whatcom County for administration services in support of the Whatcom Racial Equity Commission in the amount of \$235,592

AUTHORIZED

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

Nay: 2 - Byrd, and Elenbaas

MOTION FROM COMMITTEE NOT ASSOCIATED WITH AN AGENDA ITEM

Motion Approved 7-0 to use up to \$160,000 of unspent ARPA funds from the Public Health bucket to fund services to children under the Single Entry Access to Services (SEAS) program.

(From Council Public Works and Health Committee)

8. [AB2023-522](#) Discussion and request for motion related to Behavioral Health Fund opportunities and recommendations (Council acting as the Health Board)

DISCUSSED AND MOTION(S) APPROVED

Motion approved 5-2, with Byrd and Elenbaas opposed that they recommend all the items with the exception of the Meridian School District \$2 million Capital funding package and with the caveat that we fund them for three years and ask for a review after one year.

Motion approved 4-3 with Donovan, Frazey, and Galloway to amend the motion from committee to remove the following items about setting up health clinics in schools until they can get more information on that:

- Assess needs, costs and resources to build and operate a school-based health clinic (SBHC) for Nooksack, Ferndale, Blaine, and Lynden School and
- Capital for expansion of SBHC to include BH Bellingham School district

Motion approved 6-1, with Elenbaas opposed, to request a plan from the Administration for securing other local or state funding to stabilize beyond year three.

Motion approved 6-1, with Elenbaas opposed, that they encourage the Administration to bring back a proposal on how to fund the Meridian School District expansion of their Whatcom Early Learning Center to include behavioral health services.

9. [AB2023-485](#) Resolution affirming that affordable housing and homelessness are a public health crisis and requesting updates on county actions (Council acting as the Health Board)

SUBSTITUTE APPROVED AS AMENDED

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

Nay: 1 - Elenbaas

Enactment No: RES 2023-020

(From Council Committee of the Whole)

10. [AB2023-529](#) Discussion and approval of a joint Council/Executive letter to the Port of Bellingham regarding broadband investments

This item was considered later under Items Added By Revision.

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-480](#) Appointment to a vacancy on the Business and Commerce Advisory Committee, construction industry representative, Applicant: Dan Dunne
APPOINTED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0
2. [AB2023-506](#) Appointment to vacancies on the Wildlife Advisory Committee, Applicant Kristi Park
APPOINTED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-521](#) Request confirmation of the County Executive's appointment of Amber Forest to the Lodging Tax Advisory Committee
CONFIRMED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0

ITEMS ADDED BY REVISION

This item was already on the agenda but was considered here.

10. [AB2023-529](#) Discussion and approval of a joint Council/Executive letter to the Port of Bellingham regarding broadband investments
REFERRED TO COMMITTEE
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0

Motion approved 7-0 to hold until the next meeting.

INTRODUCTION ITEMS

1. [AB2023-507](#) Ordinance amending the project budget for the Jail Improvement Fund, request no. 6
INTRODUCED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

2. [AB2023-509](#) Ordinance amending the 2023 Whatcom County Budget, request no. 12, in the amount of \$2,126,139

INTRODUCED

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

Nay: 0

3. [AB2023-526](#) Ordinance establishing parking restrictions on Euclid Avenue as Whatcom County Code 10.24.260

SUBSTITUTE INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

4. [AB2023-528](#) Ordinance establishing parking restrictions on Aldrich Road as Whatcom County Code 10.24.265

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

5. [AB2023-399](#) Ordinance adopting various amendments to WCC Title 20, Zoning, regarding home-based businesses

SUBSTITUTE INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

This item was voted on here and then discussed after the vote below.

6. [AB2023-501](#) Ordinance establishing parking restrictions on Samish Way

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

7. [AB2023-524](#) Receipt of application to fill a vacancy on the Solid Waste Advisory Committee, waste recycling industry representative, Applicant: William McCarter (deadline for additional applications to this vacancy is 10:00 a.m. on Tuesday, September 5, 2023)

INTRODUCED

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

Nay: 0

8. [AB2023-518](#) Resolution proposing an amendment to the Whatcom County Charter to define the Sheriff as an appointed rather than elected position

This item was considered separately (see below).

INTRODUCTION ITEMS CONSIDERED OR DISCUSSED SEPARATELY

8. [AB2023-518](#) Resolution proposing an amendment to the Whatcom County Charter to define the Sheriff as an appointed rather than elected position

TABLED

Aye: 4 - Buchanan, Byrd, Elenbaas, and Kershner

Nay: 2 - Donovan, and Frazey

Abstain: 1 - Galloway

5. [AB2023-399](#) Ordinance adopting various amendments to WCC Title 20, Zoning, regarding home-based businesses

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Motion from Executive Session approved 7-0 to authorize the Whatcom County Prosecutor's Office to include Whatcom County as a co-plaintiff in an injunction action to be filed against DSHS to require that it fulfill its statutory obligations.

Motion from Committee of the Whole approved 7-0 that the Council use up to \$1.1 million from ARPA or other funds to support Search and Rescue efforts.

ADJOURN