

Whatcom County Council

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



Minutes - Final

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

Council Chair Barry Buchanan called the meeting to order at 6:02 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

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

There was no report.

MINUTES CONSENT

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

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

Kershner moved and Frazey 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

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

Kershner moved and Frazey 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

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

Kershner moved and Frazey 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

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

Kershner moved and Frazey 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

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

Kershner moved and Frazey 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

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

Kershner moved and Frazey 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

PUBLIC HEARINGS

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

Doug Ranney, Public Works Department, stated he was available for questions.

Buchanan opened the Public Hearing and the following person spoke:

- Ken Weisenburger

Hearing no one else, Buchanan closed the Public Hearing.

Kershner moved and Frazey seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Enactment No: ORD 2023-046

OPEN SESSION

The following people spoke:

- Bill Elfo, Sheriff
- Mary Gibb
- Lindy McDonough
- Jill Shelly
- Bob Anderson
- Diane Harper
- Pam Gould
- Catherine Shornick
- Mike Shehan
- Marissa Ourada
- Steven Thomas
- Tami Dockter
- Lyle Sorenson
- Bill Geyer
- Gordon Montgomery
- Barbara King
- Kris Halterman
- John Westerfield
- Norma Appel
- Doug Revelle "Yoshe"
- Ralph Myers
- Ray Radke
- John Ferdon
- Barbara Powers
- Stephan Schneider
- Mary Kay Robinson
- Jess Robinson
- Marc Urban
- Stan Betts
- Markis Dee
- Richard Halley
- Richard Tran
- Steve Hadeen
- Jim Dickinson
- Misty Flowers
- Nancy Bergman
- Dam Pham
- Name not stated
- Helga Deliban

- Natalie Chavez
- Josh (last name not stated)
- Cliff Langley
- Joe Elenbaas

Clerk's note: Councilmembers took a short break then continued with the Open Session.

The following people spoke:

- Laura Bracken
- Tara Villalba
- Barbara Chase
- David Kershner
- Richard Johnson
- Janet Johnson
- Tawsha (last name not stated)
- Chris Fletcher

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 noted that item number 11 (**AB2023-503**) is a substitute contract. She ***moved*** to approve the Consent Agenda items.

Elenbaas requested that they consider Consent Agenda number 12 (**AB2023-512**) separately.

Councilmembers voted on items 1-11 and 13-14 (see votes on individual items below).

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)

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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)

Kershner reported for the Finance and Administrative Services Committee and moved that the SUBSTITUTE Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

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

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

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

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

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:

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

Kershner reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED, and she spoke about what the ordinance is.

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

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

Kershner reported for the Finance and Administrative Services Committee and ***moved*** that the Ordinance be ADOPTED.

Donovan stated he is excited about the ferry being built.

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

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

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

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

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:

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

Kershner reported for the Finance and Administrative Services Committee and moved that the Bid Award be AUTHORIZED. The motion carried by the following vote:

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

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:

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

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:

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

Nay: 2 - Byrd, and Elenbaas

MOTION FROM COMMITTEE NOT ASSOCIATED WITH AN AGENDA ITEM

Kershner reported for the Finance and Administrative Services Committee and **moved** 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.

The motion carried by the following vote:

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

Nay: 0

MOTION SUMMARY: 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)

Kershner reported for the Public Works and Health Committee and **moved**

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.

She stated there is a concern about setting up health clinics in schools and she sent an email to the Health Department Director.

Kershner moved to amend the motion from committee to remove the item that has to do with setting up a study to set up health clinics in schools until they can get some more information about that. The motion was seconded by Byrd.

Councilmembers discussed the motion and Kershner stated it would include the item (in blue) labeled as, “Assess needs, costs and resources to build and operate a school-based health clinic (SBHC)” for Nooksack, Ferndale, Blaine, and Lynden School as well as the item (in red/orange) labeled as “Capital for expansion of SBHC to include BH” for Bellingham School District. She stated it looks like it is a study but she would like to know what it is we are doing with that.

Elenbaas commented on the requests in the plan and Kershner stated her interest is in getting more information about these school-based health clinics.

Kershner restated her motion to amend the motion that came to the full Council from the committee to remove the “Assess needs, costs and resources to build and operate a school-based health clinic (SBHC)” for Nooksack, Ferndale, Blaine, and Lynden School in the amount of \$30,000 (in blue) and then remove “Capital for expansion of SBHC to include BH” for Bellingham School District (in the red/orange section) for \$427,750.

Frazezy stated a lot of these students do not have access to mental health help and she thinks it is important to have access right there. She would like to move ahead with this and she would like it to be funded by this Behavioral Health Fund instead of American Rescue Plan Act (ARPA) funds.

Donovan asked to hear the motion again and stated he wants to know how it relates to what they discussed in committee. He spoke about concerns he raised about looking at equity in terms of how we are using our county and sales tax funds to prop up school district funding.

Erika Lautenbach, Health and Community Services Director, described the school-based clinics and their most commonly used services. She stated the

project in Bellingham is already moving forward and this would be to provide additional behavioral health services on top of the school-based physical services at that site. She answered whether parents have access to the records of services that their child might be receiving after the child turns 13 and stated by state and federal law, parents have access until the child is 18, and parental consent is required for any services rendered.

Kershner stated state law in Washington does allow 13-year-olds to exclude their parents from their healthcare records if they want to.

Lautenbach stated she is not sure where Kershner heard that and Kershner stated she heard it from her daughter's pediatrician. It is the Mature Minor Rule.

Lautenbach stated this is for very basic health services.

Kershner stated that sounds supportive and something people would definitely benefit from. The concern is around what else is offered and how that program might grow. If this amendment does not pass, she will have to vote no on the entire motion.

Elenbaas stated he has the same concerns as Kershner and feels a lot of what he just heard from Lautenbach, from his experience, has been incorrect. A child that needs a physical gets it regardless of how much it costs. There are already programs set up for that. It is not that he does not agree with people that need help getting help, he just does not think the school systems are the vessel to do that.

Lautenbach stated this is \$30,000 for staff time in order to help school districts who are already interested in pursuing this, independent of whether the County agrees with them pursuing this or not. The school districts have the autonomy and authority to pursue these grants from the State and Federal government, and this is \$30,000 for staff time to support their efforts in doing that. So, whether the County participates or not, school districts have the authority to move forward in this direction.

Byrd stated he is supportive of everything Lautenbach was describing and they are great programs for kids. He asked whether there is a way they can update this so that they can specifically tie the funds to those services. He shares Kershner and Elenbaas' concerns and does not want to see the funds being used for any other services or scope creep.

Galloway spoke in opposition to the amendment because she thinks they

should move forward with assessing the needs for this in the rural school districts and she believes her constituents in Bellingham would want this in the Bellingham School District. She thinks it is important to offer these services on campus to be inclusive and provide access, especially for behavioral health.

Elenbaas read the HIPPA age limit in Washington state.

Kershner repeated the motion for Councilmembers.

The motion to amend the main motion carried by the following vote:

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

Nay: 3 - Donovan, Frazey, and Galloway

The main motion carried by the following vote:

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

Nay: 2 - Byrd and Elenbaas

Kershner reported for the Public Works and Health Committee and ***moved*** to request a plan from the Administration for securing other local or state funding to stabilize beyond year three.

The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Kershner reported for the Public Works and Health Committee and ***moved*** 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.

Frazey stated she would like to look at different funds other than ARPA.

The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager, asked whether the request to look at different funds other than ARPA is for anything beyond that \$2 million of ARPA funds already provided for the Meridian project and Frazey said it is.

Kershner stated the \$2 million that is in the list is from the Behavioral

Health Fund, but they are holding that because there are some potentially different funding sources that they were alerted to today. She asked whether the Administration is keeping track of what that looks like and Schott-Bresler stated that is correct and they understand the Council's intent.

Galloway spoke about the health clinic discussion and stated she is interested in having Health and Community Services and representatives from each school district that had a school-based health clinic request to present to the Council at a future meeting and/or send them an email with information.

Frazey clarified with Schott-Bresler that \$2 million had already been allocated to the Meridian Early Learning project and this was going to be an extra \$2 million from the Behavioral Health Fund. Schott-Bresler stated Meridian was tentatively awarded \$2 million as a result of the County's ARPA child care grant process for the childcare components, and they have asked for an additional \$2 million from the Behavioral Health Fund. The Administration's recommendation is for us to work with the district and the Legislature to find the most appropriate funding sources with the understanding that it is Council's intent to make an additional contribution, not from ARPA, to the that project.

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

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)

Kershner reported for the Public Works and Health Committee and ***moved*** that the SUBSTITUTE Resolution (Revised Substitute Resolution Following 8.8.23 PW&H tracked), as amended in committee, be APPROVED.

Councilmembers discussed which version they were working from and whether the added language from committee asserts that substance use causes homelessness.

Kershner's motion that the SUBSTITUTE Resolution be APPROVED AS AMENDED carried by the following vote:

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

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

The applicant, Dan Dunne, addressed the Councilmembers.

Councilmembers discussed the applicant and thanked him for applying.

Donovan's motion that the Council Appointment Requiring Introduction be APPOINTED carried by the following vote:

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

The applicant was not present to speak.

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

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

Kershner moved and Galloway seconded that the Executive Appointment be CONFIRMED.

The applicant was not present to speak.

Kershner'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

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

Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager, briefed the Councilmembers.

Galloway moved to approve the joint Council/Executive letter to the Port of Bellingham regarding broadband investments. The motion was seconded by Buchanan.

Schott-Bresler answered how much money we have in the Economic Development Investment (EDI) fund, whether this \$4 million would be a grant or a loan or a combination of both, what the time sensitivity is on this, whether these are American Rescue Plan Act (ARPA) dollars that we already committed to this goal, whether this would just start the conversation and the process of going through the EDI Board before it would come back to the Council again, whether using EDI funds would mean we would then have \$4 million of ARPA funds that are unallocated, whether the Port would not get the match because they did not get their funding, whether we have other projects coming down the pike for which EDI funds can be used, and whether approving this would be a commitment of the Council's interest.

Galloway stated she is in support of the letter and wants to support opening up some of the ARPA funds for some of our more urgent needs.

Donovan moved to hold until the next meeting. The motion was seconded by Byrd.

Schott-Bresler answered how that timeline meets up with a prospective presentation from the Port and Council's ARPA funding discussion and stated the Administration has no objections to waiting until September and for Council to consider this as part of that larger ARPA discussion.

Buchanan stated another part of the discussion could be the context around the EDI fund and other EDI requests so they would be able to prioritize.

Frazey asked if the Port could come up with another model in which the infrastructure does not go to the provider after 25 years.

Kershner requested that the Port come prepared to give the Council an idea of what \$4 million is going to look like and to answer Councilmember Frazey's question about what happens after 25 years.

Donovan's motion that the Request for Motion be HELD UNTIL THE NEXT MEETING carried by the following vote:

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

Nay: 0

INTRODUCTION ITEMS

Buchanan stated he would like to consider Introduction item number eight separately.

Kershner moved to introduce items one through seven. The motion was seconded by Buchanan (see votes on individual items below).

Dana Brown-Davis, Clerk of the Council, stated that number three (**AB2023-526**) is a substitute ordinance and Galloway asked whether item number five (**AB2023-399**) was also (see discussion about this later after the introduction items).

1. [AB2023-507](#) Ordinance amending the project budget for the Jail Improvement Fund, request no. 6

Kershner moved and Buchanan 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

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

Kershner moved and Buchanan 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

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

Kershner moved and Buchanan seconded that the SUBSTITUTE 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

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

Kershner moved and Buchanan 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

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

Kershner moved and Buchanan seconded that the SUBSTITUTE Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING (see notes on this item below). The motion carried by the following vote:

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 and determined to be a substitute version.

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

Kershner moved and Buchanan 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

7. [AB2023-524](#) Appointment to fill a vacancy on the Solid Waste Advisory Committee, waste

recycling industry representative, Applicant: William McCarter

Kershner moved and Buchanan seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:

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

Donovan moved and Frazey seconded that the Resolution be introduced.

Byrd moved and Elenbaas seconded that the Resolution be TABLED indefinitely.

Councilmembers discussed the motion to table, where the resolution originated, what tabling indefinitely means, whether tabling is different than voting no, why they would not just vote no on it, and respecting process and fellow Councilmembers to give them an opportunity to explain.

Donovan spoke about why he wanted to introduce the resolution and have a discussion about it.

Councilmembers continued to discuss the motion to table.

Byrd's motion that the Resolution be TABLED INDEFINITELY carried by the following vote:

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

Dana Brown-Davis, Clerk of the Council, asked if they could go back to Introduction item number five.

Councilmembers answered whether they were going to introduce it tonight or wait for two weeks so that Elenbaas would have a chance to review the changes that were made today and previous to today.

Elenbaas stated he reviewed the ordinance to see what was done in committee today and he thinks he is OK with what he heard. He is ambivalent on whether it gets introduced tonight or whether they hold it for two more weeks.

Galloway stated it was her understanding that the ordinance was introduced tonight with the 10 p.m. time set for ending both music and events and she assumed they could have this back for discussion and recommendation to Council in committee.

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Buchanan reported for the Committee of the Whole Executive Session and *moved* that the Council 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. The motion was seconded by Frazey.

The motion carried by the following vote:

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

Nay: 0

Councilmembers gave Committee reports.

Buchanan reported for Committee of the Whole.

Kershner moved that the Council use \$1.1 million in ARPA or other funding to support Search and Rescue efforts.

Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager, clarified whether the motion was \$1.1 million or "up to" \$1.1 million and *Kershner stated* "up to."

The motion was seconded by Buchanan.

Elenbaas asked what is included when they say "Search and Rescue" and he spoke about what Search and Rescue does.

Galloway stated she would hope the Administration could explore the other fund opportunities first before ARPA.

The motion carried by the following vote:

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

Nay: 0

Councilmembers gave other updates.

MOTION SUMMARY:

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 in ARPA or other funding to support Search and Rescue efforts.

ADJOURN

The meeting adjourned at 10:22 p.m.

The County Council approved these minutes on September 12, 2023.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

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