

# **Whatcom County Council**

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



## **Minutes - Final**

**Tuesday, September 26, 2023**

**6 PM**

**Hybrid Meeting**

**HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010); AGENDA REVISED 9.25.2023 and 9.26.2023**

### **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 6:03 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

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

1. MIN2023-062 Committee of the Whole for September 12, 2023

**Byrd 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. MIN2023-063 Regular County Council for September 12, 2023

**Byrd 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. MIN2023-064 Water Work Session for September 19, 2023

**Byrd 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. AB2023-571 Ordinance establishing Paul Davis honorary signs on Lummi Island  
Roland Middleton, Public Works Department, stated he was available for questions.

Buchanan opened the Public Hearing and the following people spoke:

- Mary Ross
- Jesse Powell

Hearing no one else, Buchanan closed the Public Hearing.

**Kershner moved and Byrd 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 2023-054

2. AB2023-574 Resolution approving the Whatcom County Six-year Transportation Improvement Plan for the years 2024-2029

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

Buchanan opened the Public Hearing and the following people spoke:

- Gary Malick
- Christopher Deile

Hearing no one else, Buchanan closed the Public Hearing.

***Kershner moved* and Byrd seconded that the Resolution Requiring a Public Hearing be APPROVED.**

Ranney answered whether the \$3.8 million of local funds committed in 2028 for the Marine Drive Phase II, Alderwood Ave to Bridge No. 172 project (R16) is a hard commitment, and whether construction of other projects is being delayed because of the issue of tire dust impacting drainage or just this one. He stated they will be dealing with the tire dust issue with any projects that create new pollution-generating impervious surfaces.

**Kershner's motion that the Resolution Requiring a Public Hearing be APPROVED carried by the following vote:**

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

**Nay:** 0

Enactment No: RES 2023-024

## **OPEN SESSION**

Buchanan read an announcement about the prohibition of the use of public facilities to support or oppose candidates or ballot measures.

The following people spoke:

- Natalie Chavez
- Christopher Deile
- Cliff Langley
- Lyle Sorenson
- Lindy (last name not given)

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 and two, and four through twenty-six. She stated she would like to consider item three (AB2023-594) separately.

Elenbaas stated he would also like to consider items two (AB2023-587), eight (AB2023-601), and sixteen (AB2023-614) separately.

Councilmembers voted on items one, four through seven, nine through fifteen, and seventeen through twenty-six (see votes on individual items below).

1. AB2023-551 Request authorization for the County Executive to sign the “Government Entity Release of All Claims” related to the settlement agreement between Altria and the settling government entity plaintiffs in the JUUL e-cigarette multi-district litigation (MDL)

**Kershner reported for the Finance and Administrative Services Committee and moved that the Request for Motion be APPROVED The motion carried by the following vote:**

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

Nay: 0

2. AB2023-587 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Blaine School District to provide funding for a Behavioral Health Coach staff position, in the amount of \$315,000

This item was considered separately below.

3. AB2023-594 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to deliver various public health services in the amount of \$1,893,352 for a total amended contract amount of \$14,071,769

This item was considered separately below.

4. AB2023-595 Request authorization for the County Executive to enter into an agreement between Whatcom County and Sanitary Service Company to lease the Cedarville and Birch Bay Transfer Stations, in the amount of \$6,997

**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. AB2023-598 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County, the seven cities, and the Whatcom Council of Governments concerning cost sharing associated with the 2025 Comprehensive Plan update and Urban Growth Area review, in the amount of \$600,000

**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. AB2023-599 Request authorization for County Executive to enter into an interlocal agreement amendment with Whatcom County Fire District 7 to increase the compensation for Community Paramedic Services in the amount of \$37,664 for a total amended amount of \$941,716

**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

7. AB2023-600 Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Family & Community Network to deliver youth prevention programs, in the amount of \$185,000

**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. AB2023-601 Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide pass through funding for direct public services to low- and moderate-income persons in Whatcom, Island, and San Juan Counties in the amount of \$134,000

This item was considered separately below.

9. AB2023-602 Request authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Department of Commerce to help cover a portion of the Victim/Witness Coordinator position salary and benefits in an amount not to exceed \$60,461.00

**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

10. AB2023-603 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for the removal of solid and hazardous waste related to encampments and illegal dump sites, in the amount of \$150,000

**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. AB2023-604 Request authorization for the County Executive to enter into a contract between

Whatcom County and the United States Department of Interior, U.S. Geological Survey (USGS) to jointly fund stream gaging stations in the Nooksack River, in the amount of \$117,217 (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

12. AB2023-606 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Children, Youth and Families for the Nurse Family Partnership Program, in the amount of \$378,495.59

**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

13. AB2023-607 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority for expansion of the LEAD Program, in the amount of \$1,175,834

**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

14. AB2023-608 Request approval for the County Executive to authorize the purchase of six (6) servers, using the Washington State Contract #05815, from CDW-G, in an amount not to exceed \$81,382.40

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

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

**Nay:** 0

15. AB2023-611 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Fire District No. 5 for fire protection

services on park properties in the annual amount of \$283.18

**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

16. AB2023-614 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mount Baker School District to provide funding for professional mental health services, in the amount of \$285,000

This item was considered separately below.

17. AB2023-617 Request approval for the County Executive to award RFP #23-52, and authorization to enter into a 36-month lease with Global Lease Group for leasing four vehicles for the Sheriff's Office, in the amount of \$195,423.55

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

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

**Nay:** 0

18. AB2023-618 Request authorization for the County Executive to enter into a contract between Whatcom County and West Publishing - Thomson Reuters to provide a subscription agreement for an online database for legal research in the amount of \$212,244.10

**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

19. AB2023-619 Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Long Term Recovery Group in the amount of \$527,888 to support the County's efforts following the November 2021 flood event

**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

20. AB2023-620 Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Long Term Recovery Group in the amount of \$1,332,000 to support the County's efforts to aid those impacted by the November 2021 flood event

**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

21. AB2023-625 Request authorization for the County Executive to enter into a contract between Whatcom County and the Administrative Office of the Courts in the amount of \$191,377

**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

22. AB2023-626 Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and Bellingham Fire Department for additional Medic 75 implementation costs in the amount of \$262,806.22

**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

23. AB2023-627 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Bellingham Fire Department for expenses related to onboarding lateral paramedics in the amount of \$138,100.36

**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

24. AB2023-629 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Lynden Fire Department for Medic 75 implementation costs in the amount of \$12,720.36

**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

25. AB2023-631 Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and Fire Protection District #5 to add the 2023 basic life support allocation in the amount of \$23,880.48 for a total compensation of \$85,635.87

**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

26. AB2023-633 Request authorization for the County Executive to enter into an interlocal amendment between the Fire Departments and Fire Agencies to extend the term and add the 2023 allocation for Basic Life Support Services in the amount of \$1,476,119.52 for a total compensation of \$7,427,409.07

**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

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

2. AB2023-587 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Blaine School District to provide funding for a Behavioral Health Coach staff position, in the amount of \$315,000

***Kershner* reported for the Finance and Administrative Services Committee and *moved* that the Interlocal be AUTHORIZED.**

Elenbaas asked what the difference is between the behavioral health coach in the Blaine School District (in this agenda item) and the professional mental health services (in Consent Agenda item sixteen) for the Mount

Baker School District, and whether that is different than a school counselor. He stated his concern is with children getting mental health services at school where their parents may not be included. The Blaine Interlocal’s scope of work does not allude to parents being included in the loop.

Kershner gave some background on the positions and the funding.

Tyler Schroeder, Director of Administrative Services, stated Blaine’s position is more of a general behavioral health coach to help teachers respond to behavioral health needs, and the other is for assessments specifically for the students and parents.

**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

- 3. AB2023-594 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to deliver various public health services in the amount of \$1,893,352 for a total amended contract amount of \$14,071,769

**Kershner** reported for the Finance and Administrative Services Committee and *moved* that the Interlocal be AUTHORIZED.

Tyler Schroeder, Director of Administrative Services, answered whether some of the total amended contract amount of \$14,071,769 has already been paid for, and whether the money for this item is coming from the State through a grant process. He stated it is coming through a grant process and is specifically for these public health purposes.

Elenbaas spoke about what the money is going toward and that it is probably going toward things that people have been asking to make sure we are doing.

Schroeder answered whether the County could decline taking the grant from the State and what that would look like.

**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

- 8. AB2023-601 Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide pass through funding for direct

public services to low- and moderate-income persons in Whatcom, Island, and San Juan Counties in the amount of \$134,000

**Kershner** reported for the Finance and Administrative Services Committee and *moved* that the Contract be AUTHORIZED.

Tyler Schroeder, Director of Administrative Services, answered why Whatcom County is the pass-through county, what kind of services we are offering to low- and moderate-income persons, and whether it is one person traveling between the counties to provide the services.

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

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

**Nay:** 2 - Byrd, and Elenbaas

16. AB2023-614 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mount Baker School District to provide funding for professional mental health services, in the amount of \$285,000

**Kershner** reported for the Finance and Administrative Services Committee and *moved* that the Interlocal be AUTHORIZED.

Elenbaas pointed out the second and third items under Section A and the third item under Section B of the Statement of Work and stated he likes the scope of work.

**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

## OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. AB2023-555 Ordinance amending Whatcom County Code Sections 1.08.090 and 1.08.170 to reflect amended Charter language related to signature requirements for initiatives

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

Councilmembers and staff discussed how the ordinance was scheduled, its purpose, and why it took until now to bring it forward.

Dana Brown-Davis, Clerk of the Council, stated it was an oversight.

**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 2023-055

2. AB2023-585 Ordinance amending the 2023 Whatcom County Budget, request no. 13, in the amount of \$12,557,496 (supplemental amended to \$12,473,352)

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

Tyler Schroeder, Director of Administrative Services, answered questions about what the Executive expenditure of \$ 2,380,758 is for and where that money is coming from.

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

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

**Nay:** 0

Enactment No: ORD 2023-056

3. AB2023-591 Resolution amending the Flood Control Zone District & Subzones 2023 budget, request no. 2, in the amount of \$655,792

**Kershner** reported for the Finance and Administrative Services Committee and **moved** that the Resolution (FCZDBS) be APPROVED.

Kershner stated this is grant funding from the Department of Ecology (DOE) to help us fund the Floodplain Integrated Planning (FLIP) process through the Public Works Department and to help find solutions to the Nooksack river flooding issue.

**Kershner's motion that the Resolution (FCZDBS) be APPROVED carried by the following vote:**

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

**Nay:** 0

Enactment No: RES 2023-025

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

4. AB2023-561 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham to consolidate previous amendments and extend the term date for the WHAT-COMM Communications Center

**Buchanan** reported for the Criminal Justice and Public Safety Committee and *moved* to add the Bellingham Police Chief and the Fire Chief chosen from the Whatcom County Fire Chief's Association as ex-officio positions (along with the Bellingham Fire Chief).

Councilmembers and staff discussed the process for amending and approving the interlocal agreement.

Buchanan's motion to amend carried by the following vote:

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

**Nay:** 0

**Buchanan** reported for the Criminal Justice and Public Safety Committee and *moved* that we add an alternative response member to the makeup of the board in a non-voting position.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 0

Tyler Schroeder, Director of Administrative Services, stated the Administration would send the interlocal agreement with amendments made tonight directly to the City of Bellingham Administration and he spoke about having a dialogue about it at the upcoming What-Comm board meeting.

Councilmembers discussed who should represent the County Council on the Administrative Board.

**Donovan moved** to send the Interlocal to the City of Bellingham as amended.

Councilmembers discussed what the motion should be.

*Donovan withdrew* his motion.

**Byrd moved and Donovan seconded that the Interlocal be AUTHORIZED AS AMENDED and returned to the City of Bellingham for review. The motion carried by the following vote:**

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

**Nay:** 0

Motion approved 7-0 to add the Bellingham Police Chief and the Fire Chief chosen from the Whatcom County Fire Chief's Association as ex-officio positions (along with the Bellingham Fire Chief).

Motion approved 7-0 that they amend to add an alternative response member to the makeup of the board in a non-voting position.

**(From Council Committee of the Whole)**

5. AB2023-636 Discussion and approval of a letter to Senator Cantwell, Senator Murray, and Rep. Larson regarding the FEMA Hazard Mitigation Grant Program (HMGP)

***Kershner moved* and Frazey seconded that the Request for Motion be APPROVED.**

Councilmembers discussed whether this is what is going to be impacted if the Federal Government shuts down on Saturday, and that it really has more to do with putting our emergency on the back burner because of other pressing disasters that have occurred.

Jed Holmes, Administrative Services Community Outreach Facilitator, answered whether a continuing resolution would help and stated that a continuing resolution may include FEMA money if that is agreed upon, but until we get a budget, that FEMA money will not be going anywhere.

Galloway stated if the government shuts down, we will not get any FEMA money because they will stop all disbursement, so she wonders how timely this letter will be four days out from a government shutdown. It would be nice to get an update on how the county will be impacted by a shutdown.

**Kershner's motion that the Request for Motion be APPROVED carried by the following vote:**

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

**Nay:** 0

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

1. AB2023-532 Appointment to a vacancy on Drainage District #3, Commissioner Position 1,

Applicant: Dave Blok

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

Elenbaas asked if the applicant was present but he was not.

**Kershner'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

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

1. AB2023-616 Request confirmation of the County Executive's appointment of Tera Lorimer to the Lodging Tax Advisory Committee

**Donovan moved and Kershner 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

### **ITEMS ADDED BY REVISION**

Clerk's note: AB2023-640 and AB2023-646 were also added to Introduction.

1. AB2023-644 Approval of letter related to the Conservation Reserve Enhancement Program (CREP)

***Frazey moved*** and Kershner seconded that the revised Letter be APPROVED.

Donovan briefed the Councilmembers on a revision he made to the letter after the committee discussion today to remove the request to change the deadline, and Councilmembers discussed to whom the letter should be addressed and what changes should be made to the letter before sending it. Changes included:

- Adding language about fully funding to keep these payments and contracts in place
- Adding language: "promote carbon sequestration"
- Adding language about climate resilience
- Adding language about restoring or maintaining trust



Frazey's motion that the letter be **APPROVED AS AMENDED** carried by the following vote:

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

**Nay:** 0

2. AB2023-645 Ordinance imposing an emergency interim moratorium on the acceptance and processing of applications and permits for new uses in areas zoned heavy impact industrial within a City's designated urban growth area

Councilmembers looked at the map (on file) to help understand the ordinance. Donovan stated the areas zoned Heavy Impact Industrial (HII) border residential and single-family housing areas. The ask is to take a time out on any processing of permits in those HII areas to allow them to answer questions about what can be going in these basically residential neighborhoods as heavy industry as outright permitted uses.

*Buchanan moved* and Frazey seconded that the EMERGENCY Ordinance Requiring a Public Hearing be **ADOPTED**.

The following people discussed the ordinance with Councilmembers:

- Satpal Sidhu, County Executive
- Karen Frakes, Prosecuting Attorney's Office

Councilmembers and the speakers discussed what areas of the county this ordinance would impact, whether there are any businesses which are currently operating heavy industry in this area and whether those would be affected, whether the zoning is appropriate in light of the nearby airport and flight patterns, having a discussion with the Port of Bellingham who just purchased property in that area, whether this ordinance meets the criteria for an emergency ordinance, the fact that an emergency ordinance requires a public hearing within sixty days, the allowed uses in these areas, the intent of the Urban Fringe Plan to leave this as Heavy Industrial because of the existing industries, the existence of empty lots here that would mean the possibility of extending it beyond the anticipated allowance of the existing heavy industry, whether the ordinance outlines what is presenting the emergent situation, why they would not just follow the normal ordinance process, that fact that it is the State provision that allows them to adopt moratoriums and not that the ordinance is an emergency ordinance that requires the Council to hold a public hearing, whether this should have been taken up years ago when the City and County were issuing residential permits so close to industry, and the fact that this is not a "stop" but a "pause."

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

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

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

## **INTRODUCTION ITEMS**

*Elenbaas moved* to introduce items one through five.

Dana Brown-Davis, Clerk of the Council, stated that item number one is a substitute.

The motion was seconded by Donovan (see votes on individual items below and see discussion and votes on the items considered separately after that).

1. AB2023-548 Ordinance amending WCC 2.145, Lummi Island Ferry Advisory Committee

**Elenbaas moved and Donovan seconded that the SUBSTITUTE Ordinance be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

Enactment No: ORD 2023-057

2. AB2023-622 Resolution to sell tax title property by public auction (Sudden Valley Division No. 22)

**Elenbaas moved and Donovan seconded that the Resolution 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

3. AB2023-623 Resolution to sell tax title property by public auction (Sudden Valley Division No. 3)

**Elenbaas moved and Donovan seconded that the Resolution 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. AB2023-624 Resolution to sell tax title property by public auction (Sandy Point Garden Tracts)

**Elenbaas moved and Donovan seconded that the Resolution 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. AB2023-605 Resolution adopting the 2024-2029 Six-Year Water Resources Improvement Program (WRIP) by the Whatcom County Council (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Elenbaas moved and Donovan seconded that the Resolution (FCZDBS) 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

Enactment No: RES 2023-030

6. AB2023-640 Ordinance establishing a task force to develop a Whatcom County Forest Resilience Plan

Enactment No: ORD 2023-058

Items six and seven were considered separately below.

7. AB2023-646 Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new uses in areas zoned heavy impact industrial within a city's designated urban growth area

Items six and seven were considered separately below.

### **INTRODUCTION ITEMS CONSIDERED SEPARATELY**

*Donovan moved* and Frazey seconded to introduce Introduction items six and seven (**AB2023-640** and **AB2023-646**).

Councilmembers discussed the agenda items. They discussed item six and whether it has been discussed by the related advisory committees and groups, having it scheduled for further discussion in committee, whether the advisory committees will have time to form recommendations as a body in two weeks, and what the Council's processes are for giving and getting direction from advisory committees and stakeholders.

6. AB2023-640 Ordinance establishing a task force to develop a Whatcom County Forest Resilience Plan

**Donovan moved and Frazey seconded that the SUBSTITUTE Ordinance be INTRODUCED. The motion carried by the following vote:**

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

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

7. AB2023-646 Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new uses in areas zoned heavy impact industrial within a city's designated urban growth area

**Donovan moved and Frazey seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

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

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

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

Buchanan stated they did not get to the discussion in Committee of the Whole about councilmember proposed mid-biennium modifications to the 2023-2024 Whatcom County Budget (**AB2023-569**) and there are time constraints on that issue.

Dana Brown-Davis, Clerk of the Council, stated she needs to know where the Council stands on the idea of having a full or part-time legislative aid per councilmember and what those aids would do, and she would like to discuss getting extra help for the Board of Equalization (BOE).

Councilmembers discussed the idea of having legislative aids, what they might do, how many FTE positions it might be, who they would work for, and whether they could revisit the intern program as opposed to having regular staff.

**Byrd moved** to add funding to the budget for one aid for each councilmember who chooses one (full or part time).

Councilmembers discussed the motion, whether Councilmembers should be full- or part-time, whether aids should be shared or assigned to each Councilmember, whether all Councilmembers should have equal support, and who aids would report to.

**Byrd restated and amended** his motion to increase the budget to have a full-time aid that reports directly to each councilmember. The motion was seconded by Elenbaas.

Elenbaas requested that Byrd bifurcate his motion so that they could consider each of them having an aid separately from whether they are full-time or not so they can discuss whether they each need an aid and then what kind of workload the aids would have.

*Byrd amended* his motion *and moved* that each councilmember gets a dedicated aid that reports directly to them. The motion was seconded by Elenbaas.

Satpal Sidhu, County Executive, answered whether there was a way that each Councilmember could have a stipend so they could hire their own aid and return what money they do not use back to the budget.

Councilmembers and staff discussed an option of putting funds in the budget for “extra help” which would be limited to 69 hours or less per month per Councilmember, having one or two employees who are shared amongst the Councilmembers, how it would come across to other staff in the County if the Councilmembers added seven more staff members, evaluating the County’s current government structure and how Councilmembers work as the Legislative branch, the option of doing a lesser FTE for all seven Councilmembers, how the hiring would work, and where the aids would work.

Brown-Davis stated she could speak again with Human Resources and get some different options the Councilmembers can look at.

Councilmembers discussed whether they should withdraw the motion and just look into the options first.

Byrd’s motion failed by the following vote:

**Aye:** 3 - Byrd, Elenbaas, and Galloway

**Nay:** 1 - Donovan

**Abstain:** 2 -Buchanan and Frazey

**Out of the Meeting:** 1 - Kershner

*Donovan moved* to direct staff to explore all options for Councilmember staff. The motion was seconded by Elenbaas.

The motion carried by the following vote:

**Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway

**Nay:** 0

**Out of the Meeting:** 1 - Kershner

Councilmembers gave Committee reports and gave other updates.

**Buchanan** reported for Committee of the Whole and *moved* to fund Pacific Northwest Plateful for \$115,000 out of American Rescue Plan Act (ARPA) funds in the Food Security section.

The motion carried by the following vote:

**Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway

**Nay:** 0

**Out of the Meeting:** 1 - Kershner

**Buchanan** reported for Committee of the Whole and *moved* to hold the motion to add \$350,000 for the Christian Health Care Center for an emergency Information Technology and communication system update to the funding list.

The motion carried by the following vote:

**Aye:** 6 - Byrd, Donovan, Elenbaas, Frazey, Galloway, and Buchanan

**Nay:** 0

**Out of the Meeting:** 1 - Kershner

**Buchanan** reported for Committee of the Whole and *moved* to hold the motion to include Mt. Baker School District's request for \$150,000 in ARPA funding until the Mt. Baker School District can come to present on their proposal.

The motion carried by the following vote:

**Aye:** 6 - Donovan, Elenbaas, Frazey, Galloway, Buchanan, and Byrd

**Nay:** 0

**Out of the Meeting:** 1 - Kershner

**Buchanan** reported for Committee of the Whole and *moved* to fund the East Whatcom Regional Center for \$150,000 to upgrade the kitchen to commercial standards.

The motion carried by the following vote:

**Aye:** 6 - Elenbaas, Frazey, Galloway, Buchanan, Byrd, and Donovan

**Nay:** 0

**Out of the Meeting:** 1 - Kershner

Brown-Davis stated she would like to revisit the budget discussion and stated she would like to propose an additional \$50,000 in the budget for extra help for the Board of Equalization.

*Galloway moved* to support extra help for the Board of Equalization at \$50,000. The motion was seconded by Donovan.

The motion carried by the following vote:

**Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway

**Nay:** 0

**Out of the Meeting:** 1 - Kershner

Councilmembers continued updates.

Motion approved 6-0-1, with Kershner out of the room, to direct staff to explore all options for Councilmember staff.

Motion approved 6-0-1, with Kershner out of the room, to fund Pacific Northwest Plateful for \$115,000 out of American Rescue Plan Act (ARPA) funds in the Food Security section.

Motion approved 6-0-1, with Kershner out of the room, to hold the motion to add \$350,000 for Christian Health Care Center for an emergency Information Technology and communication situation to the funding list.

Motion approved 6-0-1, with Kershner out of the room, to hold the motion to include Mt. Baker School District's request for \$150,000 in ARPA funding until the Mt. Baker School District can come to present on their proposal.

Motion approved 6-0-1, with Kershner out of the room, to fund the East Whatcom Regional Center for \$150,000 to upgrade the kitchen to commercial standards.

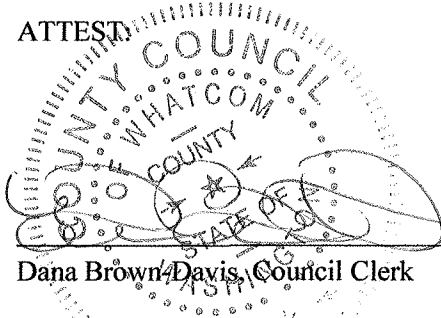
Motion approved 6-0-1, with Kershner out of the room, to support extra help for the Board of Equalization at \$50,000.

**ADJOURN**

The meeting adjourned at 9:58 p.m.

The County Council approved these minutes on October 10, 2023.

ATTEST



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

*Barry A. Buchanan*  
Barry Buchanan, Council Chair

*Kristi Felbinger*  
Kristi Felbinger, Minutes Transcription