

Whatcom County Council

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



Minutes - Final

Tuesday, September 10, 2024

6 PM

Hybrid Meeting - Council Chambers

**HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN
INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010) - AGENDA REVISED 9.9.2024**

COUNCILMEMBERS

Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Kaylee Galloway
Jon Scanlon
Mark Stremler

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

COUNTY COUNCIL

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 6:01 p.m. in a hybrid meeting.

ROLL CALL

Present: 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Kaylee Galloway, Jon Scanlon, and Mark Stremler

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

There was no report.

MINUTES CONSENT

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

1. MIN2024-049 Committee of the Whole Executive Session for August 6, 2024

Galloway moved and Scanlon seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

2. MIN2024-050 Health Board and Public Health Advisory Board for July 30, 2024

Galloway moved and Scanlon seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

3. MIN2024-051 Special Council for Jul 30, 2024

Galloway moved and Scanlon seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

4. MIN2024-052 Committee of the Whole for August 6, 2024

Galloway moved and Scanlon seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

5. MIN2024-053 Regular County Council for August 6, 2024

Galloway moved and Scanlon seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

6. MIN2024-054 Health Board for March 26, 2024

Galloway moved and Scanlon seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

7. MIN2024-055 Special Council for August 15, 2024

Galloway moved and Scanlon seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

PUBLIC HEARINGS

1. AB2024-494 Resolution defining transportation improvements in accordance with newly amended state law (Council acting as the Governing Body of the Point Roberts Transportation Benefit District)

Scanlon briefed the Councilmembers and stated this allows the Point Roberts community to use tax dollars in the way they want them to be used regarding transportation. If Council approves it, they will be aligned with State law and with what the community wants. Then they will be able to hear from the community about their needs regarding transportation and fund those things.

Buchanan opened the Public Hearing and hearing no one, closed the Public Hearing.

Scanlon moved and Buchanan seconded that the Resolution Requiring a

Public Hearing be APPROVED. The motion carried by the following vote:

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

Nay: 0

Enactment No: RES 2024-037

OPEN SESSION

The following people spoke:

- Adam Bellingar
- Betsy Pernotto
- Savannah Flynn
- Chris Swenson
- Karen Croy
- David Foreman
- Margaret Gerard
- Tally Rabatin
- Lorena Shah
- Lyle Sorenson
- Natalie Chavez
- Ryan Cunningham
- Misty Flowers

George Roche, Prosecuting Attorney's Office, spoke about the chair's authority to keep order in the room, and Buchanan asked that the commenter keep the comments on substance rather than individuals and not calling Councilmembers out.

- Misty Flowers (continued testimony)
- Kaia Hayes
- Laura Sheehan

Hearing no one else, Buchanan closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Donovan reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items one through 35, with item number 28 (**AB2024-582**) having been withdrawn.

Elenbaas requested to consider item numbers 19 and 22 separately.

Donovan amended his motion and *moved* to approve item numbers 1-18, 20-21, 23-27, and 29-35.

Councilmembers voted on those items (see votes on individual items below).

1. AB2024-518 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for reimbursement of services relating to the Uniform Guardianship Act in the amount of \$59,062

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

2. AB2024-527 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and North Sound Behavioral Health Administrative Services Organization to provide behavioral health services within the North Sound Integrated Care Network in the amount of \$1,322,177, for a total amended contract amount of \$2,920,840

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

3. AB2024-530 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and North Sound Behavioral Health Administrative Services Organization to fund the Recovery Navigator Program to enhance LEAD programming in the amount of \$716,455, for a total amended contract amount of \$1,382,910

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

4. AB2024-531 Request authorization for the County Executive to enter into an interlocal agreement

between Whatcom County and the Washington State Department of Ecology to develop a Wiser Lake Cyanobacteria Management Plan, in the amount of \$50,000

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

5. AB2024-535 Request authorization for the County Executive to enter into an interlocal grant agreement between Whatcom County and Washington State Department of Ecology for Floodplains by Design funding to advance three Phase 2 capital projects and one new capital project, in the amount of \$12,500,000, with 80% provided by the Dept. of Ecology and 20% provided by the FCZD and project partners (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

6. AB2024-539 Request authorization for the County Executive to enter into a contract between Whatcom County and YWCA Bellingham to rehabilitate an affordable housing facility, in the amount of \$70,686

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

7. AB2024-540 Request authorization for the County Executive to award Bid #24-61 for the purchase of an engine-generator set and associated equipment from Cummins Sales & Service, located in Sumner, Washington, in an amount not to exceed \$76,815.97

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

8. AB2024-541 Request authorization for the County Executive to enter into a contract amendment

between Whatcom County and DentALL, PLLC for additional jail dental hours in the amount of \$55,600 for a total amended amount of \$171,600

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

9. AB2024-542 Request authorization for the County Executive to enter into an Interlocal Cooperative Purchasing Agreement with the City of Redmond which will allow reciprocal utilization of competitively solicited contracts, pursuant to RCW Chapter 39.34 Interlocal Cooperation Act

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

10. AB2024-544 Request authorization for the County Executive to enter into a contract between Whatcom County and YWCA Bellingham to support the acquisition of an emergency shelter facility, in the amount of \$1,000,000

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

11. AB2024-548 Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and Washington State Department of Transportation, for the Whatcom County Ferry with a Youth Zero Fare Policy, in the amount of \$45,000

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

12. AB2024-549 Request authorization for the County Executive to enter into a Local Agency Agreement amendment with Whatcom County and Washington State Department of Transportation for the Goshen Road - Anderson Creek Bridge No. 248 Replacement

Project, in the amount of \$200,000.00, for a total amended amount of \$650,000.00

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

13. AB2024-551 Request authorization for the County Executive to enter into a Local Agency Agreement Amendment between Whatcom County and Washington State Department of Transportation for the North Lake Samish Drive Bridge No. 107 Replacement Project, for a reduction of funds in the amount of \$453,451.25, for a total amended amount of \$10,518,758.75

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

14. AB2024-552 Request authorization for the County Executive to enter into a contract between Whatcom County and Herrera Environmental Consultants Inc. to complete a climate vulnerability assessment for current and future floodplains and to develop shoreline management solutions, in the amount of \$215,000

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

15. AB2024-554 Request authorization for the County Executive to enter into a contract between Whatcom County and Western Washington University to support development of coastal bluff erosion rates due to sea level rise across Whatcom County which will be used in the Phase 2 Climate Vulnerability Assessment and Shoreline Management Solutions project, in the amount of \$35,600

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

16. AB2024-555 Request authorization for the County Executive to enter into a contract between Whatcom County and Cowden Brothers Trucking, LLC to use the Cowden Brothers Trucking vector waste facility for the disposal of waste produced by our vector trucks while providing service to multiple functions within our Maintenance and Operations group, in the amount of \$288,000

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

17. AB2024-556 Request authorization for the County Executive to enter into a contract between Whatcom County and Gordon Thomas Honeywell Governmental Affairs to assist Whatcom County in developing and implementing a legislative advocacy program in the amount of \$86,040

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

18. AB2024-558 Request authorization for the County Executive to enter into an Architectural and Engineering Professional Services agreement between the Whatcom County Flood Control Zone District and Coffman Engineers to provide for Phase 1 preliminary engineering, alternatives analysis, and preliminary designs for the remediation of five fish passage barrier culverts in the Black Slough watershed, in the amount of \$435,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

19. AB2024-560 Request authorization for the County Executive to enter into a contract between Whatcom County and Catalyst Therapies LLC to support expansion of behavioral and mental health services to low-income children ages 0-5, in the amount of \$199,417

This item was considered separately below.

20. [AB2024-561](#) Request authorization for the County Executive to enter into a joint funding agreement between Whatcom County and the United States Department of Interior, U.S. Geological Survey for stream flow or water quality data collection at ten Nooksack watershed stream gages, in the amount of \$122,967 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

21. [AB2024-562](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Domestic Violence and Sexual Assault Services to rehabilitate two shelter facilities, in the amount of \$310,000

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

22. [AB2024-567](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to purchase and distribute basic needs items to low-income families with children ages 0-5, in the amount of \$93,811

This item was considered separately below.

23. [AB2024-569](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Linev Systems US, Inc. for two Full Body Security Screening Systems in the amount of \$440,000

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

24. [AB2024-570](#) Request authorization for the County Executive to enter into an interlocal grant agreement between Whatcom County and Washington State Military Department for the elevation of 12 properties damaged during the November 2021 flood, in the amount of \$2,386,757, in which \$2,157,862 is federally funded by FEMA, \$113,947.50 is provided by state funding, and a required 5% match totaling

\$113,947.50 is provided by property owners (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

25. AB2024-575 Request authorization for the County Executive to enter into a contract between Whatcom County and VillageReach to conduct a comprehensive assessment and audit of Whatcom County's permanent supportive housing programs, in the amount of \$86,046

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

26. AB2024-576 Request authorization for the County Executive to enter into a contract between Whatcom County and Lydia Place to support the rehabilitation of a transitional housing facility, in the amount of \$166,950

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

27. AB2024-578 Request authorization for the County Executive to enter into an agreement between Whatcom County and the Whatcom County Historical Society for use of the Roeder Home in exchange for programming

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

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

Nay: 0

28. AB2024-582 Request authorization for the County Executive to sign a grant contract with USDA Natural Resources Conservation Service in order to secure matching funds for the Taylor Ecological Conservation Easement through the Conservation Easement

Program

This agenda item was WITHDRAWN.

29. [AB2024-583](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and The Administrative Office of the Courts for reimbursement of services rendered in relation to Truancy, At-Risk Youth, and Child In Need of Services petitions in the amount of \$277,244

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

30. [AB2024-584](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Cyclomedia Technology, Inc for services to capture and process street level imagery in the amount of \$59,950

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

31. [AB2024-589](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and The Administrative Office of the Courts for reimbursement of services related to the CASA (Volunteer GAL) program in the amount of \$84,523

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

32. [AB2024-590](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and The Administrative Office of the Courts for reimbursement of costs related to resentencing and vacating convictions for individuals affected by the Blake decision in the amount of \$770,929

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

- 33. AB2024-591 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and The Administrative Office of the Courts for reimbursement of costs related to the water rights adjudication in the amount of \$1,230,600, for a total amended amount of \$2,111,900

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

- 34. AB2024-592 Request authorization for the County Executive to enter into an agreement between Whatcom County and Akin for reimbursement of services related to the Parents for Parents (P4P) Program- \$58,733

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

- 35. AB2024-593 Request authorization for the County Executive to enter into a contract between Whatcom County and Dr. Michael Earley for officer wellness programs, in the amount of \$84,000

Donovan 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, Galloway, Scanlon, and Stremler

Nay: 0

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 19. AB2024-560 Request authorization for the County Executive to enter into a contract between Whatcom County and Catalyst Therapies LLC to support expansion of behavioral and mental health services to low-income children ages 0-5, in the amount of \$199,417

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

Clerk's note: Councilmembers discussed this and the next item (AB2024-567) together before voting on this item.

Elenbaas stated this and item number 22 are both having to do with the Healthy Children's Fund and Proposition Five, which he recalls was about providing childcare. He stated he can see the benefits of spending money on what these two items are asking for, he just does not want to get too far away from what the intent of Proposition Five was.

Kayla Schott-Bresler, Executive's Office, and Councilmembers discussed how these items fit into the Healthy Children's Fund Implementation Plan, how the money gets used by the recipients, how much of the money goes to people who need it as opposed to overhead, and whether there is anything in this contract that is going toward increasing childcare slots.

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

Aye: 6 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, and Scanlon

Nay: 1 - Stremmler

22. AB2024-567 Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to purchase and distribute basic needs items to low-income families with children ages 0-5, in the amount of \$93,811

Clerk's note: See more discussion about this item in AB2024-560 above.

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

The following people discussed the item with Councilmembers:

- Satpal Sidhu, County Executive
- Kayla Schott-Bresler, Executive's Office
- George Roche, Prosecuting Attorney's Office

They discussed that childcare slots are not included in this contract but are planned for with American Rescue Plan Act (ARPA) funds, the issue of also needing to build and have capacity both in workforce and internally, and whether they are able to save or pre-plan for money that is being collected each year for when they are ready to launch a big project.

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

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

Nay: 2 - Elenbaas, and Stremler

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. AB2024-512 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Bellingham to extend the term date of the consolidated What-Comm Interlocal Agreement, as agreed upon by the What-Comm Administrative Board

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

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

Nay: 2 - Byrd, and Elenbaas

2. AB2024-517 Ordinance establishing the North Commercial Street Acquisition Project Fund

Donovan reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Enactment No: ORD 2024-044

3. AB2024-521 Ordinance amending the 2024 Whatcom County Budget, request no. 10, in the amount of 2,059,971

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

Councilmembers discussed the motion, and Satpal Sidhu, County Executive, spoke about the process of presenting budget supplemental budget requests and stated the Administration is available for questions.

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

Aye: 4 - Buchanan, Donovan, Galloway, and Scanlon

Nay: 3 - Byrd, Elenbaas, and Stremler

Enactment No: ORD 2024-045

4. AB2024-547 Request authorization for the County Executive to enter into a contract between Whatcom County and Cascadia Law Group, PLLC, to continue providing legal advice and representation regarding SEPA Compliance (SEP2016-0004) and regulatory requirements pertaining to the Northwest Clean Air Notice of Violation 4516 issued to PetroGas West LLC in the amount of \$100,000

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

The following people discussed the item with Councilmembers:

- Satpal Sidhu, County Executive
- George Roche, Prosecuting Attorney's Office

They discussed why an entity outside of the County's Planning and Development Services Department is needed, having further discussion in an executive session, how much can be discussed in public if the Council has to act in a quasi-judicial capacity, the fact that this contract is to bring in specific expertise as opposed to it being an issue of a lack of internal capacity, and whether this deals with what has happened in the past or what is going to happen in the future.

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

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

Nay: 0

5. AB2024-563 Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to support the construction of a 65-unit affordable housing facility, in the amount of \$2,000,000

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

Councilmembers discussed the motion and voted on the item (see vote below) and then discussion continued.

Satpal Sidhu, County Executive, and Elenbaas spoke about another project developed by the Opportunity Council and that they delivered what they said they were going to.

Councilmembers discussed the Opportunity Council's ability to execute a project and also their reaction to being called into question and being asked to do better.

Donovan's motion that the SUBSTITUTE Contract be AUTHORIZED carried by the following vote:

Aye: 4 - Buchanan, Donovan, Galloway, and Scanlon

Nay: 3 - Byrd, Elenbaas, and Stremler

(From Council Committee of the Whole)

6. AB2024-573 Request approval of a joint Council/Executive letter to Whatcom County Search and Rescue regarding leasing building space

Buchanan summarized the request.

Buchanan reported for the Committee of the Whole and moved that the Request for Motion be APPROVED. The motion carried by the following vote:

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

Nay: 0

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. AB2024-526 Appointment to a vacancy on the Acme/VanZandt Flood Control Sub-Zone Advisory Committee, Applicant(s): William Dominic Mocerri (Council acting as the Flood Control Zone District Board of Supervisors)

Byrd moved and Donovan seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:

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

Nay: 0

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. AB2024-537 Request confirmation of the County Executive's appointment of Crystal Thompson to the Behavioral Health Advisory Committee

Galloway moved and Byrd seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:

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

Nay: 0

2. AB2024-588 Request confirmation of the County Executive's appointment of Dr. Aldo Fusaro as Temporary Interim Medical Examiner effective September 11, 2024

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

Kayla Schott-Bresler, Executive's Office, answered whether this person will be brought in as a County employee and stated that is correct. They discussed who would be hiring the staff and that they got a thumbs up from the Sheriff's Office and Northwest Washington Medical Society (letters attached on file).

Galloway's motion that the Executive Appointment be CONFIRMED carried by the following vote:

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

Nay: 0

SPECIAL ORDER OF BUSINESS

1. AB2024-601 Identify 1-2 councilmembers to participate on a selection committee for a medical examiner

Buchanan moved and Galloway seconded that Scanlon and Elenbaas be APPOINTED.

Kayla Schott-Bresler, Executive's Office, answered when the process will start and stated it will be in early October.

Buchanan's motion that Scanlon and Elenbaas be APPOINTED carried by the following vote:

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

Nay: 0

Scanlon and Elenbaas appointed 7-0

ITEMS ADDED BY REVISION

- AB2024-604 Request authorization for the County Executive to enter into a contract between Whatcom County and Schneider Geospatial for an online tool package including, Spatialest Property Portal, Community Dashboard, Comper Pro, and Comper for Citizen in the amount of \$209,991

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

Rebecca Xczar, County Assessor, answered what the initial \$209,000 will cover and what the costs will be for maintenance going forward, and stated it will be about \$80,000 per year. She answered why the cost goes up from year two to year three, and about the benefits of the tools.

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

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

Nay: 0

INTRODUCTION ITEMS

Galloway moved to introduce items one through 11. The motion was seconded by Byrd.

Scanlon spoke about **AB2024-559** and his and other Councilmembers' interest in having a conversation with staff about shoreline management, and asked how they should handle that.

The following people discussed process and avoiding quorum issues with the Councilmembers:

- Cathy Halka, Clerk of the Council
- George Roche, Prosecuting Attorney's Office

Councilmembers voted on the introduction items (see votes on individual items below).

1. AB2024-314 Ordinance establishing Whatcom County Code Chapter 2.180 Naming County-Owned Public Buildings, Properties, Parks, and Facilities

Galloway moved and Byrd seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

2. AB2024-545 Ordinance adopting various amendments to Whatcom County Code Title 20, Zoning

Galloway moved and Byrd 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, Galloway, Scanlon, and Stremler

Nay: 0

3. AB2024-559 Ordinance adopting the 2020 Shoreline Management Program Periodic Update

Galloway moved and Byrd 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, Galloway, Scanlon, and Stremler

Nay: 0

4. AB2024-564 Resolution adopting the 2025-2030 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)

Galloway moved and Byrd 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, Galloway, Scanlon, and Stremler

Nay: 0

5. AB2024-565 Ordinance relating to the annual submission of taxing district levy amounts to the Whatcom County Council

Galloway moved and Byrd seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

6. AB2024-579 Resolution approving the 2025-2030 Six-year Transportation Improvement Program (STIP)

Galloway moved and Byrd 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, Galloway, Scanlon, and Stremler

Nay: 0

7. AB2024-594 Ordinance amending the 2024 Whatcom County Budget, request no. 12, in the amount of \$9,347,192

**Galloway moved and Byrd seconded that the Ordinance be INTRODUCED.
The motion carried by the following vote:**

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

Nay: 0

8. AB2024-596 Ordinance establishing a project-based budget for the Lookout Mountain Road Repair Project Fund

**Galloway moved and Byrd seconded that the Ordinance be INTRODUCED.
The motion carried by the following vote:**

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

Nay: 0

9. AB2024-597 Ordinance establishing a project-based budget for the Governor's Point Project Fund

**Galloway moved and Byrd seconded that the Ordinance be INTRODUCED.
The motion carried by the following vote:**

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

Nay: 0

10. AB2024-598 Appointment to a vacancy on the Justice Project Oversight & Planning (JPOP) Committee, behavioral health provider position, Applicant(s): Trevor Aerts

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

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

Nay: 0

11. AB2024-602 Resolution amending the 2024 Flood Control Zone District and Subzones Budget, request no. 5, in the amount of \$257,550 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Galloway moved and Byrd seconded that the Resolution (FCZDBS) be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Buchanan reported for the Committee of the Whole Executive session and three motions were made and voted on (see motions and votes under **AB2024-538** and **AB2024-543** below).

Councilmembers then gave Committee reports from the remaining committees and gave other updates.

AB2024-538

Discussion with Parks Department staff regarding potential property acquisition [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(b)]

Donovan moved and Galloway seconded to authorize County Executive Sidhu, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

The motion carried by the following vote:

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

Nay: 2 - Elenbaas and Stremmler

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

Motion approved, 5-2 with Elenbaas and Stremmler opposed, to authorize County Executive Sidhu, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

AB2024-543

Discussion with Public Works staff regarding potential property acquisitions [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110 (1)(b)]

Donovan moved and Buchanan seconded to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

The motion carried by the following vote:

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

Nay: 0

Donovan moved and Galloway seconded to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the easement as long as

the purchase price of the easement does not exceed the amount discussed in Executive Session.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved 7-0 to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.


Motion approved 7-0 to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the easement as long as the purchase price of the easement does not exceed the amount discussed in Executive Session.

ADJOURN

The meeting adjourned at 8:47 p.m.

The County Council approved these minutes on September 24, 2024.

ATTEST



Cathy Halka
Cathy Halka, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Barry Buchanan
Barry Buchanan, Council Chair

Kristi Felbinger
Kristi Felbinger, Minutes Transcription