

Whatcom County Council

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



Action Summary

VIRTUAL MEETING - VIEW ONLINE

Wednesday, August 5, 2020

6 PM

Virtual Meeting

COUNCILMEMBERS

Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

ROLL CALL

Present: 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, Ben Elenbaas, and Kathy Kershner

Absent: None

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2020-077](#) Committee of the Whole - Executive Session for July 7, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2020-078](#) Committee of the Whole for July 7, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

3. [MIN2020-079](#) Regular County Council for July 7, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

4. [MIN2020-081](#) Water Work Session for July 14, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

5. [MIN2020-082](#) Regular County Council for July 21, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

6. [MIN2020-083](#) Committee of the Whole for July 21, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2020-291](#) Ordinance regarding installation of stop signs on certain County Roads

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-041

2. [AB2020-330](#) Public hearing to review potential uses of, and application for, a Community Development Block grant CV1 consortium grant for addressing COVID-19 impacts in Whatcom County

APPROVED REQUEST

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

Nay: 0

Absent: 0

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Byrd reported for the Finance and Administrative Services Committee and moved that items 2, 3, 4, 5, 6, 8, 9, 11, and 12 be authorized by consent (see motion and votes on individual items below).

1. [AB2020-191](#) Request authorization for the County Executive to enter into a contract amendment

between Whatcom County and Washington State University to continue the jointly shared costs for faculty positions and program support for WSU Extension in the amount of \$239,047 for a total amended contract amount of \$2,238,323.90

Clerk's note: See motion and vote on this item below after Item #12.

2. [AB2020-295](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Sun Community Services to lease the property known as Sun House, located at 515 E Chestnut Street in Bellingham

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

3. [AB2020-302](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for actions to support the Aquatic Invasive Species Program, in the amount of \$28,800

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

4. [AB2020-303](#) Request authorization for the County Executive to enter into a contract between Whatcom County and San Juan Cruises to provide temporary passenger ferry service to Lummi Island, in the amount of \$83,328

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

5. [AB2020-305](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the State of Washington Office of Crime Victims Advocacy to continue to fund the VGAL Program Coordinator to grow the VGAL program, in the amount of \$74,998.00

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

6. [AB2020-306](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice for Organized Crime Drug Enforcement Task Forces (OCDETF), in the amount of \$2,500.00

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

7. [AB2020-307](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to administer the Washington State Department of Commerce Housing and Essential Needs Program in the amount of \$608,211 for a total amended contract amount of \$2,037,324

Clerk's note: See motion and vote on this item below.

8. [AB2020-311](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department to support the ongoing COVID-19 response, in the amount of \$25,397

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

9. [AB2020-323](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide reimbursement for COVID-19 related operations and prevention expenditures, in the amount of \$273,500

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

10. [AB2020-324](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Youth Services to provide reimbursement for COVID-19 related operations and prevention expenditures, in the amount of \$53,791

Clerk's note: See motion and vote on this item below.

11. [AB2020-325](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Catholic Community Services to provide reimbursement for

COVID-19 related operations and prevention expenditures, in the amount of \$51,510

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

12. [AB2020-326](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and James P. Richmond, attorney, for legal services related to the Assessor's appeal in the amount of \$80,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

1. [AB2020-191](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington State University to continue the jointly shared costs for faculty positions and program support for WSU Extension in the amount of \$239,047 for a total amended contract amount of \$2,238,323.90

AUTHORIZED BY CONSENT

Aye: 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

Nay: 1 - Byrd

Absent: 0

7. [AB2020-307](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to administer the Washington State Department of Commerce Housing and Essential Needs Program in the amount of \$608,211 for a total amended contract amount of \$2,037,324

AUTHORIZED BY CONSENT

Aye: 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

Nay: 1 - Byrd

Absent: 0

10. [AB2020-324](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Youth Services to provide reimbursement for COVID-19 related operations and prevention expenditures, in the amount of \$53,791

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Abstain: 1 - Byrd

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2020-211](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Nooksack Valley School District to provide behavioral health services, in the amount of \$120,000

AUTHORIZED

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

Nay: 0

Absent: 0

2. [AB2020-220](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Lynden School District to provide behavioral health services, in the amount of \$111,000

AUTHORIZED

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

Nay: 0

Absent: 0

3. [AB2020-231](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Blaine School District to provide behavioral health services, in the amount of \$131,400

AUTHORIZED

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

Nay: 0

Absent: 0

4. [AB2020-235](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Meridian School District to provide behavioral health services, in the amount of \$108,000

AUTHORIZED

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

Nay: 0

Absent: 0

5. [AB2020-236](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Ferndale School District to provide behavioral health services, in the amount of \$120,000

AUTHORIZED

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

Nay: 0

Absent: 0

6. [AB2020-237](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Bellingham School District #501 to provide behavioral health services, in the amount of \$138,000

AUTHORIZED

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

Nay: 0

Absent: 0

7. [AB2020-244](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mount Baker School District to provide behavioral health services, in the amount of \$108,000

AUTHORIZED

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

Nay: 0

Absent: 0

8. [AB2020-309](#) Request authorization for the County Executive to enter into a contract between the Whatcom County Flood Control Zone District and Reichardt & Ebe Engineering, Inc., for engineering design services for the Ferndale Levee Improvement Project (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED

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

Nay: 0

Absent: 0

9. [AB2020-297](#) Ordinance amending the 2020 Whatcom County Budget, request no. 15, in the

amount of \$716,503

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2020-042

10. [AB2020-301](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Association of Sheriffs and Police Chiefs for the Registered Sex Offender Address Verification Program, in the amount of \$139,263.00

AUTHORIZED

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

Nay: 0

Absent: 0

11. [AB2020-313](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to provide funding for the delivery of various public health programs and services in the amount of \$408,842 for a total amended contract amount of \$4,928,000

AUTHORIZED

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

Nay: 1 - Elenbaas

Absent: 0

12. [AB2020-315](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Point Roberts Park & Recreation District Number 1 for use of Lighthouse Marine Park to establish a kayak program

AUTHORIZED

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

Nay: 0

Absent: 0

13. [AB2020-317](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce to provide resources to prevent, prepare for, and respond to the COVID-19 pandemic among individuals and families who are homeless or receiving homeless assistance, in the amount of \$494,112

AUTHORIZED

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

Nay: 0

Absent: 0

14. [AB2020-318](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Fire Protection District #7 to cover the costs for students to attend the paramedic training program in the amount of \$218,640

AUTHORIZED

Aye: 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

Nay: 1 - Byrd

Absent: 0

15. [AB2020-319](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and North Whatcom Fire Authority to cover the costs for students to attend the paramedic training program in the amount of \$206,000

AUTHORIZED

Aye: 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

Nay: 1 - Byrd

Absent: 0

16. [AB2020-320](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and Bellingham Fire Department to cover the costs for students to attend the paramedic training program including class administration costs and supplies in the amount of \$642,503.07

AUTHORIZED

Aye: 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

Nay: 1 - Byrd

Absent: 0

17. [AB2020-321](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Bellingham to extend the current What-Comm Agreement through 12/31/23

AUTHORIZED

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

Nay: 0

Absent: 0

(From Council Committee of the Whole)

Buchanan reported for the Committee of the Whole - Executive Session and each of the following motions were approved 7-0:

Donovan moved to approve defense and indemnification of employee defendants named in Anderson as Personal Rep. of Estate of Kirk Powless, et al. v. Whatcom County, et al., US District Court for the Western District of Washington No. 2:20-cv-01125.

Donovan moved to approve defense and indemnification of employee defendants named in Martin Vargas v. Whatcom County Sheriff's Office, et al., US District Court for the Western District of Washington No. 2:20-cv-00921JCC.

Donovan moved to approve defense and indemnification of employee and contractor defendants named in Donald Calvin v. Bill Elfo, Wendy Jones, Dr. Andrews, Deputy Otten, Deputy Lloyd, Deputy Keeley, Deputy Charroin, et al., US District Court for the Western District of Washington No. 2:20-cv-00866RSMBAT.

18. [AB2020-334](#) Resolution establishing County Council budget goals and guidelines

Enactment No: RES 2020-032

Clerk's note: This item was skipped and they returned to it after AB2020-253 (see below).

(No Committee Assignment)

19. [AB2020-253](#) Resolution authorizing Whatcom County to enter into a twenty-year communication tower lease agreement with Verizon Wireless for an existing tower site located at the Lookout Mountain Forest Reserve

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2020-031

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2020-300](#) Appointment to the Homeless Strategies Workgroup, Special Populations position, applicant(s): Michael Berres

Clerk's note: The Council started to discuss this item and then stopped and came back to it after AB2020-334 (see below).

(From Council Committee of the Whole)

18. [AB2020-334](#) Resolution establishing County Council budget goals and guidelines

SUBSTITUTE AMENDED AND APPROVED

Aye: 5 - Browne, Buchanan, Donovan, Frazey, and Elenbaas

Nay: 2 - Byrd, and Kershner

Absent: 0

Enactment No: RES 2020-032

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2020-300](#) Appointment to the Homeless Strategies Workgroup, Special Populations position, applicant(s): Michael Berres

APPOINTED

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

Nay: 0

Absent: 0

INTRODUCTION ITEMS

1. [AB2020-316](#) Ordinance amending the 2020 Whatcom County Budget, request no. 16, in the amount of \$987,509

INTRODUCED

Aye: 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Elenbaas

Nay: 1 - Kershner

Absent: 0

2. [AB2020-310](#) Ordinance granting Gordon Montgomery and John Milobar, a non-exclusive franchise for the provision of sewer services

INTRODUCED FOR PUBLIC HEARING

Aye: 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Elenbaas

Nay: 1 - Kershner

Absent: 0

3. [AB2020-308](#) Resolution vacating a portion of Horton Road

INTRODUCED FOR PUBLIC HEARING

Aye: 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Elenbaas

Nay: 1 - Kershner

Absent: 0

SPECIAL NOTIFICATION

1. [AB2020-332](#) Special notice: County Council sent a time-sensitive letter to the Governor on July 29, 2020, encouraging development of a plan to allow close family members to visit their loved ones in congregate care facilities

REPORTED

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

A motion was approved 7-0 to take up the discussion [about the budget] on September 15 as suggested by the Administration.

ADJOURN