

Whatcom County Council

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



Action Summary

**Tuesday, July 23, 2024
6 PM
Hybrid Meeting**

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

COUNCILMEMBERS

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

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

COUNTY COUNCIL

CALL TO ORDER

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

MINUTES CONSENT

1. [MIN2024-038](#) Water Work Session for November 14, 2023

APPROVED BY CONSENT

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

Nay: 0

2. [MIN2024-040](#) Water Work Session for March 12, 2024

APPROVED BY CONSENT

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

Nay: 0

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2024-464](#) Request authorization for the County Executive to enter into a contract between Whatcom County and ASM Affiliates to provide on-call professional cultural and historical resource services, in the amount not to exceed \$100,000

AUTHORIZED BY CONSENT

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

Nay: 0

2. [AB2024-471](#) Request authorization for the County Executive to enter into an interlocal contract between Whatcom County and Washington State Health Care Authority for a Reentry Demonstration Initiative Project in the amount of \$2,500,000.00

AUTHORIZED BY CONSENT

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

Nay: 0

3. [AB2024-475](#) Request authorization for the County Executive to award Bid #24-63 and enter into a contract between Whatcom County and J Ritter Dirt and Asphalt LLC, for trailhead parking lot improvements at Stimpson Family Nature Reserve, in the amount of \$219,019.30

AUTHORIZED BY CONSENT

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

Nay: 0

4. [AB2024-477](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Astound Business Solutions, LLC (formerly Wave) for fiber optic connectivity from the Courthouse to State Street and a nearby parking lot in the amount of \$81,337.03 for a total amended amount over five years of \$364,657.26

AUTHORIZED BY CONSENT

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

Nay: 0

5. [AB2024-478](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the Lummi Island Heritage Trust to reimburse the Trust for development costs of the Aiston Preserve, in the amount of \$50,000

AUTHORIZED BY CONSENT

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

Nay: 0

6. [AB2024-481](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Association of Sheriffs and Police Chiefs (WASPC) for Registered Sex Offender Verification Program funding, in the amount of \$132,892.95

AUTHORIZED BY CONSENT

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

Nay: 0

7. [AB2024-482](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Blaine Police Department (PD), Everson PD, Ferndale PD, Lynden PD, Sumas PD, US Border Patrol, US Drug Enforcement Agency, and Washington State Patrol to establish a multi-jurisdictional drug task

force, in the amount of \$0.00

AUTHORIZED BY CONSENT

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

Nay: 0

8. [AB2024-483](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and US Department of Agriculture, Forest Service for area patrols, in the amount of \$34,056.00 for a total amended amount of \$56,760.00

AUTHORIZED BY CONSENT

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

Nay: 0

9. [AB2024-487](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Aquatic Insight, LLC to develop a Wisner Lake Cyanobacteria Management Plan, in the amount of \$62,500

AUTHORIZED BY CONSENT

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

Nay: 0

10. [AB2024-490](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Klempke Glass LLC to reconfigure the storefront doorway and frame in the Auditor's Office in the amount of \$5,684.80 for a total amended amount of \$42,676.80

AUTHORIZED BY CONSENT

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

Nay: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2024-432](#) County Executive requests approval of the Economic Development Investment (EDI) Board's recommendation for funding to support the City of Bellingham's Bear Creek Corridor Construction Project, the City of Lynden's Wastewater Treatment Plant Capacity and Nutrient Improvement Project, the City of Ferndale Water Treatment Plant Upgrades and Douglas Deep Well Projects, and the Housing Affordability through the Workforce Program

APPROVED REQUEST

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

Nay: 0

2. [AB2024-460](#) Ordinance amending the project budget for the Way Station Project Fund, request no. 4

ADOPTED

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

Nay: 0

Enactment No: ORD 2024-040

3. [AB2024-463](#) Ordinance amending the 2024 Whatcom County Budget, request no. 9, in the amount of 873,134

SUBSTITUTE ADOPTED

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

Nay: 1 - Stremler

Enactment No: ORD 2024-041

4. [AB2024-476](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham Fire Department, City of Lynden Fire Department, South Whatcom Fire Authority, Whatcom Fire Protection District 1, Whatcom Fire Protection District 4, Whatcom Fire Protection District 7, Whatcom Fire Protection District 8, Whatcom Fire Protection District 11, Whatcom Fire Protection District 14, Whatcom Fire Protection District 16, Whatcom Fire Protection District 17, Whatcom Fire Protection District 18, Whatcom Fire Protection District 19, and Whatcom Fire Protection District 21 for First Response Emergency Medical Services, in the amount of \$7,500,000.00

HELD IN COMMITTEE

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

Nay: 0

(From Council Committee of the Whole)

5. [AB2024-419](#) Ordinance submitting to the qualified voters of Whatcom County a proposal to repeal Proposition 5

FAILED

Aye: 3 - Buchanan, Donovan, and Scanlon

Nay: 4 - Byrd, Elenbaas, Galloway, and Stremler

6. [AB2024-420](#) Ordinance amending Whatcom County Code 2.02.080, Standing Committees - Membership, to change the membership of all standing council committees from three members to seven

HELD IN COMMITTEE

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

Nay: 0

Motion approved 7-0 to hold and schedule a work session in the next month or so to further their discussion on this topic.

7. [AB2024-453](#) Ordinance creating Whatcom County Code 2.49, establishing the Justice Project Finance and Facility Advisory Board

ADOPTED

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

Nay: 3 - Byrd, Elenbaas, and Stremler

Enactment No: ORD 2024-042

8. [AB2024-492](#) Resolution supporting the expansion of year-round shelter capacity in Whatcom County

SUBSTITUTE APPROVED

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

Nay: 3 - Byrd, Elenbaas, and Stremler

Enactment No: RES 2024-036

(No Committee Assignment)

9. [AB2024-479](#) Appointment of members to serve on pro and con statement writing committees for a proposed ballot measure to repeal the Children's Initiative Levy Lid Lift

DISCUSSED AND MOTION(S) APPROVED

Motion approved 7-0 to consider all applicants for the pro side, including the late applicant.

Motion approved 7-0 to nominate all applicants for the con side.

The following people were appointed:

Pro: Ken Bell (7 votes), Ryan Allsop (7 votes), and Kyle Christensen (5 votes)

Con: Lisa Kaepernick (7 votes), and Greg Hansen (7 votes), and Patti Imhof (6 votes).

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2024-422](#) Appointment to a vacancy on the Solid Waste Advisory Committee, Waste Collection Industry representative, Applicant(s): Ted Carlson

APPOINTED

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

Nay: 0

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2024-489](#) Request confirmation of the County Executive's appointments of Jack Hovenier and JanRose Ottaway Martin to the Justice Project Financial Advisory Board

CONFIRMED

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

Nay: 0

ITEMS ADDED BY REVISION

INTRODUCTION ITEMS

1. [AB2024-472](#) Receipt of application to a vacancy on the Forest Resilience Task Force for a community member with expertise in climate, salmon recovery, and natural resources policy, Applicant(s): Emily Thompson, Brandy Reed, Gregory Houle (Deadline for additional applications to this position is 10 a.m. on Tuesday, July 30, 2024)

INTRODUCED

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

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

MOTION RELATED TO: AB2024-466

Motion approved 4-3, with Byrd, Elenbaas, and Stremler opposed, to request that Council staff prepare a supplemental budget request for up to \$100,000 to be introduced at the August 6 Council meeting to contract for outside legal support regarding Council's approved actions via AB2024-466 "A Resolution requesting Whatcom County Superior Court issue a declaratory judgment to determine whether Initiative 2024-01 is procedurally invalid" and request assistance from the County Executive to expedite the processing of this supplemental budget request.

- [AB2024-488](#) Discussion of pending litigation with Civil Deputy Prosecutor, George Roche, re; Opioid settlements and Whatcom County's participation in the Kroger Opioid Settlement Agreement [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110. (1)(i)]

DISCUSSED AND MOTION(S) APPROVED

Motion approved 7-0 to authorize Satpal Sidhu, Whatcom County Executive, to sign the Kroger Settlement Participation Form and corresponding allocation agreement on behalf of Whatcom County, as discussed in Executive Session.

ADJOURN