

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, October 10, 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 10.9.2023**

### **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

### 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

### MINUTES CONSENT

1. [MIN2023-065](#) Committee of the Whole for September 26, 2023

**APPROVED BY CONSENT**

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

**Nay:** 0

2. [MIN2023-066](#) Regular County Council for September 26, 2023

**APPROVED BY CONSENT**

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

**Nay:** 0

### PUBLIC HEARINGS

1. [AB2023-566](#) Resolution to sell county tax title property by negotiation

**APPROVED**

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

**Nay:** 0

Enactment No: RES 2023-026

2. [AB2023-575](#) Resolution to sell county tax title property by negotiation

**APPROVED**

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

**Nay:** 0

Enactment No: RES 2023-027

3. [AB2023-588](#) Resolution to sell tax title property by public auction  
**APPROVED**  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0  
Enactment No: RES 2023-028
4. [AB2023-589](#) Resolution to sell tax title property by public auction  
**APPROVED**  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0  
Enactment No: RES 2023-029
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)  
**APPROVED**  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0  
Enactment No: RES 2023-030

## **OPEN SESSION**

## **CONSENT AGENDA**

(From Council Finance and Administrative Services Committee)

1. [AB2023-621](#) Request authorization for County Executive to enter into an Interlocal Agreement between Whatcom County and Public Utility District No. 1 of Whatcom County in support of the Broadband infrastructure and implementation project located in Point Roberts in the amount of \$350,000  
**AUTHORIZED BY CONSENT**  
**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0
2. [AB2023-628](#) Request authorization for the County Executive to enter into a contract between Whatcom County and US Imaging, Inc. to create digital images to be imported into the Historic Film Viewer from direct and indirect grantor grantee volumes, in the amount of \$85,000.00  
**AUTHORIZED BY CONSENT**

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

**Nay:** 0

3. [AB2023-630](#) Request authorization for the County Executive to enter into a contract amendment between Code Publishing, LLC and Whatcom County for legal code publishing services, in the amount of \$15,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

4. [AB2023-638](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Ferndale School District to provide funding for behavioral health services, in the amount not to exceed \$498,000

This item was considered separately. See below.

5. [AB2023-643](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the State of Washington Department of Ecology to fund administrative support and action projects for the Whatcom County Marine Resources Committee, in the amount of \$249,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

6. [AB2023-647](#) Resolution to authorize procurement from or through the US General Services Administration (GSA) cooperative schedules

**APPROVED**

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

**Nay:** 0

Enactment No: RES 2023-031

7. [AB2023-653](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and United States Geological Survey (USGS) to fund the ongoing operation and maintenance of the County's 11 stream gages within the Nooksack River early flood warning system, Jones Creek, and the Sumas River, in the amount of \$169,470 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

8. [AB2023-662](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Law Group / Rajeev Majumdar for hearing examiner services through the end of 2023

This item was considered separately. See below.

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

4. [AB2023-638](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Ferndale School District to provide funding for behavioral health services, in the amount not to exceed \$498,000

**AUTHORIZED**

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

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

8. [AB2023-662](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Law Group / Rajeev Majumdar for hearing examiner services through the end of 2023

**AUTHORIZED**

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

**Nay:** 0

### **OTHER ITEMS**

**(From Council Finance and Administrative Services Committee)**

1. [AB2023-655](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Family YMCA to preserve childcare slots in Whatcom County, in the amount of \$1,500,000

**AUTHORIZED**

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

**Nay:** 0

2. [AB2023-656](#) 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

**AUTHORIZED AS AMENDED**

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

**Nay:** 1 - Byrd

3. [AB2023-666](#) Request approval for the County Executive to enter in to a beneficiary agreement between Whatcom County and the Boys and Girls Clubs of Whatcom County to mitigate COVID-19 pandemic impacts and stabilize childcare services

**AUTHORIZED**

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

**Nay:** 1 - Byrd

**(From Council Public Works and Health Committee)**

4. [AB2023-592](#) Resolution approving the Samish Water District Comprehensive Sewer Plan

**APPROVED AS AMENDED**

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

**Nay:** 0

Enactment No: RES 2023-032

**(From Council Planning and Development Committee)**

5. [AB2023-668](#) Resolution amending Resolution 2023-005 to docket an additional Comprehensive Plan/zoning amendment related to allowing propane reload, storage, and distribution facilities as a conditional use under certain conditions in the Agriculture District

**APPROVED**

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

**Nay:** 0

Enactment No: RES 2023-033

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

6. [AB2023-548](#) Ordinance amending WCC 2.145, Lummi Island Ferry Advisory Committee

**ADOPTED**

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

**Nay:** 0

Enactment No: ORD 2023-057

**(No Committee Assignment)**

7. [AB2023-639](#) Resolution establishing regular Council meeting dates for 2024

**APPROVED**

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

**Nay:** 0

**Abstain:** 1 - Frazey

Enactment No: RES 2023-034

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

1. [AB2023-642](#) Request confirmation of the County Executive's appointment of Elli Harron to the Agricultural Advisory Committee

**CONFIRMED**

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

**Nay:** 0

2. [AB2023-658](#) Request confirmation of the County Executive's appointment of Tamara Cooper-Woodrich to the Bellingham/Whatcom County Commission on Sexual and Domestic Violence

**CONFIRMED**

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

**Nay:** 0

### **ITEMS ADDED BY REVISION**

1. [AB2023-640](#) Ordinance establishing a task force to develop a Whatcom County Forest Resilience Plan

**REVISED SUBSTITUTE ADOPTED AS AMENDED**

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

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

Enactment No: ORD 2023-058

Motion approved 7-0 to amend Section 2.170.040 of Exhibit A of the revised substitute ordinance (Permanent Members) so that it reads 11 members (instead of 14).

### **INTRODUCTION ITEMS**

1. [AB2023-637](#) Ordinance Establishing a New Whatcom County Healthy Children's Fund

**INTRODUCED**

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

**Nay:** 0

2. [AB2023-657](#) Ordinance amending the 2023 Whatcom County Budget, request no. 14, in the amount of \$13,162,440
- INTRODUCED**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
3. [AB2023-659](#) Ordinance Establishing a Community Priorities Fund and Establishing an Initial Budget for the Community Priorities Fund
- INTRODUCED**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
4. [AB2023-651](#) Ordinance amending the project budget for the E. Smith/Hannegan Road Intersection Improvements Fund, Request No. 3
- INTRODUCED**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
5. [AB2023-652](#) Ordinance amending the project based budget for the North Lake Samish Road Bridge No. 7 Replacement Fund, request No. 3
- INTRODUCED**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
6. [AB2023-648](#) Resolution approving the Whatcom County 2024 Annual Construction Program
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0
7. [AB2023-654](#) Resolution authorizing the sale of personal property, pursuant to Whatcom County Code (WCC) 1.10
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
- Nay:** 0

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

### **ADJOURN**