

Whatcom County Council

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



Action Summary

**VIRTUAL MEETING - VIEW ONLINE
AGENDA REVISED 10.26.2020**

Tuesday, October 27, 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

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2020-097](#) Health Board for October 6, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2020-098](#) Special Joint Health Board/PHAB Meeting for October 6, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

3. [MIN2020-099](#) Committee of the Whole Executive Session for October 13, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

4. [MIN2020-100](#) Committee of the Whole a.m. for October 13, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

5. [MIN2020-101](#) Committee of the Whole p.m. for October 13, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

6. [MIN2020-102](#) Regular County Council for October 13, 2020

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

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

SUBSTITUTE APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2020-042

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

HELD IN COUNCIL

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

Nay: 0

Absent: 0

3. [AB2020-373](#) Ordinance adopting interim zoning regulations for the siting, establishment, and operation of temporary homeless facilities

ADOPTED AS AMENDED

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-053

4. [AB2020-428](#) Resolution authorizing the sale of surplus personal property pursuant to WCC 1.10

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2020-043

5. [AB2020-435](#) Resolution adopting the 2021 Annual Road Construction Program (ACP)

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2020-044

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2020-408](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and SeaMar Community Health Centers in the amount of \$470,793 for a total amended contract amount of \$759,571

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

2. [AB2020-436](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Blaine Birch Bay Park & Recreation District No. 2 for use of the gymnasium at Bay Horizon Park

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

3. [AB2020-441](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for partial funding of maintenance and operations of the Crisis Stabilization Center, in the amount of \$65,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

4. [AB2020-443](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bayside Pathology, Inc. for the provision of all medical examiner services consistent with the Whatcom County Code, Charter, and Washington State Law in the amount of \$605,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

5. [AB2020-451](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and the Port of Bellingham for costs associated with responding to the COVID-19 emergency in an amount not to exceed \$238,172

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

Abstain: 1 - Byrd

6. [AB2020-452](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Workforce Council to provide reimbursement of wages and benefits for eligible temporary employees working in various COVID-related positions, for a total estimated contract amount of \$112,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

7. [AB2020-454](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Elliott Bay Design Group for the purposes of providing engineering services for the annual dry dock for the Whatcom Chief Ferry

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

8. [AB2020-456](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lynden School District to increase the allocation of CARES Act funding by \$100,000 in an amount not to exceed \$230,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

9. [AB2020-457](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Blaine School District to increase the allocation of CARES Act Funding by \$100,000 in an amount not to exceed \$230,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

10. [AB2020-458](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Ferndale School District to increase the allocation of CARES Act funding by \$100,000 in amount not to exceed \$230,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

11. [AB2020-459](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Meridian School District to increase the allocation of CARES Act funding by \$100,000 in an amount not to exceed \$230,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

12. [AB2020-460](#) Request authorization for the County Executive to enter into an interlocal agreement

between Whatcom County and North Whatcom Fire and Rescue for the cost of two students to participate in the paramedic training program in an amount not to exceed \$232,436.88

AUTHORIZED BY CONSENT

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

Nay: 1 - Byrd

Absent: 0

13. [AB2020-461](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Mount Baker School District to increase the allocation of CARES Act funding by \$100,000 in an amount not to exceed \$230,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

14. [AB2020-462](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Nooksack Valley School District to increase the CARES Act funding allocation by \$100,000 in an amount not to exceed \$230,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

15. [AB2020-467](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Michael Bobbink for hearing examiner services

AUTHORIZED BY CONSENT

Aye: 4 - Browne, Buchanan, Frazey, and Kershner

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Abstain: 1 - Donovan

16. [AB2020-464](#) Request approval for the County Executive to award Bid #20-61 for the purchase of furnishings for the Lighthouse Mission Ministries Base Camp to Norix Group, Inc., in an amount not to exceed \$329,645.45

AUTHORIZED BY CONSENT

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

Nay: 1 - Byrd

Absent: 0

17. [AB2020-473](#) Request authorization for the County Executive to enter into an Interlocal Agreement amendment between Whatcom County and City of Bellingham for a cost sharing related to the COVID-19 health crisis

SUBSTITUTE AUTHORIZED BY CONSENT

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

Report on a discussion that took place in the Finance and Administrative Services Committee

[AB2020-468](#) Discussion of utilizing Cares Act funding to assist Whatcom County Water Districts

DISCUSSED AND MOTION(S) APPROVED

Motion approved 6-0, with Elenbaas abstaining, to approve moving forward with a potential plan for providing relief to water districts and associations by having Councilmember Byrd present information at Thursday's meeting regarding, at a minimum, whether CARES Act dollars could be used, an application process, a set criteria to qualify, and an estimated need which would include water associations and water districts.

1. [AB2020-430](#) Ordinance amending the project budget for the Birch Bay Drive and Pedestrian Facility Project Fund, Request No. 6, in the amount of \$841,786

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-054

2. [AB2020-433](#) Ordinance amending the 2020 Whatcom County Budget, request no. 19, in the amount of \$7,904,575

ADOPTED

Aye: 4 - Browne, Buchanan, Donovan, and Frazey

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

Enactment No: ORD 2020-055

3. [AB2020-442](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Geneva Consulting Services for coordination of the Whatcom Lead Integrating Organization, in the amount of \$79,615.00 (Council acting as the Whatcom County Flood Control District Board of Supervisors)

AUTHORIZED

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2020-444](#) Request authorization for the County Executive to enter into an Interlocal Agreement with the US Department of Interior Geological Survey Joint Funding Agreement for Stream Gaging (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

(No Committee Assignment)

5. [AB2020-471](#) Resolution approving Whatcom County Council meeting dates for 2021

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2020-045

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2020-432](#) Application to the Drainage Improvement District #6, Supervisor Position 3 - Applicant(s): Thomas Shaffer

APPOINTED

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

1. [AB2020-485](#) Approval to send letter of support for the Washington State Parks Winter Recreation Program sno-parks and trails maintenance grant application

APPROVED REQUEST

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

Nay: 0

Absent: 0

Abstain: 1 - Elenbaas

2. [AB2020-431](#) Resolution affirming racism as a Public Health Crisis

HELD IN COUNCIL

3. [AB2020-487](#) Ordinance amending Whatcom County Code 8.10, Solid Waste and Residential Recycling Collection, regarding solid waste collection in Point Roberts, WA

WITHDRAWN

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

Nay: 2 - Byrd, and Kershner

Absent: 0

Clerk's note: AB2020-487 was withdrawn from Introduction and may be introduced at a later date.

INTRODUCTION ITEMS

1. [AB2020-445](#) Ordinance adopting amendments to Whatcom County Code 20.72, Point Roberts Special District

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 0

2. [AB2020-447](#) Ordinance adopting the Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities (2021-2026) and repealing the Six-Year CIP for Whatcom County Facilities (2019-2024)

INTRODUCED FOR PUBLIC HEARING

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2020-448](#) Ordinance designating a Commercial Property Assessed Clean Energy and Resiliency (C-PACER) Program within Whatcom County

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2020-449](#) Ordinance amending the project budget for the Civic Center Improvement Fund, Request No. 1 in the amount of \$4,350,000

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

5. [AB2020-450](#) Ordinance amending the 2020 Whatcom County Budget, request no. 20, in the amount of \$4,476,128

INTRODUCED

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

Nay: 1 - Elenbaas

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN