

Whatcom County Council

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



Minutes - Draft Minutes

Tuesday, May 23, 2023

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
Carol Frazey
Kaylee Galloway
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

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, Carol Frazey, Kaylee Galloway, and Kathy Kershner

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

There was no report.

MINUTES CONSENT

1. [MIN2023-035](#) Health Board for May 2, 2023

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

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

Nay: 0

OPEN SESSION

The following people spoke:

- Matt Small
- Cliff Langley
- Natalie Chavez
- Perry Eskridge
- Misty Flowers

Hearing no one else, Buchanan closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Kershner reported for the Finance and Administrative Services Committee and **moved** to approve Consent Agenda items one through eight.

Councilmembers voted on those items (see votes on individual items

below).

1. [AB2023-330](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the City of Everson to participate in the Floodplain Integrated Planning (FLIP) process, in the amount of \$24,000.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Kershner 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, Frazey, Galloway, and Kershner

Nay: 0

2. [AB2023-336](#) Request authorization for the County Executive to award bid #23-22 and enter into a subsequent contract between Whatcom County and Herron Valley, Inc. DBA Bayside Services, for the annual street sweeping and cleaning services of the Lake Whatcom and Lake Samish watershed areas, in the amount of \$85,000

Kershner 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, Frazey, Galloway, and Kershner

Nay: 0

3. [AB2023-339](#) Request authorization for the County Executive to enter into a Project Agreement between Whatcom County and the County Road Administration Board (CRAB), for the Everson-Goshen Road Pavement Rehabilitation Project, for Rural Arterial Program (RAP) funding, in the amount of \$108,000

Kershner 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, Frazey, Galloway, and Kershner

Nay: 0

4. [AB2023-340](#) Request authorization for the County Executive to enter into a Project Agreement Amendment No. 2 with the County Road Administration Board (CRAB), for the Hampton Road Pavement Rehabilitation Project, for Rural Arterial Program (RAP) funding, in the amount of \$1,092,000

Kershner 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, Frazey, Galloway, and Kershner

Nay: 0

5. [AB2023-342](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Catholic Community Services to operate the permanent supportive housing facility known as Francis Place, in the amount of \$170,041

Kershner 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, Frazey, Galloway, and Kershner

Nay: 0

6. [AB2023-344](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Family & Community Network to provide youth prevention programs in the amount of \$85,452 for a total amended contract amount of \$230,452

Kershner 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, Frazey, Galloway, and Kershner

Nay: 0

7. [AB2023-347](#) Request authorization for the County Executive to enter into an interagency reimbursement agreement between Whatcom County and State of Washington Administrative Office of the Courts for funding to enhance an audio visual system in a Superior Court courtroom not to exceed \$100,000.00

Kershner 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, Frazey, Galloway, and Kershner

Nay: 0

8. [AB2023-348](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Justice AV Solutions (JAVS) for equipment to upgrade the audio visual recording system in Superior Court Courtroom 4C not to exceed \$69,318.59

Kershner 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, Frazey, Galloway, and Kershner

Nay: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2023-324](#) Ordinance amending the Whatcom County Budget, request no. 8, in the amount of \$2,557,297

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

Elenbaas stated he does not agree with one of the items in here so he cannot vote yes.

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

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

Nay: 1 - Elenbaas

Enactment No: ORD 2023-032

2. [AB2023-326](#) Ordinance authorizing an interfund loan for the purchase of floodplain land near Acme, Wa

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

Elenbaas stated this is related to why he voted no on the previous item. He does not think a good solution to flooding issues is buying up farmland so it can flood. One of the most crippling things we have done to agriculture land, as we look at protecting agriculture, is conservation easements, so it is for that reason that he will not support this budget item.

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

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

Nay: 1 - Elenbaas

Enactment No: ORD 2023-033

3. [AB2023-337](#) Request authorization for the County Executive to enter into a Local Agency Agreement between Whatcom County and Washington State Department of Transportation (WSDOT) to receive state funding for the Lummi Island Ferry Replacement & System Modernization Project in the amount of \$5.3 million

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

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

Nay: 0

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

1. [AB2023-309](#) Ordinance adopting amendments to Whatcom County Code Title 20, Zoning, to regulate short-term vacation rentals

Galloway moved and Frazey seconded that the SUBSTITUTE Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING.

Councilmembers discussed the Ordinance.

Dana Brown-Davis, Clerk of the Council, stated this item is scheduled to have a public hearing in two weeks.

Councilmembers discussed that this Ordinance with Exhibit A will not go to committee again but the actual short-term rental regulations will. This is the definitions that will be attached to the Shoreline Management Plan.

Donovan stated he wanted to add it to a committee so we can have the Council discussing this as the whole Council.

Buchanan moved to have a work session on this at the next meeting in Committee of the Whole but there was already a motion on the floor.

Elenbaas stated the code amendments are in two sections so section one (this item) moves forward. Then section two will come as its own separate amendment and go through committee.

Galloway's motion that the SUBSTITUTE Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING carried by the following vote:

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

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Kershner moved to rescind the motion approved May 9 to not allocate \$750,000 to the Lighthouse Mission. The motion was seconded by Buchanan.

Councilmembers discussed whether this would be putting the funds back into the unallocated pool.

The motion carried by the following vote:

Aye: 5 - Buchanan, Byrd, Donovan, Elenbaas, and Kershner

Nay: 1 - Frazey

Abstain: 1 - Galloway

Kershner moved to request that the Administration bring forward a contract with the Lighthouse Mission to fund kitchen equipment and specialty shelter furnishings, funded from ARPA, in the amount of \$750,000. The motion was seconded by Buchanan.

The motion carried by the following vote:

Aye: 4 - Byrd, Elenbaas, Kershner, and Buchanan

Nay: 1 - Frazey

Abstain: 2 - Donovan and Galloway

Councilmembers gave committee reports and other updates.

Byrd spoke about a letter the Council considered in April regarding the North Cascades Ecosystem Grizzly Bear Restoration Plan/Environmental Impact Statement (**AB2023-272** and **AB2023-316**). He stated he heard from Valentino Villaluz from the Swinomish Tribe regarding Whatcom County asking for a seat to be on the North Cascades Interagency Grizzly Bear Committee and asked whether that is something Council would be interested in.

Dana Brown-Davis, Clerk of the Council, stated she received an email from one of the clerks in one of the other counties stating the board did not have seats available anymore.

Byrd stated Villaluz told him the board did not have seats for the other counties either but set them up when those two other councils approached them. He wonders if it is worth reaching back out and specifically requesting that they have a seat if the Council is interested in having one.

Councilmembers discussed whether they would like a seat.

Byrd moved that we ask staff to reach back out to that board and specifically request a seat for a Whatcom County councilmember on the basis that the habitat impacts Whatcom County the most. The motion was seconded by Elenbaas.

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 5 - Elenbaas, Galloway, Kershner, Buchanan, and Byrd,

Nay: 0

Abstain: 2 - Frazey and Donovan

Councilmembers continued with Councilmember updates.

ACTION SUMMARY:

Motion approved 5-1-1, with Frazey opposed and Galloway abstaining, to rescind the motion approved May 9 to not allocate \$750,000 to the Lighthouse Mission.

Motion approved 4-1-2 with Frazey opposed and Donovan and Galloway abstaining, to request that the Administration bring forward a contract with the Lighthouse Mission to fund kitchen equipment and specialty shelter furnishings, funded from ARPA, in the amount of \$750,000.

Motion approved 5-0-2, with Frazey and Donovan abstaining, that they ask staff to reach back out to the board (North Cascades Interagency Grizzly Bear Committee) and specifically request a seat for a Whatcom County councilmember on the basis that the habitat impacts Whatcom County the most.

ADJOURN

The meeting adjourned at 6:51 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription