

Whatcom County Council

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



Action Summary

Tuesday, March 5, 2024

6 PM

Hybrid Meeting

HYBRID MEETING - PLEASE NOTE: COUNCIL IS CURRENTLY REVIEWING ITS PUBLIC COMMENT RULES AND HAS SUSPENDED REMOTE PUBLIC COMMENT VIA ZOOM UNTIL FURTHER NOTICE. PLEASE SEE AGENDA NOTES UNDER "OPEN SESSION" FOR MORE INFORMATION.

COUNCILMEMBERS

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

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, Kaylee Galloway, Jon Scanlon, and Mark Stremler

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2024-009](#) Committee of the Whole Executive Session for February 20, 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. [AB2024-147](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Julota to track and monitor services and care provided to individuals frequently seen by Health and Community Services' Response Systems Division Programs in the amount of \$110,008 for a total amended contract amount of \$278,426

AUTHORIZED BY CONSENT

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

Nay: 0

2. [AB2024-149](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Everson for reimbursement of expenses for road gates installation in the amount of \$47,534.22

AUTHORIZED BY CONSENT

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

Nay: 0

3. [AB2024-150](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Kittelson & Associates to implement an Electric Vehicle Infrastructure Study, in the amount of \$99,994.00
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
- Nay:** 0
4. [AB2024-162](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Saturna Watershed Sciences LLC to implement a second phase of investigation into the extrapolation of initial recommended extrapolated instream flow information to unmeasured sites in support of watershed and salmon recovery planning, in the amount of \$81,585.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
- Nay:** 0
5. [AB2024-171](#) Request authorization for the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and PROTEC17 for the period January 1, 2024 - December 31, 2025
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
- Nay:** 0
6. [AB2024-174](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Washington State Parks and Recreation Commission for Recreation Boating Safety Grant, in the amount of \$17,523.25
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
- Nay:** 0
7. [AB2024-175](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Meridian School District for Sheriff's Office Substation lease, in the amount of \$69,528
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
- Nay:** 0
8. [AB2024-182](#) Request approval for the County Executive to enter into an Interlocal Cooperative Purchasing Agreement with Snohomish County which will allow reciprocal utilization

of competitively bid contracts, pursuant to RCW Chapter 39.34 Interlocal Cooperation Act

AUTHORIZED BY CONSENT

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

Nay: 0

OTHER ITEMS

(From Council Climate Action and Natural Resources Committee)

1. [AB2024-161](#) Request approval for the County Executive to act as the authorized representative for the Recreation and Conservation Office (RCO) Community Forest Program Grant #22-1301

AUTHORIZED

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

Nay: 3 - Byrd, Elenbaas, and Stremler

(From Council Finance and Administrative Services Committee)

2. [AB2024-151](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Law Group / Rajeev Majumdar for hearing examiner services in the amount of \$5,500 for a total amended contract amount of \$225,820 for the 2-year contract

AUTHORIZED

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

Nay: 0

3. [AB2024-158](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Commerce to fund homelessness crisis response systems in the amount of \$1,801,736 for a total amended agreement amount of \$12,345,115

AUTHORIZED

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

Nay: 1 - Stremler

(From Council Public Works and Health Committee)

4. [AB2024-145](#) Ordinance amending Whatcom County Code 2.145 to clarify member requirements on the Whatcom County Ferry Advisory Committee

ADOPTED

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

Nay: 0

Enactment No: ORD 2024-013

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2024-154](#) Request to change representation on the Surface Mining Advisory Committee from Committee Member Kathleen Greenbaum

DISCUSSED AND MOTION(S) APPROVED

Motion approved 7-0 to approve the request.

2. [AB2024-165](#) Appointment to a special district vacancy on the Drainage Improvement District #15 Board of Supervisors, Position 3, Applicant: John Vreugdenhil

APPOINTED

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

Nay: 0

3. [AB2024-167](#) Appointment to a special district vacancy on the Butler Diking Drainage District Board of Supervisors, Position 2, Applicant: Mark Westhoff

APPOINTED

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

Nay: 0

4. [AB2024-177](#) Appointments to vacancies on the Justice Project Oversight and Planning Committee, Applicants: Richard Gleason, Corbett Hanson, Hannah Sloan, Robert Sullivan

APPOINTED

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

Nay: 0

Appointed Hannah Sloan to the Reentry Specialist position, Corbett Hanson to the substance use disorder (SUD) treatment provider position, Robert Sullivan to the Recovery subject matter expert position, and Richard Gleason and Tawsha Thompson to the criminal legal system users, including those formerly incarcerated position.

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2024-164](#) Request confirmation of the County Executive's appointment of Holly Robinson to the Northwest Senior Services Board

CONFIRMED

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

Nay: 0

2. [AB2024-169](#) Request confirmation of the County Executive's appointments of Richard Conoboy, Lynne Graham, and Brent Waggoner to the Veteran's Advisory Board

CONFIRMED

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

Nay: 0

3. [AB2024-170](#) Request confirmation of the County Executive's appointment of Clay Pehl to the Agricultural Advisory Committee

CONFIRMED

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

Nay: 0

4. [AB2024-181](#) Request confirmation of the County Executive's appointments of Jared Oberhaus and Elisabeth Mason to the Point Roberts Community Advisory Committee

CONFIRMED

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

Nay: 1 - Elenbaas

ITEMS ADDED BY REVISION

INTRODUCTION ITEMS

1. [AB2024-155](#) Resolution vacating a portion of County Road and an unnamed alley within the Amended Plat of South Wickersham

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

2. [AB2024-157](#) Ordinance amending Whatcom County Code 12.24, Franchise Requirements, to update procedures for processing applications

This item was considered separately below.

3. [AB2024-160](#) Ordinance establishing a temporary closure of Truck Road

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

4. [AB2024-166](#) Ordinance amending Whatcom County Code 8.10, Solid Waste and Residential Recycling Collection

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

5. [AB2024-173](#) Ordinance adopting amendments to Whatcom County Code Title 15, Buildings & Construction, to adopt by reference the 2021 Editions of the International Building, Residential, Mechanical, Fuel gas, existing building, fire codes, and the national fuel gas, Washington State Energy, uniform plumbing, & liquified petroleum gas codes, and the 1997 uniform code for the abatement of dangerous buildings, as amended as set forth herein, as required by RCW Chapter 19.27

This item was considered separately below.

6. [AB2024-178](#) Resolution amending the Flood Control Zone District & Subzones 2024 budget, request no. 2, in the amount of \$564,477 (Council acting as the Flood Control Zone District Board of Supervisors)

INTRODUCED

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

Nay: 0

7. [AB2024-179](#) Ordinance establishing a project-based budget for the Unity Street Acquisition Project Fund

INTRODUCED

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

Nay: 0

8. [AB2024-180](#) Ordinance amending the 2024 Whatcom County Budget, request no. 5 in the amount of \$9,827,008

INTRODUCED

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

Nay: 0

This item was voted on here but further discussed below.

INTRODUCTION ITEMS CONSIDERED SEPARATELY

2. [AB2024-157](#) Ordinance amending Whatcom County Code 12.24, Franchise Requirements, to

update procedures for processing applications

DISCUSSED AND MOTION(S) APPROVED

Motion Approved 5-2, with Elenbaas and Stremler opposed, to hold (on introducing) until the first April meeting. See more discussion in AB2024-173 below.

5. [AB2024-173](#) Ordinance adopting amendments to Whatcom County Code Title 15, Buildings & Construction, to adopt by reference the 2021 Editions of the International Building, Residential, Mechanical, Fuel gas, existing building, fire codes, and the national fuel gas, Washington State Energy, uniform plumbing, & liquefied petroleum gas codes, and the 1997 uniform code for the abatement of dangerous buildings, as amended as set forth herein, as required by RCW Chapter 19.27

DISCUSSED AND MOTION(S) APPROVED

Motion approved 7-0 to (not introduce and) hold the discussion (see item AB2024-172) until the next meeting of the Planning and Development Committee meeting.

8. [AB2024-180](#) Ordinance amending the 2024 Whatcom County Budget, request no. 5 in the amount of \$9,827,008

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

From Committee of the Whole Executive Session:

Motion approved 6-0, with Stremler recusing himself, to approve defense and indemnification of James Endersby and Jane Doe Endersby, named as defendants in Estate of Aaron B. Cooper, deceased, by and through Private Client Representatives, Personal Representative, Plaintiff, vs.

Whatcom County, a local government entity and municipal corporation within the state of Washington, James Endersby and Jane Doe Endersby, individually and the marital community comprised of, Defendants, Snohomish County Superior Court, Case No. 24-2-01059-31.

Based on the following findings:

- A. James Endersby was acting in a matter in which the county had an interest;
- B. James Endersby was acting in the discharge of a duty imposed or authorized by law;
- C. James Endersby acted in good faith

Motion approved 7-0 to appoint Buchanan to the Americans With Disabilities Act Compliance Committee

ADJOURN