

Whatcom County Council

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



Action Summary

**Tuesday, April 9, 2024
6 PM
Hybrid Meeting**

HYBRID MEETING (PARTICIPATE IN-PERSON, VIEW ONLINE, OR REGISTER TO SPEAK REMOTELY - PLEASE SEE AGENDA NOTES UNDER "ANNOUNCEMENTS", "OPEN SESSION", OR "PUBLIC HEARINGS" 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. [MIN2024-015](#) Committee of the Whole for March 19, 2024

APPROVED BY CONSENT

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

Nay: 0

2. [MIN2024-016](#) Regular County Council for March 19, 2024

APPROVED BY CONSENT

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

Nay: 0

PUBLIC HEARINGS

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

APPROVED

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

Nay: 0

Enactment No: RES 2024-015

2. [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

ADOPTED

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

Nay: 3 - Byrd, Elenbaas, and Stremler

Enactment No: ORD 2024-019

3. [AB2024-201](#) Ordinance adopting amendments to Whatcom County Code Section 1.14, Electoral Precincts, with newly established voting precinct boundaries for Whatcom County

ADOPTED

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

Nay: 0

Enactment No: ORD 2024-020

4. [AB2024-208](#) Ordinance adopting Whatcom County Code Title 20, zoning code amendments relating to allowing propane reload, storage, and distribution facilities in the agriculture zone as a conditional use

ADOPTED

Aye: 5 - Buchanan, Byrd, Elenbaas, Scanlon, and Stremler

Nay: 2 - Donovan, and Galloway

Enactment No: ORD 2024-021

OPEN SESSION**CONSENT AGENDA****(From Council Finance and Administrative Services Committee)**

1. [AB2024-200](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Library System in support of the Birch Bay Library construction project in the amount of \$315,000

AUTHORIZED BY CONSENT

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

Nay: 0

2. [AB2024-204](#) Request authorization for the County Executive to enter into a contract between Whatcom County and PNW Plateful to distribute weekly meals to low-income households, in the amount of \$115,000

AUTHORIZED BY CONSENT

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

Nay: 0

3. [AB2024-221](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and WA State Department of Commerce to provide funding for Justice Project management and Justice Project data work in the amount of \$245,903.00

AUTHORIZED BY CONSENT

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

Nay: 0

4. [AB2024-222](#) Request authorization for the County Executive to enter into a no cost interlocal agreement between Whatcom County and Bellingham School District to provide community immunization clinics

AUTHORIZED BY CONSENT

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

Nay: 0

5. [AB2024-223](#) Request authorization for the County Executive to enter into Project Agreement Amendment No. 3 with the County Road Administration Board (CRAB), for the Hampton Road Pavement Rehabilitation Project, for Rural Arterial Program (RAP) funding in the amount of \$198,000

AUTHORIZED BY CONSENT

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

Nay: 0

6. [AB2024-230](#) Request permission for the County Executive to enter into a contract between Whatcom County and Geo Test Services to provide on-call construction materials testing and inspection services for 2024 in the amount not to exceed \$200,000

AUTHORIZED BY CONSENT

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

Nay: 0

7. [AB2024-232](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Aspect Consulting to provide water rights adjudication technical assistance, in the amount of \$170,000.00 (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

8. [AB2024-242](#) Request authorization for the County Executive to award bid # 24-23 and enter into a contract between Whatcom County and Lake Union Drydock Company for the annual drydocking, repair and maintenance of the Whatcom Chief Ferry, in the amount of \$1,180,380.00

AUTHORIZED BY CONSENT

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

Nay: 0

9. [AB2024-243](#) Request authorization for the County Executive to enter into a contract between Whatcom County and MacWhinney Environmental Consulting LLC for third-party critical areas review, in the amount of \$60,000.00

AUTHORIZED BY CONSENT

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

Nay: 0

10. [AB2024-244](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide housing case management services in the amount of \$256,842 for a total amended contract amount of \$1,488,823

This item was considered separately below.

11. [AB2024-248](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Puget Sound Energy for the Sheriff's Office to perform reimbursed overtime patrols, in the amount of \$18,216.00

SUBSTITUTE AUTHORIZED BY CONSENT

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

Nay: 0

12. [AB2024-257](#) Request authorization for the County Executive to enter into an Economic Development Investment Program Interlocal Loan and Grant agreement between Whatcom County and the City of Bellingham to provide EDI loan and grant funding support for the Old Town Urban Village Improvement Project in the amount of \$1,500,000 in grant funding and \$1,500,000 in loan funding for a total agreement amount of \$3,000,000

AUTHORIZED BY CONSENT

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

Nay: 0

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

10. [AB2024-244](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide housing case management services in the amount of \$256,842 for a total amended contract amount of \$1,488,823

AUTHORIZED

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

Nay: 3 - Byrd, Elenbaas, and Stremler

OTHER ITEMS

(From Council Public Works and Health Committee)

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

WITHDRAWN

(From Council Planning and Development Committee)

2. [AB2024-245](#) Resolution docketing Comprehensive Plan and Development Regulation amendments

APPROVED AS AMENDED

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

Nay: 0

Enactment No: RES 2024-016

Motion approved 7-0 to amend the docket to retain PLN2022-00005.

(From Council Committee of the Whole)

3. [AB2024-090](#) Resolution identifying Whatcom County approaches to the fentanyl emergency

SUBSTITUTE APPROVED

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

Nay: 0

Enactment No: RES 2024-017

4. [AB2024-252](#) Resolution supporting modernization of the Economic Development Investment (EDI) Board

APPROVED AS AMENDED

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

Nay: 0

Enactment No: RES 2024-018

Motion approved 7-0 to amend the 7th whereas statement to strike the word “for” before “housing” and add “to finance the construction of” so that it reads:

WHEREAS, in 2024, the Washington State Legislature passed HB 1987, clarifying that these funds may be used to finance the construction of housing that is nonprofit owned and make it clear that land is an eligible project cost; and

Motion approved 7-0 to amend to add a new whereas statement after the one above that reads:

WHEREAS, HB 1987 defines affordable housing as, “housing for single persons, families, or unrelated persons living together whose income is no more than 120 percent of the median income, adjusted for housing size, for the county where the housing is located”; and

5. [AB2024-254](#) Resolution repealing Resolution 2023-054 (a resolution establishing an independent review of countywide fire and emergency medical services structures)

FAILED

Aye: 2 - Elenbaas, and Stremler

Nay: 5 - Buchanan, Byrd, Donovan, Galloway, and Scanlon

6. [AB2024-236](#) Request confirmation of the County Executive’s appointment of Kayla Schott-Bresler as Deputy Executive effective April 10, 2024

CONFIRMED

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

Nay: 0

Temp Absent: 1 - Donovan

(No Committee Assignment)

7. [AB2024-210](#) Ordinance calling for the election of Charter Review Commissioners at the November 2024 General Election

ADOPTED

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

Nay: 0

Enactment No: ORD 2024-022

8. [AB2024-253](#) Resolution in support of expanding access to affordable and reliable internet for all residents of Whatcom County

APPROVED

Aye: 5 - Buchanan, Byrd, Donovan, Galloway, and Scanlon

Nay: 2 - Elenbaas, and Stremler

Enactment No: RES 2024-019

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2024-191](#) Appointment to a vacancy on the Surface Mining Advisory Committee, potable domestic groundwater supply representative, Applicant(s): Carl Isom-McDaniel

APPOINTED

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

Nay: 0

Temp Absent: 1 - Galloway

2. [AB2024-211](#) Clarification of Council appointment and appointment to vacancies on the Justice Project Oversight and Planning Committee, Applicant(s): Scott Ryckman, Richard Gleason, and Tawsha Thompson

APPOINTED

Motion approved 7-0 to appoint Ryckman to the EMS Paramedic position for the term ending Jan 31, 2027.

Motion approved 6-0, with Stremler out of the room, to appoint Gleason and Thompson to the positions of criminal legal system users, including those formerly incarcerated.

Motion approved 6-0, with Stremler out of the room, to appoint Gleason to the term ending in 2027 and Thompson to the term ending in 2026.

3. [AB2024-212](#) Clarification of Council motion to change representation on the Surface Mining Advisory Committee from Committee Member Kathleen Greenbaum

APPOINTED

Appointed 7-0 to the Forestry representative position.

4. [AB2024-224](#) Appointment to vacancies on the Wildlife Advisory Committee, Applicant(s): Jay Brueggeman

APPOINTED

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

Nay: 0

5. [AB2024-234](#) Approval of request to change representation on the Board of Equalization from At-Large Alternate to District 2, from Board Member Tom Follis

APPOINTED

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

Nay: 0

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

1. [AB2024-215](#) Request confirmation of the County Executive’s appointment of David Finet to the Housing Authority of Whatcom County

 CONFIRMED

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

 Nay: 0

2. [AB2024-225](#) Request confirmation of the County Executive’s appointment of Alex Jeffers to the Conservation Easement Program Oversight Committee

 CONFIRMED

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

 Nay: 0

3. [AB2024-227](#) Request confirmation of the County Executive’s appointment of Roger Hawley to the Agricultural Advisory Committee

 CONFIRMED

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

 Nay: 0

4. [AB2024-246](#) Request confirmation of the County Executive’s appointment of Andrew Shelton to the Marine Resources Committee

 CONFIRMED

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

 Nay: 0

5. [AB2024-250](#) Request confirmation of the County Executive’s and Mayor of Bellingham’s appointments to the Whatcom Racial Equity Commission; confirmation at a future City of Bellingham Council Meeting will occur after County Council confirmation

 CONFIRMED

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

 Nay: 0

ITEMS ADDED BY REVISION**INTRODUCTION ITEMS**

1. [AB2024-217](#) Ordinance establishing the project budget for the Austin Court Stormwater Improvements Fund, request no. 1

INTRODUCED

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

Nay: 0

2. [AB2024-220](#) Ordinance amending WCC 2.106 to change reporting due date for the Child & Family Well-Being Task Force

INTRODUCED

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

Nay: 0

3. [AB2024-229](#) Ordinance closing the Birch Bay Drive and Pedestrian Facility Fund and Project Based Budget

INTRODUCED

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

Nay: 0

4. [AB2024-235](#) Ordinance amending the project budget for the new Public Health, Safety and Justice Facility, request no. 6

INTRODUCED

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

Nay: 0

5. [AB2024-237](#) Ordinance amending the project budget for the Way Station Project Fund, request no. 3

INTRODUCED

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

Nay: 0

6. [AB2024-239](#) Ordinance amending the 2024 Whatcom County Budget, request No. 6 in the amount of \$8,600,501

INTRODUCED

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

Nay: 0

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

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

8. [AB2024-238](#) Ordinance Amending WCC 10.34 Ferry Rates

SUBSTITUTE INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

9. [AB2024-256](#) Receipt of application for a vacancy on the Board of Equalization, at-large alternate - Applicant(s): John Young (Deadline for additional applications to this position is 10 a.m. on Tuesday, April 16, 2024)

INTRODUCED

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

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Motion approved 7-0 that the Council does the appointment process for the Justice Project Oversight and Planning (JPOP) Committee.

ADJOURN