

**Whatcom County
Council Finance and Administrative Services Committee**

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



Committee Minutes - Final

**Tuesday, May 23, 2023
10:30 AM
Hybrid Meeting**

HYBRID MEETING - ADJOURNS BY NOON (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010)

COUNCILMEMBERS

Todd Donovan
Carol Frazey
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Committee Chair Kathy Kershner called the meeting to order at 10:30 a.m. in a hybrid meeting.

Roll Call

Present: 3 - Todd Donovan, Carol Frazey, and Kathy Kershner

Also Present: Tyler Byrd, Ben Elenbaas, and Kaylee Galloway

Announcements

Council "Consent Agenda" Items

Donovan moved to approve Consent Agenda items one through eight.

Tyler Schroeder, Director of Administrative Services, stated staff did not have any comments.

Councilmembers voted on the Consent 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)

Donovan moved that the Contract (FCZDBS) be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Donovan, Frazey, 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

Donovan moved that the Bid Award be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Donovan, Frazey, 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

Donovan moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Donovan, Frazey, 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

Donovan moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Donovan, Frazey, 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

Donovan moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Donovan, Frazey, 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

Donovan moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Donovan, Frazey, 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

Donovan moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Donovan, Frazey, 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

Donovan moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:

Aye: 3 - Donovan, Frazey, and Kershner

Nay: 0

Committee Discussion

1. [AB2023-274](#) Discussion of proposed ordinance amending Whatcom County Code 2.128, Business and Commerce Advisory Committee, to revise membership

Kershner stated this item was held so she could get input from the Business and Commerce Advisory Committee.

Jennifer Noveck, consultant to the Port of Bellingham's Economic Development Division, reported on points that she made during the last Business and Commerce Advisory Committee meeting regarding data on private sector versus public sector employment and industries in Whatcom County and their representation on the Business Advisory Committee. She answered what issues she would see with adding four members representing the largest employers to the advisory committee as was proposed and stated there is never any problem with more voices but what she does think is an issue is listening to the business community and making sure we are doing what they tell us they need. The concern is that government is already over-represented on the Committee and there are other parts of the economy that are not represented.

Donovan stated when the Council set up this Committee they did not discuss whether they should have representation that is proportional to the payrolls or industries or proportional to the number of people in the different sectors and he asked whether they should look at a new proportionate model for what they want the Committee to be.

Kershner stated she did some research on the data at the Center for Economic and Business Research (CEBR) at Western Washington University which is the report from which the Council based its amendment to appoint three of the four largest employers. But that report states that some employers did not respond to their survey so it may not necessarily include all of the employers in Whatcom County. The feedback she got from the Committee is that they are not opposed to adding more members or even the ones suggested, but they want to stay true to the purpose that the Council originally set it up for and that is to represent the for-profit businesses and community to the Council. She does not want to dilute the mission and thus have people become discouraged and not want to continue participating in it.

Donovan stated he is not intending to change the mission but would just like to add a couple new voting members that would be drawn from the top employers in the county in proportion to the size of those sectors.

Kershner stated if they end up going forward with this she would like to ask Donovan to change the number of those members to two and Donovan stated he is comfortable with that.

Noveck stated, to reinforce Kershner's take on the Committee's preference, she thinks they want to operate as established and would be happy to have additional voices and positions, but they really want construction to have a permanently represented position because it currently does not. They were also open to another for-profit business or maybe one more non-voting position to account for some of these other pieces that might be missing.

Kershner stated construction and another for-profit business made it into the revised Ordinance.

Byrd stated the reason we set this advisory committee up in the beginning is because the county was getting a reputation for being an unfriendly county to do business in and we wanted to turn that around. In addition to that, the county has invested millions of dollars into economic development with the purpose of recruiting more businesses (not more government businesses),

and this group is supposed to represent the sectors we are targeting to improve the business environment here and help the Council learn what it takes to attract those companies. It seems the reason we are having this conversation is because this group brought ideas to the County for how to improve the housing market (because not having enough affordable homes is the number one problem here for creating new jobs) but the County did not like any of those ideas. It feels like, because they did not like the ideas, the Council wants to add more people to the group so they cannot bring ideas like that in the future. Ever since the first presentation, the conversation has been about adding more voting members that are non-profit to a committee that was specifically formed for business for profit. He thinks they should leave it as it is.

Ryan Allsop, Business and Commerce Advisory Committee Vice-Chair, stated the group was established for the under-voiced small and medium-sized businesses. They are happy to have the non-profits come and give feedback as non-voting members, but how those entities operate is completely different than how a private business operates. He would like to leave it like it is and stated if there is something the Council would like them to do differently they should let them know. He invited the Councilmembers to come to their meetings.

Noveck reaffirmed Allsop's take on the housing memo (See **AB2020-099**). She stated two housing memos have been sent from this Committee, one in 2019 before the pandemic and a revised memo with very specific recommendations in January of 2023. They need to recognize and respect the Committee and community members involved in that. Creating this Committee also creates expectations that the members will be heard and listened to.

Tyler Schroeder, Director of Administrative Services, answered whether the Administration could resend the housing memo to the Council as requested the last time they talked about this and he stated they could resend it.

Fraze read the third Whereas statement of the proposed Ordinance which talks about the primary purpose of the Business and Commerce Advisory Committee.

Galloway stated she would be comfortable adding a construction position and an additional at-large position and holding off on the amendment adding members from the largest employers. She would like to expand the non-voting members to include one member representing K-12 education

and one representing the childcare industry. She is comfortable striking the amendment but would like to know if the Council is interested in amending the non-voting membership to add two more representatives.

Donovan stated he likes the idea of adding a representative from K-12 and would like that to be a voting member, and he asked if childcare is currently represented.

Kershner and Allsop stated there is no childcare.

Donovan moved to amend Exhibit A, Section 2.128.040, Subsection D to add “a voting representative from K-12 education” and strike all the rest in yellow highlight so that Subsection D would read:

D. The county council shall also appoint ~~three voting representatives, one each, from three of the four largest employers in Whatcom County, based on the latest report of Whatcom County Top Employers by Western Washington University Center of Economic and Business Research.~~ a voting representative from K-12 education.

Kershner suggested a friendly amendment to make Donovan’s amendment to Subsection D but also add to Subsection C a number twelve which would be a representative from childcare.

Donovan accepted the friendly amendment and stated the childcare would be for-profit.

Councilmembers discussed the addition of childcare and whether making it only for-profit would limit non-profit organizations from participating, and a concern that this would give K-12 and childcare a vote but not higher education.

Allsop answered how much of the childcare industry is for-profit versus non-profit, and stated he would emphasize to keep it for-profit. He does not think they need the K-12 voting position but they could be put on as non-voting members. Keep the non-voting members because their vote means something different than the for-profit members. They would love to have their opinion but would like them to be kept separate. He would also love to have the Lummi Tribe as a non-voting member.

Noveck stated the Committee has several subcommittees and there is a childcare sub-committee already established. She spoke about having a

non-voting position for the Lummi Nation and making it voluntary.

Kershner asked whether they should move the K-12 position to Subsection E (2) to increase it to three non-voting members in education and then also add the Lummi Nation to that one and take the childcare off since we have a subcommittee already established.

Donovan stated he is inclined to keep the K-12 position under Subsection D.

Councilmembers discussed tribal representation and having childcare as number twelve under Subsection C but the Clerk of the Council requested that they make one motion at a time.

Donovan withdrew his friendly-amended motion *and moved* to change Section 2.128.040, Subsection D to strike everything that is in the yellow highlight and appoint one (voting) representative from K-12 education as follows:

D. The county council shall also appoint ~~three voting representatives, one each, from three of the four largest employers in Whatcom County, based on the latest report of Whatcom County Top Employers by Western Washington University Center of Economic and Business Research.~~ one voting representative from K-12 education.

The motion carried by the following vote:

Aye: 2 - Frazey and Donovan

Nay: 1 - Kershner

Kershner moved that they amend the new section E, paragraph one to be five members so that it would read:

E. The county council shall also appoint:

1. ~~Three~~ ~~Four~~ five members representing for-profit business entities in any industry, including those listed in subsection C of this section; and

Frazey asked whether they could just add a third point under Subsection E that says a representative from childcare.

Kershner stated they could put a specific childcare position under

Subsection C and it would be number twelve.

Frazey stated her concern with that is that Subsection C is for for-profit businesses and she is trying to figure out how to get a for-profit *or* non-profit for childcare on this committee.

Kershner stated they could put childcare as number C (12) and then add in parentheses, “(profit or non-profit)” after it.

Donovan suggested a friendly amendment to Kershner’s motion to instead amend Exhibit A to add point 12 under C and add Childcare (profit or non-profit).

Kershner accepted the friendly amendment ***and changed her motion*** to add point twelve under Subsection C and add “Childcare (profit or non-profit).”

Allsop stated adding non-profit and profit goes against what they had said in the Committee. You created this Committee for a reason. Leave it for that intent and listen to us.

Frazey and Allsop discussed Allsop’s comments and Kershner asked whether they could just make it for-profit childcare.

Kershner amended her motion ***and moved*** to add Childcare as C (12) and not have the profit or non-profit next to it, and to move the “and” from where it is now to after “Construction.”

The motion carried by the following vote:

Aye: 3 - Frazey, Donovan, and Kershner

Nay: 0

Donovan moved to recommend the amended Ordinance to the full Council (it will be considered at the next Council meeting date).

The motion carried by the following vote:

Aye: 3 - Frazey, Donovan, and Kershner

Nay: 0

Galloway suggested that they make sure the number of members still meets the requirements and that Subsection A of the Ordinance gets updated to reflect the new member count.

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

ACTION SUMMARY:

Motion approved to amend Whatcom County Code 2.128.040 Subsection D to strike the prior amendments in yellow highlight and add “one voting representative from K-12 education.”

Motion approved to amend the Ordinance to add “Childcare” as number twelve under Whatcom County Code 2.128.040 Subsection C.

Motion approved to recommend the Ordinance as amended to the full council (when it comes back to the Council)

Committee Discussion and Recommendation to Council

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

Donovan moved that the Ordinance be RECOMMENDED FOR ADOPTION.

Tyler Schroeder, Director of Administrative Services, and Chris Elder, Public Works Department, answered whether the request for the Conservation Futures Fund is a full-on grant or a loan, how the fund balance is doing, and what the next big things are that they expect to do with that fund.

Doug Chadwick, Undersheriff, answered how many sound suppressors we have right now and where they go once they are out of service.

Donovan's motion that the Ordinance be RECOMMENDED FOR ADOPTION carried by the following vote:

Aye: 3 - Donovan, Frazey, and Kershner

Nay: 0

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

Frazey moved that the Ordinance be RECOMMENDED FOR ADOPTION. The motion carried by the following vote:

Aye: 3 - Donovan, Frazey, and Kershner

Nay: 0

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

Donovan moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION.

James Lee, Public Works Department, answered whether we know for certain that we have the Federal Better Utilizing Investments to Leverage Development (BUILD) or Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant and stated relative to the RAISE grant, they have been awarded the \$25 million that they requested. He answered how close we are to getting what we need for the new vessel and capital improvements for the terminal and stated we have the aforementioned \$25 million plus \$5.3 million in State funds and will be securing \$10 million through the County Road Administration Board (CRAB) out of the estimated \$50.3 million.

Donovan's motion that the Interlocal be RECOMMENDED FOR AUTHORIZATION carried by the following vote:

Aye: 3 - Donovan, Frazey, and Kershner

Nay: 0

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 11:40 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Kathy Kershner-via email 6/30/2023

Dana Brown-Davis, Council Clerk

Kathy Kershner, Committee Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE