

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, December 7, 2021**

**6 PM**

**Virtual Meeting**

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010); AGENDA  
REVISED 12.6.2021**

### **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, Ben Elenbaas, Carol Frazey, and Kathy Kershner

**Absent:** None

## FLAG SALUTE

## ANNOUNCEMENTS

## COUNTY EXECUTIVE'S REPORT

## EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2021-722](#) Request confirmation of the County Executive's appointment of Allison Hunt, M.D. to serve as Whatcom County Medical Examiner

### **CONFIRMED**

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

**Nay:** 0

**Absent:** 0

## MINUTES CONSENT

1. [MIN2021-088](#) Special Council for November 17, 2021

### **APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [MIN2021-089](#) Committee of the Whole Executive Session for November 23, 2021

### **APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

## SPECIAL PRESENTATION

1. [AB2021-699](#) Report on the WHAT-COMM discussions related to consolidating the Fire/EMS and Police 911 dispatch facilities

**PRESENTED AND DISCUSSED**

**PUBLIC HEARINGS**

1. [AB2021-654](#) Resolution approving the Shoreline Management Program Periodic Update 2020

**SUBSTITUTE APPROVED**

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

**Nay:** 3 - Byrd, Elenbaas, and Kershner

**Absent:** 0

Enactment No: RES 2021-056

2. [AB2021-733](#) Ordinance Authorizing the Levy of Taxes for Conservation Futures Purposes for 2022

**ADOPTED**

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

**Nay:** 3 - Byrd, Elenbaas, and Kershner

**Absent:** 0

Enactment No: ORD 2021-085

**OPEN SESSION (20 MINUTES)**

**CONSENT AGENDA**

**(From Council Finance and Administrative Services Committee)**

1. [AB2021-685](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Catholic Community Services to provide housing case management services in the amount of \$336,678 for a total amended contract amount of \$505,017

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [AB2021-687](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide housing case management services in the amount of \$377,158 for a total amended contract amount of \$600,839

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [AB2021-688](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to provide housing case management services in the amount of \$357,542 for a total amended contract amount of \$565,310

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

4. [AB2021-690](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and YWCA Bellingham to provide housing case management services in the amount of \$78,565 for a total amended contract amount of \$117,498

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

5. [AB2021-691](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide emergency housing for families in the amount of \$493,074 for a total amended contract amount of \$847,996

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

6. [AB2021-698](#) Request authorization to amend and extend the Master Collective Bargaining Agreement for the period January 1, 2022 - December 31, 2022

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

7. [AB2021-701](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to operate the Whatcom Homeless Service Center in the amount of \$1,650,248 for a total amended contract amount of \$4,158,271

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

8. [AB2021-702](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker Foothills Chamber and Visitor Center for operations and tourism, in the amount of \$110,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

9. [AB2021-705](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Tune-Up Events, LLC to promote Whatcom County tourism in the amount of \$50,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

10. [AB2021-706](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Traffic Safety Commission for high visibility enforcement patrols, in the amount of \$7,800.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

11. [AB2021-707](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Traffic Safety Commission for high visibility enforcement patrols, in the amount of \$15,000.00.

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

12. [AB2021-710](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Bellingham Whatcom County Tourism for operational and tourism related activities in the amount of \$290,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

13. [AB2021-711](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Birch Bay Chamber of Commerce for operational costs associated with the visitor center in the amount of \$110,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

14. [AB2021-739](#) Request authorization for the County Executive to enter into a three-year agreement, using the State of Washington contract, between Whatcom County and Insight Public Sector for the NeoGov Insight online recruitment software, in the amount of \$47,610.25

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

**OTHER ITEMS**

**(From Council Natural Resources Committee)**

1. [AB2021-743](#) Resolution eliminating the barriers to removing excess gravel from the Nooksack River

**HELD IN COMMITTEE**

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

**Nay:** 0

**Absent:** 0

**(From Council Finance and Administrative Services Committee)**

2. [AB2021-616](#) Resolution adopting the Whatcom County Natural Hazards Mitigation Plan

**APPROVED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2021-057

3. [AB2021-675](#) Resolution adopting the Whatcom County Multi-jurisdictional Natural Hazards Mitigation Plan (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**APPROVED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2021-058

4. [AB2021-671](#) Ordinance Closing Sheriff's Records Management System Project Fund 344

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-086

5. [AB2021-673](#) Ordinance Establishing the Northwest Annex Redevelopment Fund and Establishing a Project Based Budget for the Northwest Annex Redevelopment Project

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-087

6. [AB2021-679](#) Ordinance amending the 2021 Whatcom County Budget, request no. 18, in the amount of \$7,038,925

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2021-088

7. [AB2021-681](#) Ordinance amending the 2022 Whatcom County Budget, request no. 3, in the amount of \$1,144,763

**ADOPTED**

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

**Nay:** 2 - Elenbaas, and Kershner

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2021-089

8. [AB2021-683](#) 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 \$527,316 for a total amended contract amount of \$790,974

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

9. [AB2021-716](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce for less-than-lethal equipment, in the amount of \$69,884.00

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

10. [AB2021-719](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Whatcom Conservation District for PIC



Program support, in the amount of \$826,182 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

11. [AB2021-721](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom Conservation District for farm planning services and financial assistance, in the amount of \$115,021 (Council acting as the Whatcom County Flood Control Zone district Board of Supervisors)

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

12. [AB2021-724](#) Request authorization for the County Executive to enter into an interlocal agreement with the Department of Natural Resources for Nooksack River lidar topographic and bathymetric mapping (Council acting as the Flood Control Zone District Board of Supervisors)

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

13. [AB2021-725](#) Request authorization for the County Executive to accept Midwest Employer Casualty renewal option 2 for insurance protection for the self-insured workers' compensation program in 2022

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

14. [AB2021-727](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham operating through the Bellingham Fire Department for administering a paramedic training program in the amount of \$865,478
- AUTHORIZED**
- Aye:** 4 - Browne, Buchanan, Donovan, and Frazey
- Nay:** 2 - Elenbaas, and Kershner
- Absent:** 0
- Temp Absent:** 1 - Byrd
15. [AB2021-728](#) Ordinance requesting that the Whatcom County Auditor include the question of establishing a Birch Bay Library Capital Facility Area to finance a new library facility in Birch Bay on the ballot at the February special election
- ADOPTED**
- Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner
- Nay:** 0
- Absent:** 0
- Temp Absent:** 1 - Byrd
- Enactment No: ORD 2021-090
16. [AB2021-729](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Fire Protection District No. 7 for reimbursement of wages and benefits for 3 paramedic students in an amount of \$375,033
- AUTHORIZED**
- Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0
- Temp Absent:** 1 - Byrd
17. [AB2021-730](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and North Whatcom Fire and Rescue to reimburse the wages and benefits of 1 paramedic student in the amount of \$120,275
- AUTHORIZED**
- Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner
- Nay:** 1 - Elenbaas
- Absent:** 0

**Temp Absent:** 1 - Byrd

18. [AB2021-731](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham working through the Bellingham Fire Department for reimbursement of personnel costs associated with the hiring of up to six department lateral employees in the amount of \$364,116

**AUTHORIZED**

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

**Nay:** 1 - Kershner

**Absent:** 0

**Abstain:** 1 - Elenbaas

**Temp Absent:** 1 - Byrd

19. [AB2021-734](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Opportunity Council for providing a 5,000 square foot child care facility located in a qualified census tract in the amount of \$1,000,000

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

20. [AB2021-735](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Opportunity Council for the development of affordable housing for low-income households in Whatcom County in the amount of \$3,000,000

**SUBSTITUTE AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

21. [AB2021-736](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Fire Protection District No. 7 to reimburse the District for training costs associated with lateral hires in the amount of \$121,372

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Elenbaas

**Temp Absent:** 1 - Byrd

22. [AB2021-737](#) Request authorization for the County Executive to enter into a 9-year agreement between Whatcom County and Pictometry International Corporation for three oblique and orthogonal aerial imagery flights of western Whatcom County, in the amount of \$489,600

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

23. [AB2021-738](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Allison Hunt, M.D. for fulfilling the duties of Whatcom County Medical Examiner in the amount of \$1,838,739

**SUBSTITUTE AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

See substitute contract for correct contract amount.

24. [AB2021-740](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Regional Council for nursing services in the jail in the amended amount of \$85,816.00 for a total contract amount of \$1,500,790.00

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

**(From Council Public Works and Health Committee)**

25. [AB2021-713](#) Resolution in the matter of considering vacating an unnamed alley within the Plat of

Lummi Park on Lummi Island

**APPROVED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2021-059

**COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. [AB2021-704](#) Request Council appointment of Eli Wainman to the Stakeholder Advisory Committee for the Justice Project

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

**SPECIAL COUNCIL ONLY ITEM**

1. [AB2021-678](#) Approval of standing Special County Council meeting dates for 2022

**APPROVED BY THE COUNCILMEMBERS**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

2. [AB2021-745](#) Appointment of members to serve on pro and con statement writing committees for a proposed ballot measure to establish a Birch Bay Library Capital Facility Area

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

**ITEMS ADDED BY REVISION**

1. [AB2021-747](#) Resolution to amend Resolution 2021-046 changing the dates of the CEDS report to 2022-2026

**APPROVED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2021-060

2. [AB2021-748](#) Request approval for the County Executive to award Bid #21-05 and enter into a contract between Whatcom County and Andgar Corporation for the 3rd Floor Judges' Chambers HVAC project, in the amount \$112,281.60

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

3. [AB2021-749](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Department of Social and Health Services for DSHS to reimburse for Court Commissioner's Service

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

**INTRODUCTION ITEMS**

1. [AB2021-606](#) Ordinance adopting amendments to the Whatcom County Code Title 20, Zoning, to provide additional affordable housing options, including allowing and regulating tiny homes and allowing duplexes in planned unit developments

**WITHDRAWN**

2. [AB2021-664](#) Ordinance Establishing a Speed Limit on a Portion of Alderson Road

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

3. [AB2021-715](#) Ordinance granting Zayo Group, LLC, a franchise for the provision of telecommunications services

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

**COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

Motion approved 5-1-1, with Elenbaas opposed and Byrd out of the meeting, to authorize the County Executive to move forward with and complete the acquisition of the property and continue to lease the project to the current tenants as long as the purchase price of the property does not exceed the amount in Executive Session.

Motion approved 6-0-1, with Byrd out of the meeting, to approve the guidelines for the Whatcom County EDI Infrastructure Improvements for Affordable Workforce Housing Program. This approval recognizes that the EDI board will be reviewing project specific proposals from developers using the guidelines as a framework. It is further recognized that the EDI Board can recommend approval of projects and modify the guidelines if the overall project aligns with the eligible use of the Fund and intent of the program.

Motion approved 6-0-1, with Byrd out of the meeting, that the Incarceration Prevention and Reduction Task Force take on the Whatcom Public Health, Safety and Justice Initiatives into their workplan for 2022.

Motion approved 6-0-1, with Byrd out of the meeting, that Frazey respond to all the letters received from students.

**ADJOURN**