

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, January 24, 2023**

**6 PM**

**Hybrid Meeting**

**HYBRID MEETING (PARTICIPATE IN-PERSON AT 311 GRAND AVENUE SUITE  
101, SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010) AGENDA  
REVISED 1.23.2023**

### **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

### ROLL CALL

**Present:** 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

**Absent:** None

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

### FLAG SALUTE

### MINUTES CONSENT

1. [MIN2023-007](#) Special Committee of the Whole for January 10, 2023

#### **APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

### PUBLIC HEARINGS

1. [AB2023-002](#) Ordinance amending the Whatcom County Unified Fee Schedule - ferry rates

#### **HEARD PUBLIC TESTIMONY AND HELD IN COUNCIL**

### OPEN SESSION

### CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2023-065](#) Request authorization for the County Executive to enter into a residential lease agreement between Whatcom County and Krista and Nicolas Fauquet to reside at 367 East Lake Samish Drive, for a monthly rent of \$1,295

#### **AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Byrd

**Absent:** 0

2. [AB2023-070](#) Request authorization for the County Executive to enter into an Interlocal Agreement amendment between Whatcom County and Bellingham Fire Department to extend the community paramedic program through 2023 in the amount of \$419,450

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Byrd

**Absent:** 0

3. [AB2023-071](#) Request authorization for the County Executive to enter into Interlocal amendment to extend the Community Paramedic program through 2023 in the amount of \$199,927

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Byrd

**Absent:** 0

4. [AB2023-072](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Camano Island Fire and Rescue for participation in the Whatcom County Paramedic Training program in the amount of \$25,625

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Byrd

**Absent:** 0

5. [AB2023-073](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Marysville Fire District for participation in the Whatcom County Paramedic Training program in the amount of \$43,300

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Byrd

**Absent:** 0

6. [AB2023-074](#) Request authorization for the County Executive to enter into an interlocal agreement between North County Fire and Rescue for participation in the Whatcom County Paramedic Training program in the amount of \$20,150

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Byrd

**Absent:** 0

7. [AB2023-076](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Bellingham Fire Department to operate the 2023 Paramedic Training Program in accordance with Washington State Department of Health and Commission on Accreditation of Allied Health Education Programs (CAAHEP) standards and requirements in the amount of \$1,169,600

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Byrd

**Absent:** 0

8. [AB2023-081](#) Request authorization for the County Executive to enter into an interagency agreement between Whatcom County and the Administrative Office of the Courts for interpreter expense reimbursement, in the amount of \$61,597.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Byrd

**Absent:** 0

9. [AB2023-064](#) Resolution cancelling uncollectible personal property taxes.

**APPROVED**

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

**Nay:** 1 - Byrd

**Absent:** 0

Enactment No: RES 2023-002

10. [AB2023-045](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Conservation District for Lake Whatcom Homeowner Incentive Program Assistance, in the amount of \$63,500

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Byrd

**Absent:** 0

11. [AB2023-056](#) Request authorization for the County Executive to enter into a Local Agency Standard Consultant Agreement Supplement No. 3 between Whatcom County and Wilson

Engineering LLC., to provide on-call professional land surveying services support to Whatcom County Public Works, in the amount of \$100,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Byrd

**Absent:** 0

12. [AB2023-061](#) Request authorization for the County Executive to award bid #22-66 and enter into a contract between Whatcom County and Stremler Gravel Inc., for the 2022 Flood Gates Install project, CRP No. 922020 in the amount of \$56,080

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Byrd

**Absent:** 0

**OTHER ITEMS**

**(From Council Climate Action and Natural Resources Committee)**

1. [AB2023-062](#) Resolution in support of adjudication funding in the Washington State 2023 - 2024 biennium

**TABLED**

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

**Nay:** 0

**Absent:** 0

2. [AB2023-086](#) Discussion and approval of letter regarding climate action legislative priorities

**APPROVED REQUEST AS AMENDED**

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

**Nay:** 0

**Absent:** 0

Motion approved 7-0 to amend the Nooksack Adjudication paragraph so that it reads:

#### Nooksack Adjudication

Please fully fund the Nooksack adjudication by supporting Department of Ecology's \$2.738 million request in the Governor's Budget. We understand a water rights adjudication in the Nooksack River watershed can help bring together all water users, resolve water right disputes, determine who has the legal right to use water, and the priority and quantity of each right. As water rights are determined, we hope to collaborate with all parties on establishing solutions and market mechanisms to ensure communities get the water they need to live and support a thriving agricultural economy. Whatcom County has also requested additional funding to support the Solutions Table process including technical assistance and studies necessary to help us quantify water resources. In preparation for adjudication, we also request funding for the County to provide filing and legal assistance for all participants. This will help facilitate the process and help individuals avoid unnecessary, and often expensive, legal fees.

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

3. [AB2023-059](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the Washington State Department of Health for the delivery and funding of various public health services in the amount of \$80,716, for a total amended agreement amount of \$8,567,890

#### **AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

4. [AB2022-731](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Hunt Forensics for increased costs of services in the amount of \$893,449.13 for the total amount of \$3,356,602

#### **REFERRED TO COMMITTEE**

**Aye:** 6 - Buchanan, Byrd, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Donovan

Motion Approved to hold this item in Committee and Council for two weeks.

#### (From Council Committee of the Whole)

5. [AB2023-087](#) Discussion and approval of letter of support for Ridge at Semiahmoo development

#### **APPROVED REQUEST**

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

Nay: 0

Absent: 0

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

1. [AB2023-037](#) Appointment to a vacancy on the Surface Mining Advisory Committee, member of the surface mining industry, Applicant(s): Brent Cowden  
**APPOINTED**  
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
Nay: 0  
Absent: 0
2. [AB2023-054](#) Appointment to vacancies on the Birch Bay Watershed and Aquatic Resources Management Advisory Committee, Applicant(s): Michael Allan (Council acting as the Flood Control Zone District Board of Supervisors)  
**APPOINTED**  
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
Nay: 0  
Absent: 0
3. [AB2023-057](#) Appointments to various vacancies on the Wildlife Advisory Committee, Applicant(s): Stephen Nyman, Vikki Jackson, Jennifer Plombon  
**APPOINTED**  
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
Nay: 0  
Absent: 0
4. [AB2023-082](#) Appointment to fill a vacancy on the Flood Control Zone District Advisory Committee, Applicant(s): Scott Hulse (Council acting as the Flood Control Zone District Board of Supervisors)  
**APPOINTED**  
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
Nay: 0  
Absent: 0
5. [AB2023-083](#) Appointment to vacancy on the Solid Waste Advisory Committee, Solid Waste Disposal Facility Position, Applicant(s): Troy Lautenbach  
**APPOINTED**

Pinky Vargas appointed with 5 votes (and McCarter 2 votes)

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

1. [AB2023-068](#) Request confirmation of the County Executive's appointments and reappointments to various county boards, committees and commissions

**CONFIRMED**

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

**Nay:** 0

**Absent:** 0

### **ITEMS ADDED BY REVISION**

This item was discussed below.

### **INTRODUCTION ITEMS**

1. [AB2023-069](#) Ordinance amending Whatcom County Code 2.09 to conform with newly adopted and amended Court rules

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

2. [AB2023-077](#) Ordinance amending the Whatcom County Budget, request no. 2, in the amount of \$6,395,173

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

3. [AB2023-078](#) Ordinance amending the project based budget for the Plantation Rifle Range Lead Reclamation and Capital Improvement by adding \$700,000 for a total amount of \$1,355,000

**INTRODUCED**

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

**Nay:** 0

Absent: 0

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

Councilmembers started Committee Reports then finished it below.

### **ITEMS ADDED BY REVISION**

1. [AB2023-092](#) Discussion and approval of motion to send a letter to the County Executive in support of seeking US Department of Transportation culvert replacement funding

#### **TABLED**

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

**Nay:** 0

**Absent:** 0

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

Motion approved 7-0 to approve defense and indemnification of Andrew Mellema, named as a defendant in Olga Grishchuk, an individual, Victor Grishchuk, an individual, and Michael Grishchuk, an individual v. Andrew Mellema, an individual, and Whatcom County, Whatcom County Superior Court Cause No. 22-2-01274-37.

Based on the following findings:

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

## **ADJOURN**