

# **Whatcom County Council**

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



## **Action Summary**

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

**Tuesday, June 29, 2021**

**6 PM**

**Virtual Meeting**

### **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

### SPECIAL PRESENTATION

1. [AB2021-368](#) Report from the Health Department on the Behavioral Health Program Fund 2020 Annual Report

**REPORTED**

### MINUTES CONSENT

1. [MIN2021-050](#) Special Committee of the Whole for June 15, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [MIN2021-051](#) Committee of the Whole for June 15, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [MIN2021-052](#) Regular County Council for June 15, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

**PUBLIC HEARINGS**

1. [AB2021-296](#) Ordinance adopting amendments to the Purchase of Development Rights Program

**ADOPTED**

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

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

**Absent:** 0

Enactment No: ORD 2021-037

**OPEN SESSION (20 MINUTES)****CONSENT AGENDA (VOTE RETAKEN LATER)**

Clerk's note: Councilmembers voted on the Consent Agenda but later came back to it and reconsidered the vote. The vote on this round was 5-2 with Kershner and Elenbaas opposed but after reconsidering the vote it was 6-1 with Elenbaas opposed. See motion and votes for these items below in the second vote.

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

1. [AB2021-338](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide housing case management services, in the amount of \$262,341
2. [AB2021-344](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the North Sound Accountable Communities of Health to supervise Whatcom Unified Command's (WUC) Volunteer Branch in the amount of \$8,000 for a total amended contract amount of \$63,000
3. [AB2021-348](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Catholic Community Services to provide housing case management services, in the amount of \$168,339
4. [AB2021-349](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lydia Place to provide housing case management services in the amount of \$203,602
5. [AB2021-350](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Youth Services to provide housing case management services, in the amount of \$178,771
6. [AB2021-351](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Cascade Connections to provide services to individuals with developmental disabilities, in an estimated amount of \$1,321,837
7. [AB2021-352](#) Request authorization for the County Executive to enter into a contract between

- Whatcom County and Kulshan Supported Employment to provide services to individuals with developmental disabilities, in an estimated amount of \$1,150,942
8. [AB2021-353](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington Vocational Services to provide services to individuals with developmental disabilities, in an estimated amount of \$268,910
  9. [AB2021-354](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Work Opportunities to provide services to individuals with developmental disabilities, in an estimated amount of \$686,136
  10. [AB2021-362](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Bennett Engineering, LLC to update the Dept of Ecology-Central Shop Industrial Stormwater Pollution Prevention Plan (SWPPP), in the amount of \$30,850.00 for a total amended contract amount of \$55,035

## **OTHER ITEMS**

### **(From Council Natural Resources Committee)**

1. [AB2021-364](#) Discussion and Motion to recognize the intent of PLN2019-00011 - Surface Mining of Dry Meander Zones has been achieved

Clerk's note: Councilmembers started to discuss this item but did not take a vote. See motion and vote on the item below.

2. [AB2021-366](#) Discussion and Motion for PLN2017-00004 Countywide Review of Designated Mineral Resource Lands

Clerk's note: Councilmembers started to discuss this item but did not take a vote. See motion and vote on the item below after the Consent Agenda items.

1. [AB2021-364](#) Discussion and Motion to recognize the intent of PLN2019-00011 - Surface Mining of Dry Meander Zones has been achieved

### **HELD IN COMMITTEE**

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

**Nay:** 0

**Absent:** 0

## **CONSENT AGENDA (second vote)**

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

Clerk's note: A vote carried 7-0 to reconsider the vote on the Consent Agenda items.

1. [AB2021-338](#) Request authorization for the County Executive to enter into a contract between

Whatcom County and Opportunity Council to provide housing case management services, in the amount of \$262,341

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2021-344](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the North Sound Accountable Communities of Health to supervise Whatcom Unified Command's (WUC) Volunteer Branch in the amount of \$8,000 for a total amended contract amount of \$63,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

3. [AB2021-348](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Catholic Community Services to provide housing case management services, in the amount of \$168,339

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

4. [AB2021-349](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lydia Place to provide housing case management services in the amount of \$203,602

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

5. [AB2021-350](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Youth Services to provide housing case management services, in the amount of \$178,771

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

6. [AB2021-351](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Cascade Connections to provide services to individuals with developmental disabilities, in an estimated amount of \$1,321,837

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

7. [AB2021-352](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Kulshan Supported Employment to provide services to individuals with developmental disabilities, in an estimated amount of \$1,150,942

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

8. [AB2021-353](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington Vocational Services to provide services to individuals with developmental disabilities, in an estimated amount of \$268,910

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

9. [AB2021-354](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Work Opportunities to provide services to individuals with developmental disabilities, in an estimated amount of \$686,136

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

10. [AB2021-362](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Bennett Engineering, LLC to update the Dept of Ecology-Central Shop Industrial Stormwater Pollution Prevention Plan (SWPPP), in

the amount of \$30,850.00 for a total amended contract amount of \$55,035

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**OTHER ITEMS (continued)**

**(From Council Natural Resources Committee)**

2. [AB2021-366](#) Discussion and Motion for PLN2017-00004 Countywide Review of Designated Mineral Resource Lands

**DISCUSSED AND MOTION(S) APPROVED**

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

**Nay:** 0

**Absent:** 0

Motion carried 7-0 to approve the Planning Commission's recommended motion that the Council request Planning and Development Services to continue processing PLN2017-00004, limiting the scope of review to the Surface Mining Advisory Committee recommendation within 1/2 mile of existing Designated MRLs. Further, the Planning Commission recommends considering allowing for landowners to opt out of MRL Designation process proposed through PLN2017-00004.

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

3. [AB2021-327](#) Ordinance amending the Whatcom County Budget, request no. 10, in the amount of \$744,800

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-038

4. [AB2021-328](#) Resolution amending the Flood Control Zone District and subzones 2021 budgets, request no. 1, in the amount of \$15,415 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2021-022

5. [AB2021-340](#) Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities operational standards

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-039

6. [AB2021-342](#) Request authorization for the County Executive to enter into a Memorandum of Understanding between Whatcom County and Sudden Valley Community Association

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

7. [AB2021-343](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and DH to implement the COVID-19 IRL Campaign in the amount of \$106,250 for a total amended contract amount of \$306,250

**FAILED**

**Aye:** 3 - Buchanan, Donovan, and Frazey

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

**Absent:** 0

**Abstain:** 1 - Browne

8. [AB2021-347](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and SeaMar Community Health Centers to provide oversight and assistance at the COVID-19 Temporary Housing Facility in the amount of \$95,460 for a total amended contract amount of \$453,436

**AUTHORIZED**

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

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

**Absent:** 0



9. [AB2021-355](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lighthouse Mission Ministries to provide oversight and assistance at the COVID Temporary Housing Facility, in the amount of \$89,674

**AUTHORIZED**

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

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

**Absent:** 0

10. [AB2021-372](#) 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 \$930,003 for a total amended contract amount of \$2,324,075

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

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

1. [AB2021-303](#) Appointment of Starck Follis and Carolyn Mason to the Criminal Justice Treatment Account panel

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

2. [AB2021-341](#) Appointment to the Flood Control Zone District Advisory Committee as an alternate member - Applicant: Daniel Dahlquist (Council Acting as the Flood Control Zone District Board of Supervisors)

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

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

1. [AB2021-371](#) Request confirmation of the County Executive's reappointments of Georgiann Dustin, Shirley Forslof, Denise Irely, and Kathleen O'Connor to the Northwest Senior

Services Board

**CONFIRMED**

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

**Nay:** 0

**Absent:** 0

- 2. [AB2021-379](#) Request confirmation of the County Executive’s appointment of William Zidel to the Point Roberts Community Advisory Committee

**CONFIRMED**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Byrd

**ITEMS ADDED BY REVISION**

**INTRODUCTION ITEMS**

- 1. [AB2021-346](#) Ordinance amending the project budget for the Silver Lake Park Improvement Fund, request no. 3

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

- 2. [AB2021-363](#) Ordinance amending the Whatcom County Code and Comprehensive Plan, requiring a site-specific geotechnical analysis when mineral extraction is proposed within 500 feet of a gas or petroleum transmission pipeline

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

- 3. [AB2021-365](#) Ordinance amending the Whatcom County Budget, request no. 11, in the amount of \$5,728,416

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

- 4. [AB2021-370](#) Ordinance adopting Whatcom County Code Chapter 16.50 Commercial Property Assessed Clean Energy and Resiliency (C-PACER) Program within Whatcom County

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

- 5. [AB2021-375](#) Ordinance amending Whatcom County Code 2.98, Point Roberts Community Advisory Committee, to revise membership

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

- 6. [AB2021-380](#) Ordinance adopting amendments to the Whatcom County Comprehensive Plan relating to density credits, PDRs, and TDRs

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

- 7. [AB2021-381](#) Ordinance adopting Whatcom County Comprehensive Plan amendments concerning the Lummi Island Ferry, modifying Policy 6A-1 relating to ferry level of service and deleting Policy 6C-9 relating to a ferry feasibility study

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

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

**ADJOURN**