

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 OR CALL 360.778.5010)**

Tuesday, July 13, 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

MINUTES CONSENT

1. [MIN2021-053](#) Committee of the Whole for June 29, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2021-054](#) Regular County Council for June 29, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [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

ADOPTED

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

Nay: 0

Absent: 0

Abstain: 1 - Byrd

Enactment No: ORD 2021-040

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

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-041

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

1. [AB2021-383](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Island County for Mini-Chain Services in the amount of \$5,359.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

2. [AB2021-385](#) Request authorization for the County Executive to award Bid #21-31 and enter into a subsequent contract between Whatcom County and Foss Maritime for the annual drydocking, repair and maintenance of the Whatcom Chief ferry, in the amount of \$773,839

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2021-387](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Washington Association of Sheriffs and Police Chiefs for Registered Sex Offender Address and Residency Verification Program, in the amount of \$139,688.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

- 4. [AB2021-391](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology for litter cleanup activities, in the amount of \$71,100

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

- 5. [AB2021-399](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Snohomish Health District for participation in the North Sound Regional Youth Marijuana Prevention and Education Program, in the amount of \$27,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

- 6. [AB2021-400](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Skagit County for participation in the North Sound Regional Youth Marijuana Prevention and Education Program, in the amount of \$27,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

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

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-042

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

ADOPTED AS AMENDED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: ORD 2021-043

A motion was approved 5-2, with Elenbaas and Byrd opposed, to amend the proposal to have the \$525,000 from the Affordable & Supportive Housing Fund to be replaced with American Rescue Plan Act Fund (ARPA) dollars.

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

ADOPTED

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2021-044

4. [AB2021-393](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce for resources to assist people who are experiencing homelessness obtain and maintain housing stability, in the amount of \$6,335,182

AUTHORIZED

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

Nay: 0

Absent: 0

Abstain: 1 - Elenbaas

5. [AB2021-397](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Lynden for Economic Development Investment (EDI) loan and grant funding to support the West Front Street Arterial Improvement Project, in the amount of \$2,000,000

AUTHORIZED

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

Nay: 0

Absent: 0

6. [AB2021-398](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Social and Health Services for the administration of developmental disabilities services, in the amount of \$4,125,535

AUTHORIZED

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

Nay: 0

Absent: 0

7. [AB2021-401](#) Request authorization for the County Executive to enter into a purchase and sale agreement for the acquisition of 5.9 acres of undeveloped property adjoining Squires Lake Park in the amount of \$90,000

AUTHORIZED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

(From Council Committee of the Whole)

8. [AB2021-360](#) Ordinance to establish an independent review of the community response to the COVID-19 Pandemic

SUBSTITUTE ADOPTED

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2021-045

(No Committee Assignment)

9. [AB2021-392](#) Request approval of a motion to authorize Chief Civil Deputy Prosecutor Karen Frakes to vote on behalf of Whatcom County in favor of the Fifth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. and its Affiliated Debtors in re: Purdue Pharma, et al. Case No. 19-23649 (RDD), United States Bankruptcy Court of the Southern District of New York

APPROVED REQUEST

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

Nay: 0

Absent: 0

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2021-384](#) Request confirmation of the County Executive's reappointments of David Warren and Daniel Larner to the Bellingham-Whatcom Public Facilities District

CONFIRMED

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

INTRODUCTION ITEMS

1. [AB2021-403](#) Ordinance adopting amendments to the Whatcom County Comprehensive Plan and Whatcom County Code relating to the Cherry Point UGA fossil fuel facilities, renewable fuel facilities, piers, SEPA, greenhouse gas emissions, and other matters

SUBSTITUTE INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

2. [AB2021-405](#) 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 November general election

INTRODUCED

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

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

The following motion from Committee of the Whole Executive Session carried 7-0:

The County Council met in executive session concerning the lawsuit Fred A. Pulphus, Plaintiff v. Compass Health, a Washington Corporation, Whatcom County, Whatcom County Sheriff's Office, and Wendy Jones, Defendants, Snohomish County Superior Court Case No. 21-2-01395-31.

Pursuant to Whatcom County Code 2.56, the Council hereby finds the following:

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

The officers, officials, agents or employees will be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

ADJOURN