

Whatcom County Council

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



Action Summary

**Tuesday, August 10, 2021
6 PM
Virtual Meeting**

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

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 ORDER OF BUSINESS

1. [AB2021-485](#) Council appointment of interim District Court Judge

A motion carried 7-0 to move this item on the agenda after the Open Session. See discussion and vote on this item below.

MINUTES CONSENT

1. [MIN2021-061](#) Committee of the Whole Executive Session for July 27, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2021-062](#) Committee of the Whole for July 27, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

3. [MIN2021-063](#) Regular County Council for July 27, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

4. [MIN2021-064](#) Special Council for August 2, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2021-413](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for FY2021 Byrne Justice Assistance Grant (JAG) Program Award, in the amount of \$14,001

AUTHORIZED

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

Nay: 0

Absent: 0

2. [AB2021-417](#) Resolution transferring a Whatcom County Flood Control Zone District property to the Lummi Nation (Council acting as the 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 2021-026

3. [AB2021-422](#) Ordinance for reestablishing a speed limit for a portion of Bay Road

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-050

4. [AB2021-424](#) Ordinance adopting amendments to the Whatcom County Code Title 20, Zoning to allow and regulate Battery Energy Storage Systems

HEARD PUBLIC TESTIMONY AND REFERRED TO COMMITTEE

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

Nay: 2 - Browne, and Elenbaas

Absent: 0

5. [AB2021-433](#) Resolution declaring Whatcom County real property as surplus

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2021-027

6. [AB2021-420](#) Ordinance amending the Whatcom County Comprehensive Plan Map and zoning code for the Nooksack Falls Exclave within the Mount Baker-Snoqualmie National Forest

FORWARDED FOR CONCURRENT REVIEW AFTER PUBLIC TESTIMONY

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

Nay: 0

Absent: 0

OPEN SESSION (20 MINUTES)

SPECIAL ORDER OF BUSINESS

1. [AB2021-485](#) Council appointment of interim District Court Judge

APPOINTED

Angela Anderson was appointed with five votes.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2021-427](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Cascadia Youth Mental Health to assess and support regional school substance use discipline policies and practice needs, in the amount of \$22,760 for a total amended contract amount of \$40,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

2. [AB2021-428](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Northwest Educational Service District 189 for participation in the Regional Youth Marijuana Prevention and Education Program, in the amount of \$15,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

3. [AB2021-442](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Tacoma Pierce County Health Department for administration of the food handler permit program, in an estimated amount of \$80,732 per year

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

4. [AB2021-443](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Skagit Valley College for the use of the Plantation Rifle Range to train personnel, in the amount of \$17,486.40

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

5. [AB2021-444](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Sedro-Woolley Police Department for the use of the Plantation Rifle Range to train personnel, in the amount of \$6,289.30

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

6. [AB2021-445](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Bellingham Police Department for the use of the Plantation Rifle Range to train personnel, in the amount of \$26,381.85

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

7. [AB2021-446](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Mount Vernon Police Department for the use of the Plantation Rifle Range to train personnel, in the amount of \$6,764.05

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

8. [AB2021-448](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Marysville Police Department for the use of the Plantation Rifle Range to train personnel, in the amount of \$12,868.22

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

9. [AB2021-449](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Skagit County Sheriff's Office for the use of the Plantation Rifle Range to train personnel, in the amount of \$15,286.73

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

10. [AB2021-452](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology for solid waste management compliance and litter and/or illegal dumping enforcement activities, in the amount of \$236,340

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

11. [AB2021-468](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Trantech Engineering, LLC to provide engineering services to implement rehabilitation efforts on the existing Nulle Road/Friday Creek Bridge No. 106
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
- Nay:** 0
- Absent:** 0
12. [AB2021-472](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Helmsman Management Services, LLC to provide administration of the County's self-insured Worker's Compensation Program in the amount of \$173,090
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
- Nay:** 0
- Absent:** 0
13. [AB2021-478](#) Request approval for the County Executive to enter into a contract for a 3-year subscription to KnowBe4 for cyber security awareness training and simulated phishing software platform with SHI International Corporation, using the Washington State Contract #06016, in an amount not to exceed \$50,409.22
- AUTHORIZED BY CONSENT**
- Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
- Nay:** 0
- Absent:** 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2021-412](#) Ordinance amending the 2021 Whatcom County Budget, request no. 12, in the amount of \$1,506,763
- ADOPTED**
- Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
- Nay:** 0
- Absent:** 0

Enactment No: ORD 2021-051

2. [AB2021-390](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and the Bellingham Housing Authority for the purposes of funding an EDI loan for phase 3 of the Samish Commons redevelopment project in the amount of \$750,000

AUTHORIZED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Tyler Schroeder, Deputy Administrator, corrected the title for this item to reflect an amount of \$725,000 instead of \$750,000.

3. [AB2021-410](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County Flood Control Zone District and the Lummi Nation for the transfer of real property (Council acting as the Flood Control Zone District Board of Supervisors)

AUTHORIZED

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

Nay: 0

Absent: 0

4. [AB2021-430](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Housing Authority of the City of Bellingham to receive American Rescue Plan Act (ARPA) funds in the amount of \$525,000 to construct phase 3 of the Samish Commons Project

AUTHORIZED

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

5. [AB2021-441](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology to administer and enforce sealing, tagging, and decommissioning of water wells, in an estimated annual amount of \$13,500

AUTHORIZED

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

Nay: 0

Absent: 0

6. [AB2021-454](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Unity Care Northwest to provide reimbursement of professional and support services provided at Whatcom County's Community Vaccine Clinics, in the amount of \$55,950

AUTHORIZED

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

Nay: 0

Absent: 0

7. [AB2021-458](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County, the City of Bellingam Fire Department and Fire Protection District No. 7 for costs associated with the implementation of the 5th medic unit in the amount of \$1,917,500

AUTHORIZED

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

Nay: 0

Absent: 0

8. [AB2021-459](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Snohomish Health District to provide COVID-related isolation and quarantine to Snohomish County residents, in the amount of \$200 per resident, per day

AUTHORIZED

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

Nay: 0

Absent: 0

9. [AB2021-476](#) Resolution to adopt the Whatcom County Employee's Personnel Handbook

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2021-028

10. [AB2021-477](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Social and Health Services to provide an advance in funding for DSHS-funded Developmental Disabilities Administration Programs, in an amount authorized of up to \$470,230

AUTHORIZED

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

Nay: 0

Absent: 0

11. [AB2021-483](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide funding for additional motel rooms for families experiencing unsheltered homelessness in the amount of \$236,470 for a total amended contract amount of \$354,922

AUTHORIZED

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

Nay: 0

Absent: 0

(From Council Public Works and Health Committee)

12. [AB2021-464](#) Resolution in the matter of considering vacating a portion of Wynn Road

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2021-029

13. [AB2021-465](#) Resolution in the matter of considering vacating a portion of Thomas Road

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2021-030

14. [AB2021-466](#) Resolution in the matter of considering vacating a portion of Horton Road

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2021-031

15. [AB2021-467](#) Resolution in the matter of considering vacating a portion of Boxwood Road

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2021-032

(No Committee Assignment)

16. [AB2021-469](#) Request to authorize Karen Frakes, Chief Civil Deputy Prosecuting Attorney, to vote on behalf of Whatcom County in favor of the Joint Plan of Reorganization of Mallinckrodt PLC and its debtor affiliates under Chapter 11 of the Bankruptcy Code in Case No. 20-12522 (JTD) in the US Bankruptcy Court for the District of Delaware

APPROVED REQUEST

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

Nay: 0

Absent: 0

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2021-461](#) Request confirmation of the County Executive's appointment of Jagwinder Gill to the Agricultural Advisory Committee

CONFIRMED

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

INTRODUCTION ITEMS

1. [AB2021-451](#) Ordinance amending the 2021 Whatcom County Budget, request no. 13, in the amount of \$1,615,450

INTRODUCED

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

Nay: 0

Absent: 0

2. [AB2021-408](#) Ordinance adopting amendments to Whatcom County Code Title 17 Flood Damage Prevention

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

3. [AB2021-450](#) Resolution amending the Flood Control Zone District 2021 budget, request no. 2, in the amount of \$1,142,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

INTRODUCED

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

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Motion carried 7-0 to schedule an Executive Session for AB2021-156 on September 28.

ADJOURN