

Whatcom County Council

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



Action Summary

Tuesday, November 9, 2021

6 PM

Virtual Meeting

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010); AGENDA
REVISED 11.8.2021**

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: 6 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, and Carol Frazey

Absent: 1 - Kathy Kershner

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2021-082](#) Committee of the Whole for October 26, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 1 - Kershner

2. [MIN2021-083](#) Regular County Council for October 26, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 1 - Kershner

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2021-614](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Maul Foster & Alongi, Inc. to finalize the Comprehensive Solid and Hazardous Waste Management Plan update in the amount of \$20,000 for a total amended contract amount of \$133,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Kershner

2. [AB2021-615](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for partial funding of maintenance and operations of the Crisis Stabilization Center, in the amount of \$65,000

This item was considered separately. See motion and vote after Consent Agenda items below.

3. [AB2021-642](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Point Roberts Park and Recreation District No. 1 for usage of the District's Community Center for senior programming, in the amount of \$1,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Kershner

4. [AB2021-643](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Everson for use of building space at Everson City Hall for senior programming, in the amount of \$500

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 1 - Kershner

5. [AB2021-649](#) Resolution approving a salary schedule and policies for Unrepresented Whatcom County employees effective January 1, 2022 through December 31, 2022

APPROVED

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

Nay: 1 - Elenbaas

Absent: 1 - Kershner

Enactment No: RES 2021-048

6. [AB2021-653](#) Request authorization for the County Executive to enter into a three year interlocal agreement among Whatcom County and the Port of Bellingham and City of Bellingham to provide economic development services and complete special projects that promote beneficial outcomes for the parties, in the amount of \$2,084,322

This item was considered separately. See motion and vote after Consent Agenda items below.

2. [AB2021-615](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for partial funding of maintenance and operations of the Crisis Stabilization Center, in the amount of \$65,000

AUTHORIZED

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

Nay: 0

Absent: 1 - Kershner

Abstain: 1 - Elenbaas

6. [AB2021-653](#) Request authorization for the County Executive to enter into a three year interlocal agreement among Whatcom County and the Port of Bellingham and City of Bellingham to provide economic development services and complete special projects that promote beneficial outcomes for the parties, in the amount of \$2,084,322

HELD IN COMMITTEE

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

Nay: 0

Absent: 1 - Kershner

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2021-594](#) Ordinance amending Whatcom County Code Chapter 2.02 (County Council) to define absence and temporary disability

HELD IN COMMITTEE

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

Nay: 0

Absent: 1 - Kershner

2. [AB2021-599](#) Ordinance establishing the Ferry Fare Capital Surcharge Fund

ADOPTED

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

Nay: 0

Absent: 1 - Kershner

Enactment No: ORD 2021-068

3. [AB2021-601](#) Ordinance amending the 2021 Whatcom County Budget, request no. 17, in the amount of \$4,967,500

ADOPTED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 1 - Kershner

Enactment No: ORD 2021-069

4. [AB2021-609](#) Ordinance amending Whatcom County Code Title 3 (Revenue and Finance), specifically Chapters 3.06 (Grants) and 3.08 (Purchasing System)

ADOPTED

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

Nay: 0

Absent: 1 - Kershner

Enactment No: ORD 2021-070

5. [AB2021-613](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Road2Home to operate the COVID Isolation and Quarantine Facility, in the amount of \$159,275

AUTHORIZED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 1 - Kershner

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

HELD IN COMMITTEE

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

Nay: 0

Absent: 1 - Kershner

7. [AB2021-631](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Aristo Healthcare Services to provide staffing at the COVID Isolation and Quarantine Facility, in the estimated amount of \$200,000

AUTHORIZED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 1 - Kershner

ITEMS ADDED BY REVISION

2. [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)

HELD IN COMMITTEE

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

Nay: 0

Absent: 1 - Kershner

OTHER ITEMS (Continued)

(From Council Committee of the Whole)

8. [AB2021-612](#) Discussion and request for motion regarding County Council meeting broadcast on Bellingham public access television (BTV) and streaming on YouTube

DISCUSSED

Councilmembers concurred that Browne will work on a letter to the City of Bellingham Council.

(No Committee Assignment)

9. [AB2021-625](#) Resolution approving the 2021 Whatcom County Climate Action Plan

APPROVED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 1 - Kershner

Enactment No: RES 2021-049

10. [AB2021-658](#) Resolution approving the naming of the Crisis Stabilization Facility as “The Anne Deacon Center for Hope”

APPROVED

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

Nay: 0

Absent: 1 - Kershner

Enactment No: RES 2021-050

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2021-629](#) Request confirmation of the County Executive's appointments of Brian Hunter and Prakash Sundaresan to the Point Roberts Community Advisory Committee

CONFIRMED

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

Nay: 0

Absent: 1 - Kershner

2. [AB2021-655](#) Request confirmation of the County Executive's appointment of Roger Kubalek to the Agricultural Advisory Committee

CONFIRMED

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

Nay: 0

Absent: 1 - Kershner

ITEMS ADDED BY REVISION

1. [AB2021-668](#) Discussion and request for motion regarding the Justice Project (Public Health, Safety, and Justice Facility Needs Assessment)

DISCUSSED AND MOTION(S) APPROVED

Motion approved 6-0 to re-appoint Buchanan to serve on the Stakeholder Advisory Committee.

INTRODUCTION ITEMS

1. [AB2021-627](#) Ordinance Amending the Project Budget for the E. Smith/Hannegan Road Intersection Improvements Fund, Request No. 2

INTRODUCED

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

Nay: 0

Absent: 1 - Kershner

2. [AB2021-636](#) Ordinance Establishing the Birch Bay Lynden Rd & Blaine Rd Intersection Improvements Fund and Establishing a Project Based Budget for the Birch Bay Lynden Rd & Blaine Rd Intersection Improvements Fund; CRP #906001

INTRODUCED

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

Nay: 0

Absent: 1 - Kershner

3. [AB2021-637](#) Ordinance Establishing the Goshen Road/Anderson Creek Bridge No. 248 Replacement Fund and Establishing a Project Based Budget for the Goshen Road/Anderson Creek Bridge No. 248 Replacement Fund; CRP #920003

INTRODUCED

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

Nay: 0

Absent: 1 - Kershner

4. [AB2021-638](#) Ordinance Establishing the North Fork Road/Kenney Creek Fish Passage Fund and Establishing a Project Based Budget for the North Fork Road/Kenney Creek Fish Passage Fund; CRP #919007

INTRODUCED

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

Nay: 0

Absent: 1 - Kershner

5. [AB2021-640](#) Ordinance amending the 2022 Whatcom County Budget, request no. 2, in the amount of \$12,007,450

INTRODUCED

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

Nay: 0

Absent: 1 - Kershner

6. [AB2021-641](#) Ordinance Establishing the Jackson Road/Terrell Creek Bridge No. 81 Replacement Fund and Establishing a Project Based Budget for the Jackson Road/Terrell Creek Bridge No. 81 Replacement Fund; CRP #917004

INTRODUCED

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

Nay: 0

Absent: 1 - Kershner

7. [AB2021-650](#) Ordinance amending Whatcom County Code (WCC) 3.08.060 (Purchasing System) to update the small public works roster process to award public works contracts under WCC 3.08.095 and to establish consulting services roster award process for architectural, engineering, and other professional services

INTRODUCED

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

Nay: 0

Absent: 1 - Kershner

8. [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

AB2021-606 was considered separately. See below and in Committee Reports for motion and vote on this item.

9. [AB2021-623](#) Ordinance Authorizing the Levy of Taxes for Countywide Emergency Medical Purposes for 2022

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 1 - Kershner

10. [AB2021-628](#) Ordinance amending the 2022 Whatcom County Budget, request no. 1, in the amount of \$50,655,096

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 1 - Kershner

11. [AB2021-630](#) Ordinance Authorizing the Levy of Taxes for Conservation Futures Purposes for 2022

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 1 - Kershner

12. [AB2021-632](#) Ordinance Authorizing the Levy of 2022 Property Taxes for County Road Purposes

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 1 - Kershner

13. [AB2021-633](#) Ordinance Authorizing the Levy of Taxes for County and State Purposes in Whatcom County, Washington, for the Year of 2022
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, and Frazey
- Nay:** 0
- Absent:** 1 - Kershner
14. [AB2021-634](#) Ordinance Limiting the 2022 General Fund Property Tax Levy
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, and Frazey
- Nay:** 0
- Absent:** 1 - Kershner
15. [AB2021-648](#) Ordinance adopting amendments to WCC Title 20 (Zoning) regulating the production, processing, and retail sales of recreational marijuana in Whatcom County and repealing Ordinance No. 2021-066
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, and Frazey
- Nay:** 0
- Absent:** 1 - Kershner
16. [AB2021-654](#) Resolution approving the Shoreline Management Program Periodic Update 2020
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, and Frazey
- Nay:** 0
- Absent:** 1 - Kershner
17. [AB2021-622](#) Resolution adopting the 2022 budget for the Whatcom County Flood Control Zone District and Subzones (Council acting as the Flood Control Zone District Board of Supervisors)
- INTRODUCED FOR PUBLIC HEARING**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, and Frazey
- Nay:** 0
- Absent:** 1 - Kershner
18. [AB2021-635](#) Resolution Authorizing the Levy of Taxes for the Whatcom County Flood Control Zone District for 2022

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 1 - Kershner

8. [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

See motion and vote for this item under Committee Reports below.

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Motion approved 6-0 to withdraw AB2021-606 from Introduction.

ADJOURN