

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, November 23, 2021**

**6 PM**

**Virtual Meeting**

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010); AGENDA  
REVISED 11.22.2021 AND 11.23.2021**

### **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:** 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. [MIN2021-084](#) Committee of the Whole Executive Session for November 9, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [MIN2021-085](#) Committee of the Whole for November 9, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [MIN2021-086](#) Regular County Council for November 9, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

4. [MIN2021-087](#) Water Work Session for November 16, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

**PUBLIC HEARINGS**

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

**SUBSTITUTE ADOPTED**

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

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

**Absent:** 0

Enactment No: ORD 2021-072

- 2. [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)

**APPROVED AS AMENDED**

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: RES 2021-051

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

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-073

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

**HEARD PUBLIC TESTIMONY**

**DISCUSSED AND MOTION(S) APPROVED**

Amended and forwarded the amended version for introduction this evening (see AB2021-733 below in Items added by Revision).

Motion approved 4-3 with Byrd, Elenbaas, and Kershner opposed, to amend the Ordinance to change \$0 to \$100,000 and 0% to 8.6% in the following statement: is hereby authorized for the 2022 levy in the amount of \$100,000, which is a percentage increase of 8.6% from the previous year.

Motion carried 5-2, with Elenbaas and Byrd opposed, that the amended version be forwarded for introduction this evening.

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

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-074

6. [AB2021-633](#) Ordinance Authorizing the Levy of Taxes for County and State Purposes in Whatcom County, Washington, for the Year of 2022

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-075

7. [AB2021-634](#) Ordinance Limiting the 2022 General Fund Property Tax Levy

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-076

8. [AB2021-635](#) Resolution Authorizing the Levy of Taxes for the Whatcom County Flood Control Zone District for 2022

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2021-052

- 9. [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

**REFERRED TO COMMITTEE**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Browne

- 10. [AB2021-654](#) Resolution approving the Shoreline Management Program Periodic Update 2020

**HEARD PUBLIC TESTIMONY**

**DISCUSSED AND MOTION(S) APPROVED**

Motion approved to amend to amend 16.16.900 #7 in Exh F, page 128 to read:

“7. Anyone whose professional license is currently revoked or has had two (2) or more reports denied by the Hearing Examiner within a 12-month period does not meet the definition of a qualified professional or qualified consultant.”

Motion approved to amend 16.16.900 (definitions) #1 Exhibit F page 128 to add “and made available to the public” after the word Director as follows:

Is listed on a roster of qualified professionals or qualified consultants prepared by the Director and made available to the public.

Motion approved to amend 16.16.612 Exceptions to Regulation Section A, Subsection 1d (page 66 of Exhibit F) to read:

“Do not score 6 or more points for habitat function...”

**OPEN SESSION (20 MINUTES)**

**CONSENT AGENDA**

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

- 1. [AB2021-662](#) Request Authorization for the North East Workforce Grant to provide reimbursement of wages and benefits for eligible temporary employees working in various COVID-related positions, in the estimated amount of \$165,000 for a total estimated contract amount of \$495,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2021-663](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lifeline Connections to provide jail behavioral health services, in the amount of \$64,440

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

3. [AB2021-669](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom Conservation District for Domestic-Municipal Water Use Efficiency Project assistance in the amount of \$39,942 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

4. [AB2021-670](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Julota to provide tracking and monitoring of services and care provided to individuals frequently seen by the GRACE and LEAD Programs, in the amount of \$61,350

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

5. [AB2021-677](#) Request authorization for the County Executive to enter into a contract between Whatcom County and US Imaging, Inc., in the amount of \$70,656.11

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

6. [AB2021-682](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and US Imaging, Inc. to complete the digital image enhancement project in the amount of \$28,966.05 for a total amended contract amount of \$156,966.05

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

7. [AB2021-684](#) Resolution ordering the cancellation of unredeemed checks (warrants) more than one year old

**APPROVED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2021-053

8. [AB2021-686](#) Resolution ordering the cancellation of accounts receivable incurred prior to 2020

**APPROVED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2021-054

9. [AB2021-689](#) Request approval for the County Executive to enter into an interlocal cooperative purchasing agreement with Stevens County which will allow utilization of reciprocal competitively bid contracts, pursuant to RCW Chapter 39.34 Interlocal Cooperation Act

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

**WITHDRAWN**

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)

**WITHDRAWN**

3. [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

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

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

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-077

5. [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

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-078

6. [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

**ADOPTED**

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



**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-079

7. [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

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-080

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

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-081

9. [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

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-082

10. [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

**ADOPTED**

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-083

- 11. [AB2021-667](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom Conservation District for Lake Whatcom Homeowner Incentive Program assistance in the amount of \$97,275.61

**AUTHORIZED**

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

Nay: 0

Absent: 0

- 12. [AB2021-680](#) Request approval for the County Executive to award Bid #21-68 for the purchase of 80 each FN303 Mark 2 Less-Lethal Launchers, associated equipment, and related accessories to Arms Unlimited Incorporated, in an amount not to exceed \$86,062.98

**AUTHORIZED**

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

Nay: 0

Absent: 0

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

- 13. [AB2021-696](#) Approval to send letter to Mayor of Bellingham regarding reinstating BTV broadcast of County Council meetings

**AMENDED AND APPROVED BY THE COUNCILMEMBERS**

**(No Committee Assignment)**

- 14. [AB2021-661](#) Request authorization for the County Executive to enter into the proposed settlement agreement in Whatcom Farm Bureau, et al. v. Whatcom County, GMHB Case No. 18-2-0001

**APPROVED REQUEST**

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

Nay: 0

Absent: 0

Recused: 1 - Elenbaas

**ITEMS ADDED BY REVISION**

1. [AB2021-728](#) 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 February special election

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

2. [AB2021-732](#) Ordinance (emergency) amending the 2021 Whatcom County Budget, request no. 20, in the amount of \$500,000 to cover emergency response costs related to countywide flooding

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-084

3. [AB2021-733](#) Ordinance Authorizing the Levy of Taxes for Conservation Futures Purposes for 2022

**INTRODUCED FOR PUBLIC HEARING**

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

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

**Absent:** 0

**INTRODUCTION ITEMS**

1. [AB2021-671](#) Ordinance Closing Sheriff's Records Management System Project Fund 344

**INTRODUCED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2021-673](#) Ordinance Establishing the Northwest Annex Redevelopment Fund and Establishing a Project Based Budget for the Northwest Annex Redevelopment Project

**INTRODUCED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

3. [AB2021-679](#) Ordinance amending the 2021 Whatcom County Budget, request no. 18, in the amount of \$7,038,925

**INTRODUCED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

4. [AB2021-681](#) Ordinance amending the 2022 Whatcom County Budget, request no. 3, in the amount of \$1,144,763

**INTRODUCED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

- [AB2021-654](#) Resolution approving the Shoreline Management Program Periodic Update 2020

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

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

**ADJOURN**