

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, January 25, 2022**

**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 1.25.2022**

### **COUNCILMEMBERS**

Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kaylee Galloway  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

# COUNTY COUNCIL

## CALL TO ORDER

## ROLL CALL

**Present:** 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

**Absent:** None

## FLAG SALUTE

## ANNOUNCEMENTS

## COUNTY EXECUTIVE'S REPORT

## MINUTES CONSENT

1. [MIN2022-005](#) Special Council for January 11, 2022

### **APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [MIN2022-006](#) Regular County Council for January 11, 2022

### **APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [MIN2022-007](#) Water Work Session for January 18, 2022

### **APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

## PUBLIC HEARING

1. [AB2021-664](#) Ordinance establishing a speed limit on a portion of Alderson Road

### **ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2022-002

## **OPEN SESSION (20 MINUTES)**

### **CONSENT AGENDA Part 1**

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

1. [AB2022-030](#) Resolution cancelling uncollectible personal property taxes

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2022-002

2. [AB2022-034](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Kittitas County for jail services when extra housing is needed for Whatcom County Jail inmates

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [AB2022-043](#) Request Authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Office of Public Defense for the enhancement of Public Defense in the amount of \$209,111.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

4. [AB2022-045](#) Resolution to approve annual petition for refunds paid list consistent with RCW 84.69.020

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2022-003

5. [AB2022-046](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department to prepare for all hazards through Emergency Management programs, in the amount of \$74,247

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

6. [AB2022-047](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department to prepare for all hazards through Emergency Management programs, in the amount of \$25,325

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

7. [AB2022-051](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the Washington State Department of Natural Resources in the amount of \$9,900.00

This item was considered separately. See motion and vote below.

8. [AB2022-052](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lifeline Connections to provide jail behavioral health and re-entry services in the amount of \$604,882 for a total amended contract amount of \$669,322

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

9. [AB2022-053](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Ecology, in the amount of \$1,295,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

10. [AB2022-056](#) Request authorization for the County Executive to enter into an interlocal agreement with the City of Bellingham for Joint Usage of the Vactor Waste Transfer Facility

This item was considered separately. See motion and vote below.

11. [AB2022-057](#) Request authorization for the County Executive to enter in to a contract with GeoTest Services, Inc. for on-call Construction Materials Testing and Inspection Construction Services in an amount not to exceed \$150,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

12. [AB2022-058](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide emergency housing for families experiencing unsheltered homelessness in the amount of \$107,000 for a total amended contract amount of \$600,074

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

13. [AB2022-059](#) Request authorization for the County Executive to enter into a collective bargaining agreement between Whatcom County and the Fraternal Order of Police for the period of January 1, 2022 - December 31, 2024

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

14. [AB2022-060](#) Request authorization for the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and PROTEC17 for the period of January 1, 2022 - December 31, 2023

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

**OTHER ITEMS Part 1**

(From Council Finance and Administrative Services Committee)

1. [AB2022-012](#) Ordinance establishing the Geneva Bioretention Pilot Project Fund and establishing a project based budget for the Geneva Bioretention Pilot Project

Enactment No: ORD 2022-003

See action on this item below.

**CONSENT AGENDA Part 2**

(From Council Finance and Administrative Services Committee)

7. [AB2022-051](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the Washington State Department of Natural Resources in the amount of \$9,900.00

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

10. [AB2022-056](#) Request authorization for the County Executive to enter into an interlocal agreement with the City of Bellingham for Joint Usage of the Vactor Waste Transfer Facility

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**OTHER ITEMS Part 2**

(From Council Finance and Administrative Services Committee)

1. [AB2022-012](#) Ordinance establishing the Geneva Bioretention Pilot Project Fund and

establishing a project based budget for the Geneva Bioretention Pilot Project

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2022-003

2. [AB2022-013](#) Ordinance amending the 2022 Whatcom County Budget, request no. 4, in the amount of \$1,619,951

**ADOPTED**

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

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

**Absent:** 0

**Abstain:** 1 - Kershner

Enactment No: ORD 2022-004

3. [AB2022-044](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ideal Options for Physician Services in the amount of \$277,842.00

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

4. [AB2022-049](#) Request authorization for the County Executive to enter into a Memorandum of Understanding for the Way Station

**AUTHORIZED**

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

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

**Absent:** 0

5. [AB2022-050](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pacific Security to provide security services at COVID isolation and quarantine facilities and community vaccine clinics in the amount of \$48,201 for a total amended contract amount of \$224,210

**AUTHORIZED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

6. [AB2022-055](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Conservation District, in the amount of \$35,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 0

**(From Council Planning and Development Committee)**

7. [AB2021-744](#) Resolution approving recommendations on three applications for Open Space Current Use Assessment

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2022-004

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

8. [AB2021-209](#) Resolution regarding permanent affordability of childcare in Whatcom County

**SUBSTITUTE APPROVED**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Elenbaas

Enactment No: RES 2022-005

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

1. [AB2022-026](#) Council appointment to fill vacancies on the Incarceration Prevention and Reduction Task Force - Applicant(s): Jason McGill, Jason Smith, Jenn Lockwood, Gregory

Todd Lagestee, Heather Flaherty, Deborah Hawley, McKale Jones, Debra David

**APPOINTED**

Appointed as follows: Consumer of services or family member (1 vacancy)

Deborah Hawley, incumbent with 6 votes

Concerned Citizen (1 vacancy)

Heather Flaherty, incumbent with 7 votes

Social Services Provider (2 vacancies)

Jason McGill with 5 votes

Jenn Lockwood with 4 votes

2. [AB2022-054](#) Council appointment to the Flood Control Zone District Advisory Committee - Alternate, applicant(s): Loren Hoekema (Council Acting as the Flood Control Zone District Board of Supervisors )

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

3. [AB2022-068](#) Council appointment to fill vacancies on the Forestry Advisory Committee, Harvester position - Applicant(s): Matt McGee

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

4. [AB2022-069](#) Council appointment to fill vacancy on the Lynden/Everson Flood Control Subzone Advisory Committee - Applicant(s): Shawna DeKriek (Council Acting as the Flood Control Zone District Board of Supervisors)

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

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

1. [AB2022-061](#) Request confirmation of the County Executive's appointments and reappointments to various county boards, committees and commissions

**CONFIRMED**

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

**Nay:** 0

**Absent:** 0

The substitute list was confirmed.

**ITEMS ADDED BY REVISION**

1. [AB2022-079](#) Ordinance amending Whatcom County Code 2.02.085, Council Standing Committees - Committee Action

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Byrd

**INTRODUCTION ITEMS**

1. [AB2022-048](#) Ordinance authorizing Superior Court to appoint a statutory commissioner

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

2. [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**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Byrd

3. [AB2022-036](#) Ordinance repealing the Cherry Point Ferndale Subarea Plan and deleting a reference to the Subarea Plan in the Whatcom County Comprehensive Plan

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

4. [AB2022-039](#) Ordinance to temporarily close Gulf Road to Motorized Vehicular Traffic

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

5. [AB2022-040](#) Ordinance for the legal establishment of a speed limit for a portion of Nulle Road

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

6. [AB2022-041](#) Ordinance to install a stop sign on Northwest Drive

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

7. [AB2022-042](#) Ordinance regarding the legal establishment of existing yield signs on county roads

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

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

Motion approved 4-2-1, with Elenbaas and Kershner opposed and Byrd abstaining, to approve the substitute Letter to Commissioner of Public Lands and Washington State Board of Natural Resources regarding proposed Bessie Sorts Timber Sale.

Motion approved 6-1 with Byrd opposed that Kershner would attend the kick-off meeting for the COVID-19 pandemic response review contract.

Motion approved 7-0 that they ask staff for an update at the next Committee of the Whole meeting on where our Council chambers are with technology for being able to do hybrid meetings.

**ADJOURN**