

Whatcom County Council

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



Action Summary

Tuesday, February 8, 2022

6 PM

Virtual Meeting

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010); AGENDA
REVISED 2.7.2022 AND 2.8.2022**

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

The following motion was approved 6-0-1 with Elenbaas out of the meeting:

I hereby move to approve defense and indemnification of George Roche, named as defendants in Geneva Langworthy, Plaintiff v. Washington Courts and George Roche, Defendants, United States District Court Western District of Washington 2:21-cv-01615-RAJ.

Based on the following findings:

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

COUNTY EXECUTIVE'S REPORT

MINUTES CONSENT

1. [MIN2022-008](#) REVISED MINUTES for Regular County Council on December 7, 2021

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

Temp Absent: 1 - Elenbaas

2. [MIN2022-009](#) Committee of the Whole for January 25, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

Temp Absent: 1 - Elenbaas

3. [MIN2022-010](#) Regular County Council for January 25, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

Temp Absent: 1 - Elenbaas

4. [MIN2022-011](#) Health Board for February 1, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

Temp Absent: 1 - Elenbaas

PUBLIC HEARINGS

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

FORWARDED FOR CONCURRENT REVIEW

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

Nay: 0

Absent: 0

Temp Absent: 1 - Elenbaas

Public Hearing held.

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

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-005

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

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-006

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

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-007

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

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-008

OPEN SESSION (20 MINUTES)

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2022-065](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice, for Organized Crime Drug Enforcement Task Force (OCDETF), in the amount of \$2,500.00

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

2. [AB2022-075](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham to provide winter shelters during severe weather emergencies

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

3. [AB2022-076](#) Resolution amending the 2022 CEDS project list to include an additional Port of Bellingham project and revise the name of a Whatcom County project already listed
- Enactment No: RES 2022-006

See action on this item below.

4. [AB2022-078](#) Request authorization for a Letter of Understanding between Whatcom County and The International Organization of Masters, Mates and Pilots (MMP) and the Inlandboatmen's Union of the Pacific (IBU) to amend the current Collective Bargaining Agreement for the period of January 1, 2020 - December 31, 2022

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

5. [AB2022-091](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Health Care Authority to provide funding to accomplish activities under the Law Enforcement Assisted Diversion (LEAD) program during the grant period 10/01/21 - 06/30/23 in the amount of \$1,175,834.00

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

6. [AB2022-092](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Sea Mar Community Health Centers to furnish goods and services necessary to accomplish activities under the Law Enforcement Assisted Diversion (LEAD) program during the contract term 10/1/21 - 03/31/22 and not to exceed the amount of \$371,583.00

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

7. [AB2022-093](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Gallagher Benefit Services, Inc. to provide a compensation study for unrepresented employees, in an amount not to exceed \$50,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

Considered Separately (From Council Finance and Administrative Services Committee)

3. [AB2022-076](#) Resolution amending the 2022 CEDS project list to include an additional Port of Bellingham project and revise the name of a Whatcom County project already listed

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2022-006

OTHER ITEMS

(From Council Natural Resources Committee)

1. [AB2022-071](#) Resolution affirming the Conservation Easement Program Oversight Committee ranking and authorizing Whatcom County Conservation Easement Program Administrator and Whatcom County Executive to proceed with the acquisition of conservation easements on the Vander Veen, Rethlefsen, Savage, and Moors applications

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2022-007

(From Council Finance and Administrative Services Committee)

2. [AB2022-072](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Aristo Healthcare Services to provide immediate staffing at

COVID Isolation and Quarantine Facility overflow sites, in the amount of \$705,200

AUTHORIZED

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

Nay: 0

Absent: 0

(From Council Criminal Justice and Public Safety Committee)

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

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-009

(From Council Committee of the Whole)

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

ADOPTED

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

Enactment No: ORD 2022-010

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

HELD IN COMMITTEE

(No Committee Assignment)

6. [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

SUBSTITUTE ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-011

7. [AB2022-080](#) Resolution supporting state legislative action resetting the deadline for participation in the voluntary stewardship program and supporting the consideration of an ordinance consistent with RCW 36.70A.710(b)(i-iii) in the event such legislation is passed

APPROVED

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

Nay: 0

Absent: 0

Recused: 1 - Elenbaas

Enactment No: RES 2022-008

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-095](#) Appointment to fill a vacancy on the Flood Control Zone District Advisory Committee, Geographic Area Representative position - alternates: Theresa Sygitowicz, Daniel Dahlquist, Joni Hensley, Keith Hoekema, Loren Hoekema (Council acting as the Flood Control Zone District Board of Supervisors)

APPOINTED

Appointed Loren Hoekema 7-0

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-094](#) Request confirmation of Executive Sidhu's reappointment of Kara Allen to the North Sound Behavioral Health Administrative Services Organization's board

CONFIRMED

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

1. [AB2022-108](#) Appointment to fill a vacancy on the Forestry Advisory Committee, Forest Product Manufacturer position - Applicant(s): Aubrey Stargell

APPOINTED

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

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

INTRODUCTION ITEMS

1. [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

INTRODUCED

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

Nay: 0

Absent: 0

2. [AB2022-083](#) Ordinance amending Ordinance No. 2021-064 (Review of Response to COVID-19 Pandemic) to change project timeline

INTRODUCED

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

Nay: 0

Absent: 0

3. [AB2022-086](#) Ordinance amending the 2022 Whatcom County Budget, request no. 5, in the amount of \$7,750,231

INTRODUCED

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

Nay: 0

Absent: 0

4. [AB2022-088](#) Ordinance closing the State Street Building Acquisition and Improvement Fund 348

INTRODUCED

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

Nay: 0

Absent: 0

5. [AB2022-089](#) Ordinance establishing the Way Station Project Fund and establishing a project based budget for the Way Station Project

INTRODUCED

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

Nay: 0

Absent: 0

6. [AB2022-082](#) Ordinance adopting various minor amendments to Whatcom County Code Titles 20 (Zoning), 21 (Land Division Regulations) and 22 (Land Use and Development)

SUBSTITUTE INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

7. [AB2022-073](#) Receipt of applications for the Stakeholder Advisory Committee for the Justice Project, applicants: Debra David, Peter Frazier (application deadline for any other applicants to this vacancy is 10 a.m. on February 15, 2022)

INTRODUCED

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

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN