

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, April 12, 2022**

**6 PM**

**Hybrid Meeting**

**HYBRID MEETING (PARTICIPATE IN-PERSON OR SEE REMOTE JOIN  
INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL  
360.778.5010)**

### **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. [MIN2022-023](#) Committee of the Whole for March 22, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [MIN2022-024](#) Regular County Council for March 22, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [MIN2022-025](#) Health Board for March 29, 2022

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

### PUBLIC HEARINGS

1. [AB2022-177](#) Ordinance amending Whatcom County Code Section 1.14, Electoral Precincts, adjusting boundary lines based on decennial census information in the Legislative, Congressional and County Council districts

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2022-028

2. [AB2022-121](#) Resolution vacating a portion of Horton Road

**APPROVED AS AMENDED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2022-016

Motion approved to amend the resolution to waive the utility reservation easement.

3. [AB2022-122](#) Resolution vacating a portion of Boxwood Road

**APPROVED AS AMENDED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2022-017

Motion approved to amend the resolution to waive the utility easement.

4. [AB2022-162](#) Ordinance establishing movement restrictions on E. Hemmi Road at the intersection with Hannegan Road

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2022-029

5. [AB2022-163](#) Ordinance Removing a School Speed Zone on Hannegan Road

**ADOPTED**

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-030

6. [AB2022-164](#) Ordinance establishing parking control on Eddie Lane within the Plat of Whisper Lake

**ADOPTED**

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-031

7. [AB2022-165](#) Ordinance Establishing a Speed Limit within the Plat of Whisper Lake

**ADOPTED**

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-032

8. [AB2022-166](#) Ordinance for installation of a stop sign within the plat of Whisper Lake

**ADOPTED**

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-033

**OPEN SESSION (20 MINUTES)**

**CONSENT AGENDA**

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

1. [AB2022-195](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Skagit County Sheriff's Office for use of the Plantation Rifle Range to train personnel, in the amount of \$16,109.98

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [AB2022-196](#) Request Authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham Police Department for use of the Plantation Rifle Range to train personnel, in the amount of \$27,865.67

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [AB2022-171](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Office of Public Defense to be reimbursed for increased service costs related to Covid 19, in the amount of \$73,000.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

4. [AB2022-184](#) Request approval for the County Executive to enter into a contract amendment with Herrera Environmental Consultants, Inc. to expand the scope of work, timeline, and funding to complete the Offsite Buffer Mitigation Program Feasibility Study in the amount of \$60,000 for a total amended contract of \$100,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

5. [AB2022-198](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Public Safety Testing to conduct background investigations on Sheriff's office employment candidates, in the amount of an estimated \$42,000.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

6. [AB2022-199](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Julota to integrate data among various data storage

platforms used to track and monitor services and care provided to individuals frequently seen by the GRACE and LEAD Programs in the amount of \$26,103 for a total amended contract amount of \$80,353

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

7. [AB2022-201](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Marysville Police Department for use of the Plantation Rifle Range to train personnel, in the amount of \$3,005.52

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

8. [AB2022-203](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide Leasing Specialist and intensive case management services in the amount of \$159,613 for a total amended contract amount of \$229,103

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

9. [AB2022-204](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Axon Enterprise, Inc. to provide additional body worn cameras and detective interview room cameras, in the amount of \$102,457.76

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

10. [AB2022-205](#) Request authorization for the County Executive to enter into a contract between Whatcom County and North Sound Behavioral Health Administrative Services Organization to provide funding for the Recovery Navigator Program intended to enhance Law Enforcement Assisted Diversion (LEAD) programming, in the amount of \$512,455

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

11. [AB2022-210](#) Request authorization for the County Executive to enter into a contract between Whatcom County and PeaceHealth for the lease of office space for the Health Department's Response Systems Division at 800 East Chestnut Street, in the amount of \$9,171.96

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

12. [AB2022-213](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for use of Bellingham's 800MHz Radio Network, in the amount of \$5,040

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

13. [AB2022-222](#) Request permission for the County Executive to enter into a Local Agency A&E Professional Services Agreement between Whatcom County and KPFF, Inc. to provide on-call professional mechanical engineering support for the Whatcom County ferry program in 2022, in the amount of \$40,000.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

14. [AB2022-228](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Whatcom Conservation District for farm planning services and financial assistance, in the amount of \$140,021 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

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

Nay: 0

Absent: 0

## **OTHER ITEMS**

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

1. [AB2022-194](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the City of Bellingham to support Child and Family Action Plan implementation activities, in the amount of \$150,000

#### **AUTHORIZED**

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

Nay: 0

Absent: 0

2. [AB2022-197](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and Washington Department of Ecology to develop and implement a collaborative process to identify local solutions for water availability issues in the Nooksack Basin and supporting technical work in the amount of \$250,000

#### **AUTHORIZED**

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

Nay: 0

Absent: 0

3. [AB2022-202](#) Request authorization for the County Executive to enter into a Interagency agreement between Whatcom County and the State of Washington Department of Ecology for Whatcom Compound Flood Vulnerability and Risk Assessment

#### **AUTHORIZED**

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

Nay: 0

Absent: 0

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

4. [AB2022-190](#) Ordinance amending Whatcom County Code 2.21, Board of Equalization

#### **ADOPTED**

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

Nay: 0



**Absent:** 0

Enactment No: ORD 2022-034

**(No Committee Assignment)**

5. [AB2022-220](#) Resolution establishing guidelines for Council appointment to judicial and legislature vacancies

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2022-018

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

1. [AB2022-211](#) Appointment to a vacancy on the Forestry Advisory Committee, commercial forest landowner position - Applicant(s): Quentin Dills

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

**ITEMS ADDED BY REVISION**

**INTRODUCTION ITEMS**

1. [AB2022-193](#) Resolution authorizing the County Executive to sign the Black Slough Comprehensive Barrier Removal Design Project grant application to the Brian Abbott Fish Barrier Removal Board (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

2. [AB2022-206](#) Ordinance relating to the Growth Management Act, adopting regulations for forest practices, adding a new Whatcom County Code Chapter 20.76, and amending Chapter 20.80

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

3. [AB2022-214](#) Ordinance adopting amendments to the Whatcom County Comprehensive Plan relating to capital facilities planning

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

4. [AB2022-215](#) Ordinance amending the project budget for the Swift Creek Capital Projects Fund, request no. 1

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

5. [AB2022-217](#) Resolution amending the Flood Control Zone District & Subzones 2022 budget, request no. 2, in the amount of \$110,000 (Council acting as the Whatcom County Flood Control Zone District Board of Directors)

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

6. [AB2022-219](#) Ordinance amending the project budget for the Way Station Project Fund, request No. 1

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

7. [AB2022-221](#) Ordinance amending Whatcom County Code Section 16.50.090 to incorporate changes to the C-PACER Program adopted by the state legislature in RCW 36.165.060

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 0

**Absent:** 0

8. [AB2022-224](#) Ordinance amending WCC 2.123.040 Membership - Term of Office for the Forestry Advisory Committee

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

9. [AB2022-225](#) Ordinance amending the 2022 Whatcom County Budget, request no. 7, in the amount of \$6,246,353

**INTRODUCED**

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

**Nay:** 0

**Absent:** 0

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

**ADJOURN**