

Whatcom County Council

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



Action Summary

Tuesday, September 13, 2022

6 PM

Hybrid Meeting

HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010), AGENDA REVISED 9.12.2022

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. [MIN2022-051](#) Special Council for August 2, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2022-052](#) Committee of the Whole Executive Session for August 9, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

3. [MIN2022-053](#) Committee of the Whole for August 9, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

4. [MIN2022-054](#) Regular County Council for August 9, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2022-431](#) Resolution vacating an unnamed alley within the Plat of Lummi Park on Lummi Island

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2022-037

2. [AB2022-443](#) Resolution authorizing the sale of personal property, pursuant to WCC 1.10

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2022-038

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2022-455](#) Request authorization for the County Executive to enter into the Allocation Agreement Governing the Allocation of Funds Paid by the Settling Opioid Distributors in Washington State and the Subdivision Settlement Participation Form in the Distributors Washington Settlement

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

2. [AB2022-456](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Everson for use of building space at Everson City Hall for senior programming, in the amount of \$500

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2022-458](#) Request authorization for the County Executive to enter into an Interagency Agreement between Whatcom County and the Washington Administrative Office of the Courts for reimbursement of expenses incurred relating to the Volunteer Guardian Ad Litem program, in the amount of \$91,751

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2022-459](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Military Department for FY2021 Operation Stonegarden (OPSG), in the amount of \$156,292.50

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

5. [AB2022-460](#) Request authorization for the County Executive to enter into a Subrecipient Agreement between Whatcom County and City of Bellingham to provide for a pass-through grant for reimbursement of equipment costs to What-Comm Communications Center, in the amount of \$126,251

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

6. [AB2022-461](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority to establish an alternative response team to respond to 911 calls that do not require law enforcement, in the amount of \$2,213,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

7. [AB2022-462](#) Request authorization for the County Executive to enter into an Interlocal Agreement between the Whatcom County Flood Control Zone District and Public Utility District No. 1 of Whatcom County (PUD) to provide funding to complete a Regional Water Supply Plan, in the amount of \$16,000.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

8. [AB2022-463](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Michael Bobbink for hearing examiner services

This item was considered separately. See below under the Consent Agenda.

9. [AB2022-464](#) Request authorization for the County Executive to enter into a two year grant contract between Whatcom County and Mt. Baker-Snoqualmie National Forest in the amount \$57,442.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

10. [AB2022-466](#) Request authorization for the County Executive to enter into a grant contract amendment between Whatcom County and Washington State Health Care Authority to expand the MOUD (Medication for Opioid Use Disorder) program in the Jail, in the amount of \$180,291.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

11. [AB2022-470](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Children's Home Society of Washington for additional support allocated to the Parent for Parent Program, in the total amended amount of \$94,350.00

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

12. [AB2022-472](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Mercy Housing Northwest to provide funding for permanent supportive housing personnel at Trailview Apartments, in the amount of \$209,250

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

13. [AB2022-475](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Crossroads Consulting to expand the term, scope and compensation of the agreement for a total of \$150,950

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

14. [AB2022-476](#) Request approval for the County Executive to enter into a contract with S. S. Papadopoulos & Associates, Inc. for the purpose of making refinements and improvements to the Whatcom County Groundwater Model in the amount of \$286,016 (Council acting as the Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

15. [AB2022-477](#) Request approval for the County Executive to enter into a contract amendment with Tetra Tech, Inc. to provide ongoing technical consulting services for the preparation of Benefit Cost Analyses (BCA) and grant application submittals in the amount of \$231,551 for a total amended contract amount of \$271,271,551 (Council acting as the Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

16. [AB2022-478](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the Office of Crime Victims Advocacy Community

Services and Housing Division in the amount of \$60,461.00 for the SFY 2023 Victim/Witness grant

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

17. [AB2022-479](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the United State Department of Interior, U.S. Geological Survey (USGS) to jointly fund continued stream gaging stations in the Nooksack River in the amount of \$199,672.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

18. [AB2022-480](#) Request authorization for the County Executive to enter into a Grant Program Agreement between the Whatcom County Flood Control Zone District and the State of Washington Department of Ecology in the amount of \$ 500,00.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

19. [AB2022-483](#) Request authorization for the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and the Deputy Sheriff's Guild for the period January 1, 2023 - December 31, 2025

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

20. [AB2022-484](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Herrera Environmental Consultants to provide continuing support of the Floodplain Integrated Planning Process (FLIP) in the amount of \$606,500.00 for a total amended contract amount of \$1,199,700.00 (Council acting as the Whatcom County Flood Control Zone District Board of

Supervisors)

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

21. [AB2022-486](#) Request authorization for the County Executive to enter into a contract amendment between Stryker Corporation and Whatcom County to increase the annual payment for purchase of Advanced Life Support Equipment for the Fifth Paramedic Unit including adding powerload lift equipment to the annual maintenance program in the amount of \$121,545/year for the remaining 8 years of the agreement

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

22. [AB2022-488](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Coastal Geologic Services, Inc., for long-term monitoring of the Birch Bay Drive & Pedestrian Facility in the amount of \$284,800

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

23. [AB2022-491](#) 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 \$707,074

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

24. [AB2022-492](#) Request authorization for the County Executive to award a contract to Squalicum Mountain Ecological Restoration Inc., and enter into a contract for annual maintenance costs for plantings on the Birch Bay Drive and Pedestrian Facility in the amount of \$64,617

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

25. [AB2022-494](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Bellingham Food Bank for the provision of food purchases in the amount of \$500,000

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

26. [AB2022-495](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and The Vida Agency for phase 2 of the communication efforts for the Justice Project in the amount of \$146,984 for a total amount of \$186,907

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

27. [AB2022-496](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the Washington State Department of Health for the delivery and funding of various public health services in the amount of \$309,314, for a total amended agreement amount of \$8,377,968

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

28. [AB2022-497](#) Request authorization for the County Executive to enter into an agreement with the US Department of Agriculture Natural Resource Conservation Service to secure matching funds for the Savage Agricultural Conservation Easement through the Conservation Easement Program

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

29. [AB2022-498](#) Request authorization for the County Executive to enter into an agreement with the US Department of Agriculture Natural Resource Conservation Service in order to secure matching funds for the VanderWerff Agricultural Conservation Easement through the Conservation Easement Program

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

30. [AB2022-499](#) Request approval to sign agreement with USDA NRCS in order to secure matching funds for the Vander Veen Agricultural Conservation Easement through the Conservation Easement Program

AUTHORIZED BY CONSENT

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

Nay: 1 - Elenbaas

Absent: 0

8. [AB2022-463](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Michael Bobbink for hearing examiner services

HELD IN COMMITTEE

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

Nay: 0

Absent: 0

Abstain: 1 - Galloway

Motion approved 6-0-1, with Galloway abstaining, to hold in Committee and request that Council staff go back to Michael Bobbink and propose a six percent increase in the first year and six percent in the second year.

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

2. [AB2022-434](#) Resolution amending the Flood Control Zone District & Subzones 2022 budget, request no. 5, in the amount of \$78,598 (Council acting as the Flood Control Zone District Board of Supervisors)

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2022-039

1. [AB2022-435](#) Ordinance amending the 2022 Whatcom County Budget, request no. 12, in the amount of \$4,068,703

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-059

(From Council Committee of the Whole)

3. [AB2022-451](#) Ordinance amending Whatcom County Code Chapter 5.04, Ambulance Franchises, to address diversity, equity, and inclusion on the EMS Oversight Board and EMS Technical Advisory Committee and to define the process and elements of an EMS Levy Service Plan

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-060

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

1. [AB2022-481](#) Request confirmation of the County Executive's appointments of Adam Morrow, Tyler Buys and Gregory Burg to the Development Standards Technical Advisory Committee

CONFIRMED

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

Agenda Revision Summary: AB2022-379 was withdrawn from Introduction.

INTRODUCTION ITEMS

1. [AB2022-454](#) Ordinance amending Whatcom County Code to restructure the Public Health Advisory Board
INTRODUCED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0
Absent: 0
2. [AB2022-485](#) Ordinance amending the Whatcom County Budget, request no. 13, in the amount of \$2,081,283
INTRODUCED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0
Absent: 0
3. [AB2022-487](#) Ordinance amending the project based budget for the Courthouse Building Envelope Fund, request no. 4
INTRODUCED
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0
Absent: 0
4. [AB2022-379](#) Ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects also provide apprentices with job training hours to meet the requirements necessary to become the next generation of skilled trades persons
WITHDRAWN
5. [AB2022-489](#) Ordinance adopting various amendments to WCC Title 20, Zoning; Chapter 20.51 - Lake Whatcom Watershed Overlay District and Chapter 20.71 - Water Resource Protection Overlay District, and other references to the Department of Ecology Stormwater Manual
SUBSTITUTE INTRODUCED FOR PUBLIC HEARING
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0
Absent: 0
6. [AB2022-469](#) Appointment to fill a vacancy on the Climate Impact Advisory Committee, applicant(s): Fletcher Wilkinson, Tracy Petroske, and Irena Lambrou

INTRODUCED

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

Nay: 0

Absent: 0

7. [AB2022-493](#) Resolution approving the Whatcom County Six-year Transportation Improvement Program for the years 2023-2028

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

Three motions were approved.

The following motion (regarding AB2022-473 from Committee of the Whole Executive Session) was approved 7-0:

I hereby move to approve defense and indemnification of Breanna Brock, RN, BSN, named as defendants in Jerome Lenorda Powell, II, v. Whatcom County Jail, Breanna Brock, RN, BSN, and the City of Bellingham, United States District Court for Western District of Washington in Tacoma, Cause No. 2:22-cv-00728-JLRTLf. Based on the following findings:

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

A motion (for AB2022-500 from Committee of the Whole Executive Session) was approved 7-0 to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

Motion (from AB2022-105 in Public Works and Health Committee) approved 7-0 to forward the report to the Executive's Office and the Sheriff's Office.

ADJOURN