

Whatcom County Council

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



Action Summary

Tuesday, November 22, 2022

6 PM

Hybrid Meeting

**HYBRID MEETING (PARTICIPATE IN-PERSON AT 311 GRAND AVENUE SUITE
101, SEE REMOTE JOIN INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010); AGENDA
REVISED 11.21.2022**

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. [MIN2022-071](#) Special Council for November 1, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

2. [MIN2022-075](#) Special Council for November 9, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

3. [MIN2022-076](#) Committee of the Whole for November 9, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

4. [MIN2022-077](#) Regular County Council for November 9, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

5. [MIN2022-078](#) Water Work Session for November 15, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

6. [MIN2022-079](#) Special Council for November 3, 2022

APPROVED BY CONSENT

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2022-618](#) Ordinance in the matter of the adoption of the final budget of Whatcom County for the Biennium 2023-2024

ADOPTED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: ORD 2022-070

2. [AB2022-606](#) Ordinance Authorizing the Levy of Taxes for Conservation Futures Purposes for 2023

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-071

3. [AB2022-607](#) Ordinance Authorizing the Levy of Taxes for County Road Purposes for 2023

SUBSTITUTE ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-072

4. [AB2022-608](#) Ordinance Authorizing the Levy of Taxes for County and State Purposes in Whatcom County, Washington, for the Year of 2023

ADOPTED

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

Nay: 1 - Byrd

Absent: 0

Enactment No: ORD 2022-073

5. [AB2022-610](#) Ordinance adopting the Six-Year Capital Improvement Program for Whatcom County Facilities 2023-2028

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-074

6. [AB2022-611](#) Resolution adopting the 2023-2024 budget for the Point Roberts Transportation Benefit District (Council acting as the governing body of the Point Roberts Transportation Benefit District)

APPROVED

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

Nay: 0

Absent: 0

Enactment No: RES 2022-047

7. [AB2022-620](#) Resolution adopting the 2023 budget for the Whatcom County Flood Control Zone District and Subzones (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 2022-048

8. [AB2022-622](#) Resolution authorizing the levy of taxes for the Whatcom County Flood Control Zone District for 2023

APPROVED

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: RES 2022-049

9. [AB2022-632](#) Ordinance Authorizing the Levy of Taxes for Countywide Emergency Medical Purposes for 2023

ADOPTED

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

Nay: 1 - Byrd

Absent: 0

Enactment No: ORD 2022-075

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2022-645](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lydia Place to provide transitional housing services, in the amount of \$55,752

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

2. [AB2022-647](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and the City of Everson to extend the term of the Jail Use Agreement until December 31, 2023

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

3. [AB2022-648](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department for State Individual Assistance Grant Funds for November 2021 Flood housing assistance, in the amount of \$2,050,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

4. [AB2022-655](#) Request authorization for the County Executive to enter into a local agency agreement between Whatcom County and Washington State Department of Transportation, for the North Lake Samish Drive Bridge No. 107 Replacement Project, CRP No. 913006, in the amount of \$8,997,310.00

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

5. [AB2022-656](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Associated Earth Sciences, Inc to prepare a study plan and install monitoring equipment for the quantification of the timing and magnitude of groundwater pumping on streamflow depletion at three study locations, in the amount of \$99,192 (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

6. [AB2022-658](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the South Fork Valley Community Association for operation of the Van Zandt Community Hall located at Josh VanderYacht Memorial Park, in the amount of \$1,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

- 7. [AB2022-664](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Conservation District for Domestic-Municipal Water Use Efficiency Project, in the amount of \$33,400 (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

- 8. [AB2022-671](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Children, Youth and Families to provide funding for the Nurse Family Partnership Program in the amount of \$414,362.59 for a total amended agreement amount of \$806,056.18

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

- 9. [AB2022-672](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for the removal of solid and hazardous waste related to homeless encampments and illegal dump sites, in the amount of \$150,000

AUTHORIZED BY CONSENT

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

Nay: 0

Absent: 0

- 10. [AB2022-674](#) Request authorization for the County Executive to enter into a lease agreement between Whatcom County and John von Krusenstiern for warehouse space to store countywide records for a period of five years, in the amount of \$31,554.48 per year, for a total amount of \$157,772.40

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. [AB2022-601](#) Ordinance amending the project based budget for the Courthouse Improvement Fund, request no. 2

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-076

2. [AB2022-604](#) Ordinance amending the Whatcom County Budget, request no. 15, in the amount of \$153,395

ADOPTED

Aye: 5 - Buchanan, Byrd, Donovan, Galloway, and Kershner

Nay: 2 - Elenbaas, and Frazey

Absent: 0

Enactment No: ORD 2022-077

3. [AB2022-609](#) Ordinance amending the project based budget for the Courthouse Building Envelope Fund, request no. 5

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-078

4. [AB2022-612](#) Ordinance amending the project budget for the Courthouse Improvement Fund, request no. 3

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-079

5. [AB2022-613](#) Ordinance amending the project budget for the Criminal Justice Integrated Case Management Systems Fund, request no. 1

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-080

6. [AB2022-614](#) Ordinance amending the project budget for the Finance System Software Fund, request no. 1

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-081

7. [AB2022-615](#) Ordinance amending the project budget for the Silver Lake Park Improvement Fund, request no. 4

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-082

8. [AB2022-616](#) Ordinance establishing the Bellingham Senior Center HVAC Replacement Fund and establishing a project based budget for the Bellingham Senior Center HVAC Replacement project

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-083

9. [AB2022-617](#) Ordinance establishing the Plantation Rifle Range Lead Reclamation & Capital Improvements Fund and establishing a project based budget for the Plantation Rifle

Range Lead Reclamation & Capital Improvements project

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-084

10. [AB2022-637](#) Ordinance closing COVID-19 Emergency Response (CARES Act) Fund 134

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-085

11. [AB2022-638](#) Ordinance establishing a Capital Facilities Reserve Fund

ADOPTED

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-086

12. [AB2022-644](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Cando Recycling and Disposal to provide curbside collection services in Point Roberts, in the estimated amount of \$475,000

AUTHORIZED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

13. [AB2022-646](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to administer rental assistance to people with co-occurring disorders, in the amount of \$49,600

AUTHORIZED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

14. [AB2022-663](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to operate the Access ID Program, in the amount of \$45,000

AUTHORIZED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

15. [AB2022-670](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide Leasing Specialist and intensive case management services, in the amount of \$454,470

AUTHORIZED

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

ITEMS ADDED BY REVISION

INTRODUCTION ITEMS

1. [AB2022-587](#) Request authorization for the County Executive to enter into an Interlocal Agreement with the City of Blaine concerning planning, annexation and development within the Blaine Urban Growth Area

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

2. [AB2022-636](#) Ordinance amending Whatcom County Code 2.118, reactivating the Whatcom County Wildlife Advisory Committee beyond December 31, 2022

INTRODUCED

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

Nay: 0

Absent: 0

3. [AB2022-641](#) Ordinance adopting the Buildable Lands Report

REFERRED TO COMMITTEE

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

Nay: 0

Absent: 0

4. [AB2022-642](#) Request authorization for the County Executive to enter into an Interlocal Agreement with the City of Ferndale concerning planning, annexation and development within the Ferndale Urban Growth Area

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

5. [AB2022-643](#) Request authorization for County Executive to enter into an Interlocal Agreement between Whatcom County and the seven cities concerning procedures for amending the Countywide Planning Policies

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

6. [AB2022-650](#) Ordinance Establishing Temporary one way traffic on Drayton Harbor Road

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

7. [AB2022-651](#) Ordinance to install stop signs on Bay Road at the intersection with Kickerville Road

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

8. [AB2022-652](#) Ordinance to install stop signs on Bay Road at the intersection with Valley View Road

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

9. [AB2022-653](#) Ordinance to remove a temporary stop sign on Drayton Harbor Road

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

10. [AB2022-654](#) Ordinance to remove stop signs on Harksell Road at the intersection with Woodland Road

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

11. [AB2022-657](#) Ordinance amending the Silver Beach Creek Stormwater Improvements Project Fund, request No. 1

INTRODUCED

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

Nay: 0

Absent: 0

12. [AB2022-659](#) Ordinance amending the 2023 Whatcom County Budget, request no. 1, in the amount of \$9,737,304

INTRODUCED

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

Nay: 0

Absent: 0

13. [AB2022-660](#) Ordinance amending the project based budget for the North Lake Samish Road Bridge No. 107 Replacement Fund, request no. 2

INTRODUCED

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

Nay: 0

Absent: 0

14. [AB2022-661](#) Ordinance amending Whatcom County Code 16.20, Whatcom County Shellfish Protection Districts

INTRODUCED

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

Nay: 0

Absent: 0

15. [AB2022-662](#) Ordinance amending the 2022 Whatcom County Budget, request no. 16, in the amount of \$636,513

INTRODUCED

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

Nay: 0

Absent: 0

16. [AB2022-665](#) Ordinance authorizing the 2023 Whatcom County Unified Fee Schedule

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

17. [AB2022-673](#) Ordinance amending Whatcom County Code Chapter 3.72 (Construction Projects-Apprenticeship Requirements) to extend the start dates and enhance the requirements for utilization of the contractor apprenticeship program

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

Absent: 0

18. [AB2022-688](#) Ordinance authorizing the levy of taxes for Whatcom County children and families for 2023

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

ADJOURN