

Whatcom County Council

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



Minutes - Draft Minutes

Tuesday, April 26, 2022

6 PM

Hybrid Meeting

**HYBRID MEETING (PARTICIPATE IN-PERSON OR SEE REMOTE JOIN
INSTRUCTIONS AT 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

Council Chair Todd Donovan called the meeting to order at 6:01 p.m. in a hybrid meeting.

ROLL CALL

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

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

Whatcom County is accepting applications for two (2) vacant, Council-appointed positions on the Stakeholder Advisory Committee for the Justice Project in the category of "Citizen-Individual with lived experience in the criminal justice system." More information is available online at whatcomcounty.us/justice or by calling the Council Office at 360-778-5010.

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, stated he did not have a report.

MINUTES CONSENT

Buchanan moved to accept the minutes consent items. The motion was seconded by Frazey (see votes on individual items below).

1. [MIN2022-026](#) Committee of the Whole Executive Session for April 12, 2022

Buchanan moved and Frazey seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

2. [MIN2022-027](#) Committee of the Whole for April 12, 2022

Buchanan moved and Frazey seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

3. [MIN2022-028](#) Regular County Council for April 12, 2022

Buchanan moved and Frazey seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

4. [MIN2022-029](#) Water Work Session for April 19, 2022

Buchanan moved and Frazey seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

PUBLIC HEARINGS

Council staff played a short instructional video about how to speak at the meeting.

1. [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

Joshua Fleischmann, Planning and Development Services Department, briefed the Councilmembers and answered whether the Forest Advisory Committee has weighed in on this item and whether they approve of it, whether the purpose for this change is because the Department of Natural Resources (DNR) recognizes that forestry lands inside of Urban Growth Areas (UGAs) are potentially developable into a city and so they are giving that control to the County, and whether a city would have to wait six years after a UGA has been harvested to annex or develop it because of the six-year development moratorium as referenced in Exhibit A.

Donovan opened the Public Hearing and, hearing no one, closed the Public

Hearing.

Kershner moved and Galloway seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-035

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

Mark Personius, Planning and Development Services Department Director, briefed the Councilmembers.

Mike McFarlane, Parks and Recreation Department Director, answered where on Lookout Mountain the culverts are located.

Donovan opened the Public Hearing and, hearing no one, closed the Public Hearing.

Byrd moved and Frazey seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-036

3. [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

Cathy Halka, Council Legislative Analyst, briefed the Councilmembers.

Donovan opened the Public Hearing and, hearing no one, closed the Public Hearing.

Byrd moved and Kershner seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Donovan answered whether this makes it a more streamlined process if they have to foreclose and it takes the County staff out of that business of foreclosing on these kind properties.

Byrd's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-037

OPEN SESSION (20 MINUTES)

The following people spoke:

- Cynthia Sue Ripke-Kutsagoitz
- Mike Kaufman
- Leea Heeringa
- Susan Reece
- Shea Rhodefer
- John Ramsey
- John Marshall
- Helga DeLiban
- Jim McMahon
- Heather Katahdin
- Markis Dee
- Melissa (last name not stated)
- Misty Flowers
- Ken Domorod
- Cliff Langley
- Hannah Ordos
- Name not given
- Lyle Sorenson
- Paul Mansey
- Ann Caldwell
- Tasha Thompson
- Name not given
- Megan Wiseman
- Natalie Chavez
- Tammie Lagerwey
- Karla Rae
- Skip Hamilton
- John Lesow

- Nancy Bergman
- Sara Rose
- Micah Lagerwey
- Brendan Walter
- Fallon Richardson

Hearing no one else, Donovan closed the Open Session.

Clerk's note: Councilmembers took a short break.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Byrd reported for the Finance and Administrative Services Committee and stated Consent Agenda item number nine was withdrawn from the agenda and he would like to remove Consent Agenda item number twelve from the Consent Agenda and consider it separately.

Byrd moved to approve Consent Agenda items one through eight, ten, and eleven (with item seven being a substitute version). Councilmembers voted on those items (see votes on individual items below).

1. [AB2022-208](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Regional Council for the provision of nursing services for the jail and work center, increasing the original contract by \$153,350.00 for the balance of 2022

Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

2. [AB2022-212](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and Washington State Dept of Commerce for the Way Station in the amount of \$4,000,000

Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2022-230](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Office of the Attorney General for Sexual Assault Kit Initiative Grant, in the amount of \$3,000.00

Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2022-233](#) Request approval for the Executive to enter into a contract between Whatcom County and Taylor Driving Schools to provide Class-A Commercial Driver License (CDL) training to Public Works Maintenance and Operations employees, in the amount of \$60,000

Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

5. [AB2022-234](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide case management and supportive services to individuals and households experiencing or at-risk of experiencing homelessness in the amount of \$56,801 for a total amended contract amount of \$585,237

Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

6. [AB2022-242](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bird's Eye Medical to provide COVID-19 vaccine

administration services at community vaccine clinics, in an estimated amount not to exceed \$140,000

Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

7. [AB2022-243](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham to provide funding for the Alternative Response Team pilot program, in an amount not to exceed \$167,917 in 2022 and \$259,210 in 2023

Byrd reported for the Finance and Administrative Services Committee and moved that the SUBSTITUTE Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

8. [AB2022-245](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Pacific Security to provide Courthouse Screening Services, in the amount of \$109,500

Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

9. [AB2022-246](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lighthouse Mission Ministries to provide funding for supplemental pay premiums to eligible staff providing direct services to clients, in an amount not to exceed \$117,611

This agenda item was WITHDRAWN.

10. [AB2022-247](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Mount Vernon Police Department for use of the

Plantation Rifle Range to train personnel, in the amount of \$7,108.85

Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

11. [AB2022-248](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Sedro-Woolley Police Department for use of the Plantation Rifle Range to train personnel, in the amount of \$6,669.71

Byrd reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

12. [AB2022-250](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Youth Services to provide funding for supplemental pay premiums to eligible staff providing direct services to clients, in an amount not to exceed \$140,612

AB2022-250 (Consent Agenda Item number twelve) was removed from the Consent Agenda and considered Separately see motion and vote below.

12. [AB2022-250](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Youth Services to provide funding for supplemental pay premiums to eligible staff providing direct services to clients, in an amount not to exceed \$140,612

Byrd reported for the Finance and Administrative Services Committee and **moved** that the Contract be AUTHORIZED.

Councilmembers discussed the motion.

Tyler Schroeder, Executive's Office, answered questions about the funding, whether there are alternative uses for this money, whether it could be used to support the jail services, and why the Lighthouse Mission did not want to sign the contract for AB2022-246.

Councilmembers and Schroeder discussed the sections in the County's contracts that indicate non-discrimination in employment and that recognize hiring practices and whether that would stop the Lighthouse Mission from ever getting any funding.

Byrd's motion that the Contract be AUTHORIZED carried by the following vote:

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

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

Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-038

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

Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-039

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

Byrd reported for the Finance and Administrative Services Committee and

moved that the Ordinance be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-040

4. [AB2022-244](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide funding for supplemental pay premiums to eligible staff providing direct services to clients, in an amount not to exceed \$272,196

Byrd reported for the Finance and Administrative Services Committee and **moved** that the Contract be AUTHORIZED.

Councilmembers discussed why this item is not in the Consent Agenda.

Byrd's motion that the Contract be AUTHORIZED carried by the following vote:

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

5. [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)

Byrd reported for the Finance and Administrative Services Committee and moved that the Resolution (FCZDBS) be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-019

6. [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 Supervisors)

Byrd reported for the Finance and Administrative Services Committee and

moved that the Resolution (FCZDBS) be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-020

(From Council Criminal Justice and Public Safety Committee)

7. [AB2022-256](#) Resolution amending the membership of the Stakeholder Advisory Committee for the Justice Project

Buchanan reported for the Criminal Justice and Public Safety Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-021

(From Council Committee of the Whole)

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

Donovan reported for the Committee of the Whole and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-041

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-229](#) Appointment to a vacancy on the Acme / VanZandt Flood Control Subzone Advisory Committee, Applicant(s): Valerie Lloyd (Council acting as the Flood Control Zone District Board of Supervisors)

Buchanan moved and Kershner seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

2. [AB2022-209](#) Appointment to a vacancy on the Board of Equalization, at-large alternate position - applicant(s) W. Thomas Follis

Byrd moved and Kershner seconded that the Council Appointment be APPOINTED by acclamation. The motion carried by the following vote:

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

Nay: 0

Absent: 0

3. [AB2022-240](#) Appointment to a vacancy on the Board of Equalization, District 3 position - applicant(s) David Simpson

Byrd moved and Frazey seconded that the Council Appointment be APPOINTED by acclamation. The motion carried by the following vote:

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

Nay: 0

Absent: 0

4. [AB2022-254](#) Appointment to a vacancy on the Board of Equalization, District 5 position - applicant(s) James Day

Elenbaas moved and Frazey seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

Byrd moved to introduce items one through four. The motion was seconded by Buchanan (see votes on individual items below).

1. [AB2022-231](#) Appointment to a vacancy on the Board of Supervisors for Drainage Improvement District #7, Position 3, to serve a partial term until the next election in February 2024 - Applicant(s): Rodney Stump

Byrd moved and Buchanan seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

2. [AB2022-232](#) Appointment to a vacancy on the Board of Commissioners for Drainage District #3, Position 1, to serve a partial term until the next election in February 2024 - Applicant(s): Roger Blok

Byrd moved and Buchanan seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

3. [AB2022-241](#) Appointment to a vacancy on the Board of Supervisors for Consolidated Drainage Improvement District #20, Position 1, to serve a partial term until the next election in February 2024 - Applicant(s): Rodney Vande Hoef

Byrd moved and Buchanan seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

4. [AB2022-239](#) Resolution vacating a portion of Wynn Road

Byrd moved and Buchanan seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave committee reports and Councilmember updates.
They discussed:

- What a motion to appoint by acclamation means
- Revisiting the non-discrimination clause in County contracts

Satpal Sidhu, County Executive, spoke about an upcoming event at the Lynden Sikh Temple and invited Councilmembers to attend.

ADJOURN

The meeting adjourned at 9:01 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Todd Donovan, Council Chair

Kristi Felbinger, Minutes Transcription