

# Whatcom County Council

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



## Minutes - **Final-REVISED**

Tuesday, December 7, 2021

6 PM

Virtual Meeting

VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010); AGENDA  
REVISED 12.6.2021

### COUNCILMEMBERS

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

## COUNTY COUNCIL

### CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 6:01 p.m. in a virtual meeting.

### ROLL CALL

**Present:** 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, and Kathy Kershner

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

The Whatcom County Council and County Executive are seeking applications from county residents who want to participate on citizen advisory boards and committees that span a wide range of important local issues. Applications are due 10:00 a.m. on Tuesday, January 4, 2022. A complete list of vacancies is on the County website. Applicants must be residents and registered voters in Whatcom County, and must also meet the specific requirements of the positions.

### SPECIAL PRESENTATION TO COUNCILMEMBER BROWNE

Buchanan presented a certification of recognition, gratitude, and appreciation to Councilmember Browne for his eight years of service as a Whatcom County Councilmember.

Browne read parting remarks into the record and fellow Councilmembers conveyed to him their thoughts, thanks, and best wishes.

*Clerk's note:* Byrd joined the meeting sometime after 6 p.m.

Tyler Schroeder, Executive's Office, also thanked Councilmember Browne on behalf of the County Administration.

### COUNTY EXECUTIVE'S REPORT

There was no Executive Report.

### EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2021-722](#) Request confirmation of the County Executive's appointment of Allison Hunt, M.D. to serve as Whatcom County Medical Examiner

**Browne moved** and Donovan seconded that the Executive Appointment be CONFIRMED.

Allison Hunt, Whatcom County Medical Examiner appointee, introduced herself to the Councilmembers and answered whether she will continue to work for Skagit County.

**Browne's motion that the Executive Appointment be CONFIRMED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

### **MINUTES CONSENT**

Kershner **moved** to accept the minutes consent items and thanked the former Medical Examiner. The motion was seconded by Donovan (see votes on individual items below).

1. [MIN2021-088](#) Special Council for November 17, 2021

**Kershner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

2. [MIN2021-089](#) Committee of the Whole Executive Session for November 23, 2021

**Kershner moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

### **SPECIAL PRESENTATION**

1. [AB2021-699](#) Report on the WHAT-COMM discussions related to consolidating the Fire/EMS and Police 911 dispatch facilities

Browne briefed the Councilmembers.

Scott Korthuis, City of Lynden Mayor and What-Comm Administrative

Board, presented and he and Councilmembers discussed having two locations for redundancy in a natural disaster, looking at statistics for survival rate as well as response times compared to other counties, what the next step would be in considering consolidation, whether there is existing comparison of response times between Whatcom County and other counties, continuing the work on this issue, and improving recruitment and retention by having the best system in place.

**This agenda item was PRESENTED AND DISCUSSED.**

## **PUBLIC HEARINGS**

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

1. [AB2021-654](#) Resolution approving the Shoreline Management Program Periodic Update 2020  
Cliff Strong, Planning and Development Services Department, stated he did not have a report.

Buchanan opened the Public Hearing and the following people spoke:

- Bill Geyer
- Wendy Harris
- Dwayne Engelsman

Hearing no one else, Buchanan closed the Public Hearing.

***Donovan moved*** and Browne seconded that the SUBSTITUTE Resolution Requiring a Public Hearing be APPROVED.

***Kershner moved*** to remove 16.16.900 subsection (7) (Definitions), definition of “Qualified professional” on page 132 of Exhibit F. The motion was seconded by Elenbaas.

Karen Frakes, Prosecuting Attorney's Office, answered whether it would be a substantial change and stated that if amended it would at least need to have another public hearing.

Councilmembers discussed the motion and staff answered whether the County has ever been sued for rejecting someone for the reasons stated in the subsection.

The motion failed by the following vote:  
**Aye:** 3 - Elenbaas, Kershner, and Byrd

**Nay:** 4 - Donovan, Frazey, Browne, and Buchanan

**Donovan's motion that the SUBSTITUTE Resolution Requiring a Public Hearing be APPROVED carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 3 - Byrd, Elenbaas, and Kershner

**Absent:** 0

Enactment No: RES 2021-056

2. [AB2021-733](#) Ordinance Authorizing the Levy of Taxes for Conservation Futures Purposes for 2022

Buchanan opened the Public Hearing and the following person spoke:

- Wendy Harris

Hearing no one else, Buchanan closed the Public Hearing.

**Frazey moved** and Donovan seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Councilmembers discussed the motion.

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

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 3 - Byrd, Elenbaas, and Kershner

**Absent:** 0

Enactment No: ORD 2021-085

### **OPEN SESSION (20 MINUTES)**

The following people spoke:

- Frank Lawrence III
- Misty Flowers
- Rachel Lindsay
- Melissa Wisener
- Markis D. Stidham
- Cliff (last name not given)
- Enoch Mann

- Sara Rose
- Jen Durant
- Natalie Chavez
- Shean Halley
- Nancy Bergman
- Jean Purcell
- Ken Domorod
- Wendy Harris
- David Spring
- (Name not given)
- Hannah Ordos
- Heather Katahdin

Hearing no one else, Buchanan closed the Open Session.

## **CONSENT AGENDA**

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

**Browne** reported for the Finance and Administrative Services Committee and **moved** to approve Consent Agenda items 1-14. Councilmembers voted on those items (see votes on individual items below).

1. [AB2021-685](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Catholic Community Services to provide housing case management services in the amount of \$336,678 for a total amended contract amount of \$505,017

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

**Nay:** 0

**Absent:** 0

2. [AB2021-687](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide housing case management services in the amount of \$377,158 for a total amended contract amount of \$600,839

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

Nay: 0

Absent: 0

- 3. [AB2021-688](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to provide housing case management services in the amount of \$357,542 for a total amended contract amount of \$565,310

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

Nay: 0

Absent: 0

- 4. [AB2021-690](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and YWCA Bellingham to provide housing case management services in the amount of \$78,565 for a total amended contract amount of \$117,498

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

Nay: 0

Absent: 0

- 5. [AB2021-691](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide emergency housing for families in the amount of \$493,074 for a total amended contract amount of \$847,996

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

Nay: 0

Absent: 0

- 6. [AB2021-698](#) Request authorization to amend and extend the Master Collective Bargaining Agreement for the period January 1, 2022 - December 31, 2022

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

**Nay:** 0

**Absent:** 0

7. [AB2021-701](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to operate the Whatcom Homeless Service Center in the amount of \$1,650,248 for a total amended contract amount of \$4,158,271

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

**Nay:** 0

**Absent:** 0

8. [AB2021-702](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker Foothills Chamber and Visitor Center for operations and tourism, in the amount of \$110,000

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

**Nay:** 0

**Absent:** 0

9. [AB2021-705](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Tune-Up Events, LLC to promote Whatcom County tourism in the amount of \$50,000

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

**Nay:** 0

**Absent:** 0



10. [AB2021-706](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Traffic Safety Commission for high visibility enforcement patrols, in the amount of \$7,800.00

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

**Nay:** 0

**Absent:** 0

11. [AB2021-707](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Traffic Safety Commission for high visibility enforcement patrols, in the amount of \$15,000.00.

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

**Nay:** 0

**Absent:** 0

12. [AB2021-710](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Bellingham Whatcom County Tourism for operational and tourism related activities in the amount of \$290,000

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

**Nay:** 0

**Absent:** 0

13. [AB2021-711](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Birch Bay Chamber of Commerce for operational costs associated with the visitor center in the amount of \$110,000

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

Nay: 0

Absent: 0

14. [AB2021-739](#) Request authorization for the County Executive to enter into a three-year agreement, using the State of Washington contract, between Whatcom County and Insight Public Sector for the NeoGov Insight online recruitment software, in the amount of \$47,610.25

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

Nay: 0

Absent: 0

## **OTHER ITEMS**

(From Council Natural Resources Committee)

1. [AB2021-743](#) Resolution eliminating the barriers to removing excess gravel from the Nooksack River

*Donovan* reported for the Natural Resources Committee, noted that this item is a substitute, and *moved* that the item be tabled.

Councilmembers discussed the motion.

**Donovan's motion that the Resolution be tabled and ~~HELD IN COMMITTEE~~ carried by the following vote:**

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

Nay: 0

Absent: 0

(From Council Finance and Administrative Services Committee)

2. [AB2021-616](#) Resolution adopting the Whatcom County Natural Hazards Mitigation Plan

**Browne reported for the Finance and Administrative Services Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2021-057

3. [AB2021-675](#) Resolution adopting the Whatcom County Multi-jurisdictional Natural Hazards Mitigation Plan (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2021-058

4. [AB2021-671](#) Ordinance Closing Sheriff's Records Management System Project Fund 344

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-086

5. [AB2021-673](#) Ordinance Establishing the Northwest Annex Redevelopment Fund and Establishing a Project Based Budget for the Northwest Annex Redevelopment Project

**Browne** reported for the Finance and Administrative Services Committee and ***moved*** that the Ordinance be ADOPTED.

The following people answered questions:

- Rob Ney, Administrative Services Department Facilities
- Tyler Schroeder, Executive's Office

They answered whether a restaurant was included in the budget, whether staff has encountered any kind of alternate proposal or opposition to

moving along with this plan, and whether any consideration is being given to offering the existing building to interested groups so they can relocate it.

**Browne's motion that the Ordinance be ADOPTED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-087

6. [AB2021-679](#) Ordinance amending the 2021 Whatcom County Budget, request no. 18, in the amount of \$7,038,925

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED.

Tyler Schroeder, Executive's Office, answered a question about the shuffle of funding between the Public Defender and County Clerk, what the \$1,068,925 from American Rescue Plan Act Funds (ARPA) are for and whether it is money that has already been spent.

Councilmembers discussed the motion.

**Browne's motion that the Ordinance be ADOPTED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2021-088

7. [AB2021-681](#) Ordinance amending the 2022 Whatcom County Budget, request no. 3, in the amount of \$1,144,763

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED.

Tyler Schroeder, Executive's Office, answered whether they are agreeing to keeping the isolation and quarantine facility open until March, and whether they are using empty rooms for those who have lost their homes.

Councilmembers discussed the motion.

**Browne's motion that the Ordinance be ADOPTED carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 2 - Elenbaas, and Kershner

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2021-089

- 8. [AB2021-683](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide housing case management services in the amount of \$527,316 for a total amended contract amount of \$790,974

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

Tyler Schroeder, Executive's Office, answered whether the Opportunity Council helped displaced people find homes during the recent flood event, and if the Health Department audits whether the Opportunity Council hits the stated targets with the allotted amount of money.

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

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

- 9. [AB2021-716](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce for less-than-lethal equipment, in the amount of \$69,884.00

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Interlocal be AUTHORIZED.

Councilmembers discussed the motion.

**Browne's motion that the Interlocal be AUTHORIZED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

10. [AB2021-719](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Whatcom Conservation District for PIC Program support, in the amount of \$826,182 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Contract (FCZDBS) be AUTHORIZED.

Councilmembers discussed the motion.

**Browne's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

11. [AB2021-721](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom Conservation District for farm planning services and financial assistance, in the amount of \$115,021 (Council acting as the Whatcom County Flood Control Zone district Board of Supervisors)

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Contract (FCZDBS) be AUTHORIZED.

Gary Stoyka, Public Works Department, answered whether they are using County funds to supplement the Conservation District.

Councilmembers discussed the motion.

**Browne's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

12. [AB2021-724](#) Request authorization for the County Executive to enter into an interlocal agreement with the Department of Natural Resources for Nooksack River lidar topographic and

bathymetric mapping (Council acting as the Flood Control Zone District Board of Supervisors)

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Contract (FCZDBS) be AUTHORIZED.

Councilmembers discussed the motion.

**Browne's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

13. [AB2021-725](#) Request authorization for the County Executive to accept Midwest Employer Casualty renewal option 2 for insurance protection for the self-insured workers' compensation program in 2022

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

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

14. [AB2021-727](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham operating through the Bellingham Fire Department for administering a paramedic training program in the amount of \$865,478

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Interlocal be AUTHORIZED.

Mike Hilley, Emergency Medical Services (EMS) Manager, answered how many paramedics will get trained for this amount of money, whether we have a retention program that requires them to stay in Whatcom County once trained here, and whether this is retraining paramedics for lost positions because of the Mayor of the City of Bellingham's and the State's vaccine mandates.

Councilmembers discussed whether they should ask the City of Bellingham to pay for paramedic training because of vaccine mandates.

Elenbaas asked if he could move to amend the contract to rehire the people who left because of the mandate then fund this need accordingly for how many we need after that. There was not a formal motion.

The following people answered questions about what would need to happen if Elenbaas made that motion.

- Dana Brown-Davis, Clerk of the Council
- Tyler Schroeder, Executive's Office

Councilmembers and staff discussed whether this falls under the State mandate, whether there is a decision that the City of Bellingham is making that other jurisdictions in Whatcom County are not, and whether the City mandate is making a difference in this situation.

***Elenbaas moved*** to send this item to Governor Inslee's office for him to fund. The motion was seconded by Kershner.

Hilley answered how many of these positions are positions needed regardless of the vaccine mandates.

Councilmembers discussed the motion.

The motion failed by the following vote:

**Aye:** 2 - Kershner and Elenbaas

**Nay:** 4 - Browne, Buchanan, Donovan, and Frazey

**Out of the Meeting:** 1 - Byrd

Councilmembers and staff discussed the amount for the paramedic training and the main motion to approve.

**Browne's motion that the Interlocal be AUTHORIZED carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 2 - Elenbaas, and Kershner

**Absent:** 0

**Temp Absent:** 1 - Byrd

15. [AB2021-728](#) Ordinance requesting that the Whatcom County Auditor include the question of



establishing a Birch Bay Library Capital Facility Area to finance a new library facility in Birch Bay on the ballot at the February special election

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED.

Dana Brown-Davis, Clerk of the Council, answered whether there is anything else on the February ballot except for this library since elections carry a high cost.

Councilmembers discussed why it needs to be scheduled for February.

The following people also spoke:

- Tyler Schroeder, Executive's Office
- Christine Perkins, Whatcom County Library System Executive Director

Perkins answered a question about the estimated cost of the election and how many registered voters there are in the area and explained why the item was scheduled to be on a February ballot.

**Browne's motion that the Ordinance be ADOPTED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2021-090

16. [AB2021-729](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Fire Protection District No. 7 for reimbursement of wages and benefits for 3 paramedic students in an amount of \$375,033

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

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

17. [AB2021-730](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and North Whatcom Fire and Rescue to reimburse the wages and benefits of 1 paramedic student in the amount of \$120,275

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

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

18. [AB2021-731](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham working through the Bellingham Fire Department for reimbursement of personnel costs associated with the hiring of up to six department lateral employees in the amount of \$364,116

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Interlocal be AUTHORIZED.

Mike Hilley, Emergency Medical Services (EMS) Manager, answered why there are different ordinances on this topic and how many people they are funding.

Councilmembers discussed the interlocal agreement.

**Browne's motion that the Interlocal be AUTHORIZED carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 1 - Kershner

**Absent:** 0

**Abstain:** 1 - Elenbaas

**Temp Absent:** 1 - Byrd

19. [AB2021-734](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Opportunity Council for providing a 5,000 square foot child care facility located in a qualified census tract in the amount of \$1,000,000

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

Tyler Schroeder, Executive's Office, answered whether the County had already funded the Opportunity Council for this center.

Councilmembers discussed whether children who come to these facilities will be required to be vaccinated with the COVID-19 vaccine.

***Kershner moved*** all contracts, all money, all interlocal agreements going forward from Whatcom County should include a statement that there will be, under no circumstances, anybody mandated to take this vaccine in order to accept money from the County. The motion was seconded by Elenbaas.

Councilmembers discussed the motion.

***Kershner withdrew*** her motion because it was out of order at this point in the meeting.

Elenbaas stated he would like to revisit the non-discrimination clause.

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

**Aye:** 5 - Frazey, Kershner, Browne, Buchanan, and Donovan

**Nay:** 1 - Elenbaas

**Out of the meeting:** 1 - Byrd

Elenbaas stated he would like to vote on the item again.

***Buchanan moved*** to reconsider. The motion was seconded by Browne.

The motion to reconsider carried by the following vote:

**Aye:** 6 - Kershner, Browne, Buchanan, Donovan, Elenbaas, and Frazey

**Nay:** 0

**Out of the meeting:** 1 - Byrd

**Kershner moved and Donovan seconded that the Contract be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

20. [AB2021-735](#) Request authorization for the County Executive to enter into an agreement between

Whatcom County and Opportunity Council for the development of affordable housing for low-income households in Whatcom County in the amount of \$3,000,000

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

Dana Brown-Davis, Clerk of the Council, stated that this is a substitute.

Tyler Schroeder, Executive's Office, answered what is different between the substitute and the original.

Councilmembers discussed the motion and getting more information from the Opportunity Council about LLCs.

**Browne's motion that the SUBSTITUTE Contract be AUTHORIZED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

21. [AB2021-736](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Fire Protection District No. 7 to reimburse the District for training costs associated with lateral hires in the amount of \$121,372

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

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Elenbaas

**Temp Absent:** 1 - Byrd

22. [AB2021-737](#) Request authorization for the County Executive to enter into a 9-year agreement between Whatcom County and Pictometry International Corporation for three oblique and orthogonal aerial imagery flights of western Whatcom County, in the amount of \$489,600

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

Councilmembers discussed the motion.

Perry Rice, Administrative Services Information Technology Manager, answered what the aerial photographs are used for and what they are doing for our Information Technology department.

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

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

23. [AB2021-738](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Allison Hunt, M.D. for fulfilling the duties of Whatcom County Medical Examiner in the amount of \$1,838,739  
NOTE: A substitute contract was authorized by Councilmembers with a revised amount of \$2,463,153 for an additional year of service.

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

Buchanan stated this is a substitute and Councilmembers discussed the difference between the two versions.

Tyler Schroeder, Executive's Office, answered what the amount of money includes, who the Medical Examiner reports to, who a family member of the diseased can go to if there is an issue, and how this contract is the same as the contract for the former Medical Examiner.

**Browne's motion that the SUBSTITUTE Contract be AUTHORIZED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

24. [AB2021-740](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Regional Council for nursing services in the jail in the amended amount of \$85,816.00 for a total contract amount of \$1,500,790.00

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

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

**(From Council Public Works and Health Committee)**

- 25. [AB2021-713](#) Resolution in the matter of considering vacating an unnamed alley within the Plat of Lummi Park on Lummi Island

**Frazey reported for the Public Works and Health Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2021-059

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

- 1. [AB2021-704](#) Request Council appointment of Eli Wainman to the Stakeholder Advisory Committee for the Justice Project

***Browne moved*** and Kershner seconded that the applicant be APPOINTED.

Councilmembers asked if the applicant was present but the applicant was not present.

**Browne's motion that the Council Appointment be APPOINTED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

**SPECIAL COUNCIL ONLY ITEM**

1. [AB2021-678](#) Approval of standing Special County Council meeting dates for 2022  
***Donovan moved*** and Frazey seconded that the Special Council Only Item be APPROVED BY THE COUNCILMEMBERS.

Councilmembers discussed the motion, whether the meeting dates can be put on Councilmembers calendars, and whether they are going to do a Council retreat.

**Donovan's motion that the Special Council Only Item be APPROVED BY THE COUNCILMEMBERS carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

2. [AB2021-745](#) Appointment of members to serve on pro and con statement writing committees for a proposed ballot measure to establish a Birch Bay Library Capital Facility Area  
***Donovan moved*** and Frazey seconded that the applicants be APPOINTED.

Councilmembers and Dana Brown-Davis, Clerk of the Council, discussed that there was an updated list and there are three names on each side. Brown-Davis read the names into the record.

**Donovan's motion that the Applicants be APPOINTED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

### **ITEMS ADDED BY REVISION**

1. [AB2021-747](#) Resolution to amend Resolution 2021-046 changing the dates of the CEDS report to 2022-2026  
***Browne moved*** and Donovan seconded that the Resolution be APPROVED.

Councilmembers discussed that these added items were added to the Finance and Administrative Services Committee and Browne reported for the committee.

Tyler Schroeder, Executive's Office, answered whether it was being pushed back one year.

**Browne's motion that the Resolution be APPROVED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2021-060

2. [AB2021-748](#) Request approval for the County Executive to award Bid #21-05 and enter into a contract between Whatcom County and Andgar Corporation for the 3rd Floor Judges' Chambers HVAC project, in the amount \$112,281.60

**Browne reported for the Finance and Administrative Services Committee and moved that the Bid Award be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

3. [AB2021-749](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Department of Social and Health Services for DSHS to reimburse for Court Commissioner's Service

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

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

## **INTRODUCTION ITEMS**

*Elenbaas* stated the recommendation from the Planning and Development Committee was to hold AB2021-606 in committee and *moved* to introduce items two and three. The motion was seconded by Browne (see votes on



individual items below).

1. [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

**This agenda item was WITHDRAWN.**

2. [AB2021-664](#) Ordinance establishing a speed limit on a portion of Alderson Road

**Elenbaas moved and Browne seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

3. [AB2021-715](#) Ordinance granting Zayo Group, LLC, a franchise for the provision of telecommunications services

**Elenbaas moved and Browne seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2022-001

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

***Donovan moved*** to authorize the County Executive to move forward with and complete the acquisition of the property and continue to lease the project, as discussed in Executive Session, to the current tenants as long as the purchase price of the property does not exceed the amount in Executive Session. The motion was seconded by Kershner.

Councilmembers discussed the motion.

The motion carried by the following vote:

**Aye:** 5 - Kershner, Browne, Buchanan, Donovan, and Frazey

**Nay:** 1- Elenbaas

**Out of the Meeting:** 1 - Byrd

Councilmembers continued to give Committee Reports.

Tyler Schroeder, Executive's Office, spoke about AB2021-693 (Discussion with Council regarding development of new EDI funded Workforce Housing program) and stated there was a motion this morning to approve the guidelines.

**Browne** reported for the Finance and Administrative Services Committee item AB2021-693 and **moved** to approve the guidelines for the Whatcom County EDI infrastructure improvements for Affordable Workforce Housing Program. This approval recognizes that the EDI board will be reviewing project specific proposals from developers using the guidelines as a framework. It is further recognized that the EDI Board can recommend approval of projects and modify the guidelines if the overall project aligns with the eligible use of the Fund and intent of the program. The motion was seconded by Donovan.

Councilmembers discussed the motion.

The motion carried by the following vote:

**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner

**Nay:** 0

**Out of the meeting:** 1 - Byrd

Councilmembers continued committee reports.

**Buchanan moved** that the Incarceration Prevention and Reduction Task Force take on the Whatcom Public Health, Safety and Justice Initiatives into their workplan for 2022. The motion was seconded by Donovan.

The motion carried by the following vote:

**Aye:** 6 - Buchanan, Donovan, Elenbaas, Frazey, Kershner, and Browne

**Nay:** 0

**Out of the Meeting:** 1 - Byrd

Councilmembers continued reports and discussed letters that Frazey received from 7th grade students with issues they are concerned about and whether the Council is ok with her responding to them.

**Donovan moved** and Buchanan seconded that Frazey respond to all the

letters.

Councilmembers discussed whether each of them should respond to some letters so that one person is not doing them all.

The motion carried by the following vote:

**Aye:** 6 - Donovan, Elenbaas, Frazey, Kershner, Browne, and Buchanan

**Nay:** 0

**Out of the Meeting:** 1 - Byrd

Councilmembers said final goodbyes to Councilmember Browne since this is his last Council meeting and acknowledged that today is Pearl Harbor Day.

**ADJOURN**

The meeting adjourned at 10:55 p.m.

The County Council approved these minutes on January 11, 2022.

The County Council AMENDED these minutes on February 8, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE