

**Whatcom County  
Council Finance and Administrative Services Committee**

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



**Committee Minutes - Final**

**Tuesday, September 27, 2022**

**10:35 AM**

**Hybrid Meeting**

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

**COUNCILMEMBERS**

Tyler Byrd  
Carol Frazey  
Kathy Kershner

**CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## **Call To Order**

Committee Chair Tyler Byrd called the meeting to order at 10:35 a.m. in a hybrid meeting.

## **Roll Call**

**Present:** 3 - Tyler Byrd, Carol Frazey, and Kathy Kershner

**Absent:** None

Also Present: Barry Buchanan, Todd Donovan, Ben Elenbaas, and Kaylee Galloway

## **Announcements**

## **Committee Discussion and Recommendation to Council**

1. [AB2022-485](#) Ordinance amending the Whatcom County Budget, request no. 13, in the amount of \$2,081,283

*Frazey moved* that the Ordinance be RECOMMENDED FOR ADOPTION.

Tyler Schroeder, Director of Administrative Services, answered a question about the request to “decrease appropriation in the Public Defender to help fund Assigned Counsel increases” and whether assigned Counsel increases will be in the upcoming budget.

Mike Hilley, Emergency Medical Services (EMS) Manager, and Schroeder briefed the Councilmembers on the request to “re-appropriate funding for [the] new medic unit” and answered whether this amount is a carry-over from last year's budget.

Schroeder and Rob Ney, Administrative Services Department Facilities, gave an update on the building envelope and answered why it seems that this item has been done already.

**Frazey's motion that the Ordinance be RECOMMENDED FOR ADOPTION carried by the following vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

2. [AB2022-487](#) Ordinance amending the project based budget for the Courthouse Building Envelope Fund, request no. 4

Rob Ney, Administrative Services Department Facilities, briefed the

Councilmembers.

**Frazezy moved that the Ordinance be RECOMMENDED FOR ADOPTION.**

**The motion carried by the following vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

### **Council "Consent Agenda" Items**

Councilmembers discussed how to proceed if they want to discuss an item.

Kershner stated that Council staff requested that they discuss Consent Agenda item number one (AB2022-463) separately.

Cathy Halka, Council Legislative Analyst, answered whether they should just discuss this separately or whether it needs to actually be voted on separately. She stated there is a change being requested to the contract so if they pull it out they would be able to vote on it.

Kershner requested to pull Consent Agenda item number one (AB2022-463) from the Consent Agenda.

***Kershner moved*** to recommend approval of Consent Agenda items two through sixteen.

Councilmembers discussed some of the items as follows:

Tyler Schroeder, Director of Administrative Services, answered a question about several items that are funded with Economic Development Investment (EDI) money and whether the Council has already approved those items as part of the EDI approval process.

#### **Consent Agenda Item number fourteen (AB2022-523)**

Frazezy asked about the third Whereas statement of the Resolution that reads:

WHEREAS, the LTAC further recommends a contingency in the amount of \$150,000 to be used in the event eligible applicants seek funding for tourism programs later in the year;

She spoke about a concern that it seems you have to know someone to know that the money is available, and whether they are getting word of the grant

out there enough since there were only 15 applications for the grant.

Councilmembers discussed having the County representative on the committee take a message that the Council would like them to re-evaluate how they are getting word out about grants, and they discussed getting to the bottom of why some of the people who were funded in 2022 did not request funding for 2023.

Schroeder spoke about upcoming policy discussions at the Lodging Tax Advisory Committee (LTAC) about how lodging tax funds would be used in connection with Tourism Promotion Area (TPA) funds. The committee could report back to the Council after that discussion and also look at how to get the word out better.

Consent Agenda items number seven (AB2022-512) and eight (AB2022-513)

Schroeder and Jori Burnett, City of Ferndale Administrator, answered whether this round of EDI funds is grant heavy more than loans and whether we are in good shape giving out more grants relative to loans than we normally would, what the emergency water intertie does about Ferndale's (or other areas around there) potential for developing if a water agreement is put together and funded, whether it is just for emergency use only, and whether it is a back-up for the well systems.

Consent Agenda Item number sixteen (AB2022-530)

Cathy Halka, Council Legislative Analyst, answered questions about why this amount is coming now and that there was no mention during the discussion about doing a financial review that it would require a contract amendment.

Councilmembers voted on the Consent Agenda except for AB2022-463 (see motion and votes below).

1. [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 motion and vote below after the Consent Agenda.

2. [AB2022-502](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and the City of Ferndale to extend the term of the Jail Use Agreement until December 31, 2023

**Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following**

**vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

3. [AB2022-503](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and the City of Blaine to extend the term of the Jail Use Agreement until December 31, 2023

**Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following**

**vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

4. [AB2022-504](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and the City of Lynden to extend the term of the Jail Use Agreement until December 31, 2023

**Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following**

**vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

5. [AB2022-506](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the Washington State Department of Ecology for the 2021-2023 Biennial Stormwater Capacity Grant in the amount of \$50,000

**Kershner moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following**

**vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

6. [AB2022-509](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Port of Bellingham for construction costs

associated with the Bellingham Shipping Terminal Clean Power/Telecom project in the amount of \$1,125,000

**Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

7. [AB2022-512](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Ferndale for the construction of an emergency water intertie in the amount of a \$525,000 grant and a \$325,000 loan

**Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

8. [AB2022-513](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Ferndale for the construction of a Booster Station on Church Road in the amount of \$250,000

**Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

9. [AB2022-514](#) Request authorization for the County Executive to enter into an interlocal agreement between Whactom County and the City of Ferndale for the construction of a Metalworks Skatepark in the amount of \$200,000

**Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

Nay: 0

Absent: 0

10. [AB2022-515](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for repair and construction of the City's Community Center in the amount of \$300,000

**Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

Aye: 3 - Byrd, Frazey, and Kershner

Nay: 0

Absent: 0

11. [AB2022-516](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for the Grover Street Pavement improvement project in the amount of \$500,000

**Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

Aye: 3 - Byrd, Frazey, and Kershner

Nay: 0

Absent: 0

12. [AB2022-517](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for the construction of a trail connector project in the amount of \$500,000

**Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

Aye: 3 - Byrd, Frazey, and Kershner

Nay: 0

Absent: 0

13. [AB2022-518](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for the construction of the South Park Street water and street improvement project in the amount of a \$387,500 grant and a \$562,500 loan

**Kershner moved that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

14. [AB2022-523](#) Resolution approving the 2023 Lodging Tax allocations as recommended by the Lodging Tax Advisory Committee

**Kershner moved that the Resolution be RECOMMENDED FOR APPROVAL. The motion carried by the following vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

15. [AB2022-525](#) Request approval for the County Executive to authorize purchase of 10 Stryker Power Load systems from vendor Stryker, in an amount not to exceed \$265,594

**Kershner moved that the Bid Award be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

16. [AB2022-530](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and BERK Consulting, Inc. for the COVID-19 Pandemic Response Review project in the amount of \$2,288

**Kershner moved that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 3 - Byrd, Frazey, and Kershner

**Nay:** 0

**Absent:** 0

**Council "Consent Agenda" Item Considered Separately**



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

***Frazey moved*** that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT.

Cathy Halka, Council Legislative Analyst, briefed the Councilmembers and answered how the term "rare" is defined and whether the Hearing Examiner currently feels he cannot use a Pro Temp.

Councilmembers and staff discussed whether it should be a two-year contract, whether there are other models in other counties or whether it is in our code that we hire a Hearing Examiner this way.

***Kershner moved*** to amend the contract to remove the word "rare."

Councilmembers discussed the motion and getting more information about whether we feel like we have been successful with cases using the Pro Temp.

The motion carried by the following vote:

**Aye:** 3 - Frazey, Kershner, and Byrd

**Nay:** 0

***Kershner moved*** to consider extending the contract for two years and include the six percent increase for the second year as agreed upon at our last Council meeting.

The motion carried by the following vote:

**Aye:** 2 - Kershner and Frazey

**Nay:** 1 - Byrd

Kershner requested that Council staff (between now and six months from now, or even next year) research other jurisdictions and make sure that we are accomplishing this task in the most efficient and practical way.

Halka stated she would be happy to send them information and get any additional information that they need.

**Frazey's motion that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT WITH PROPOSED AMENDMENT(S) carried by the following vote:**

**Aye:** 2 - Frazey, and Kershner

**Nay:** 1 - Byrd

**Absent:** 0

Motion approved to remove the word “rare.”

Motion approved to consider extending the contract for two years and include the six percent increase for the second year as agreed upon at our last Council meeting.

**Items Added by Revision**

There were no agenda items added by revision.

**Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 11:16 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

**Tyler Byrd-via email 10/31/2022**

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

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Tyler Byrd, Committee Chair

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Kristi Felbinger, Minutes Transcription

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