

Whatcom County Council

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



Minutes - Final

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

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

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, reported on the biennium budget.

MINUTES CONSENT

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

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

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

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

Nay: 0

Absent: 0

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

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

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

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

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

Nay: 0

Absent: 0

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

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

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

Nay: 0

Absent: 0

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

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

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

Nay: 0

Absent: 0

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

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

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

Donovan opened the Public Hearing and the following people spoke:

- Duane Jager
- Chris Diele
- Markis Dee Stidham
- Name not stated
- Steven Wright

Hearing no one else, Donovan closed the Public Hearing.

Buchanan moved and Galloway seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Kershner stated she appreciates the Administration and the Council for their work and thanked the public for speaking.

Elenbaas stated he supports the addition of the ten new deputies but we still have hundreds of people who are out of their homes and flooding issues that have not been taken care of and we do not have a solid plan for a jail. He would like to see more spending on mental health.

Byrd asked about the fund/department breakdown totals in the first “Therefore” statement of the Ordinance and whether they are income or expenses.

Tyler Schroeder, Executive's Office, stated they are appropriations for expenditures.

Byrd spoke about the budget and that he agrees with Elenbaas that there are a lot of things that are not in there, and he spoke about the increase in the budget from 2018 to what is being proposed. To see that large of an increase and not see those things being tackled he cannot vote for it in general, but he is happy with the deputies.

Donovan spoke about why he is supporting it and stated we are keeping the banked capacity for the jail funding and we are addressing some flooding issues. Some of the increases are American Rescue Plan Act (ARPA) funds and short term increases that are inflating the numbers.

Schroeder answered what the total amount of the Whatcom County budget is.

Kershner stated when you are looking at allocating \$182 million there will be things in the budget that you might not choose but there is enough in it that makes sense to her so she is going to support it.

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

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

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

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

Tyler Schroeder, Director of Administrative Services, answered whether the Ordinance is worded to say we are not increasing the collection of taxes.

Frazey'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 2022-071

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

Donovan stated there is a substitute version.

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

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

Tyler Schroeder, Director of Administrative Services, answered whether they were proposing a one percent (1%) increase for the Road Fund and stated they are not. The substitute ordinance indicates the amount they will be diverting from the Road Fund to the General Fund to cover traffic law enforcement.

Kershner's motion that the SUBSTITUTE 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 2022-072

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

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

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

Brad Bennett, Administrative Services Department Finance, answered how it is determined how much money each district gets and whether there is a way to centralize this so it can be administered more efficiently.

Tyler Schroeder, Director of Administrative Services, answered a question about the relationship between the Ordinance and Attachment B. The Ordinance is the vehicle by which the County levies tax on behalf of the drainage districts.

Elenbaas spoke about finding a template or person to help coordinate these districts because it is a system that does not function very well. And the amount being collected is not enough to get the job done.

Gary Stoyka, Public Works Department, stated the flood division does provide technical assistance to the districts but it is an ongoing issue and it would be good to have more discussion about it.

Donovan agreed it would be good to have more discussion about it in committee.

Satpal Sidhu, County Executive, stated he agrees with Councilmember Elenbaas and how to move the water more efficiently should be part of our flood mitigation. This is an old system. He suggested they pool the money, have a county-wide plan, and address one region at a time on a five-year cycle. Individual districts do not have enough money to do anything, but collectively we could make a difference.

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

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

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

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

Mark Personius, Planning and Development Services Department Director, answered whether we had funding for bathrooms in Birch Bay Beach Park and when that was happening.

Tyler Schroeder, Director of Administrative Services, showed Councilmembers where to find it in the document.

Frazey'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 2022-074

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)

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

Satpal Sidhu, County Executive, stated we do have about \$1 million or more because of the gas tax. The issue is the limitations placed by the State on where they can use that fund. He has proposed to our legislative representatives to ask the Legislature to give a variance to Point Roberts only and broaden the use of that fund to meet needs of that community.

Elenbaas moved and Kershner seconded that the Resolution Requiring a Public Hearing 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 2022-047

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)

Donovan opened the Public Hearing and the following people spoke:

- Collin Buckley
- Name not stated
- Lyle Sorenson
- Misty Flowers
- Markis Dee Stidham
- Hannah (last name not stated)
- Name not stated

Hearing no one else, Donovan closed the Public Hearing.

Kershner moved and Galloway seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED.

Councilmembers discussed the motion, how much input the Council has, and setting a budget so work can get done.

Kershner's motion that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED carried by the following vote:

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

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

Buchanan moved and Frazey seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED.

Councilmembers discussed that this tax money takes care of the Nooksack

River but also other water issues and resources throughout the county, whether this is an increase of 23.4% over last year and we are raising taxes, concerns that we have not spent the money well in the past and now we are going to levy more taxes to spend it poorly again in the future, the amounts of money approved for mitigation measures and reducing flood hazards and not pulling the carpet out from under the Public Works Department when they are working to alleviate the problems, emailing the County with action items that are not on the list so they can have open dialogue about them, not doing things that would help the problem and which would not harm the environment because it does not fit the narrative of the people who are benefiting from the funding that comes with the crisis, whether it would be helpful for the Public Works Department to give an overview or have a work session in the Public Works and Health or Planning and Development Committee on the plans that are happening and what this money is being spent on, having a special presentation during the general Council meeting and an open Q and A, whether it matters if there is a collaborative process if we are getting a directed outcome, and having a work session to discuss how to change direction if that is what needs to happen.

Buchanan's motion that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED carried by the following vote:

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

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

Galloway moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Kershner stated the levy is about a 50% increase from where it currently is and increasing the amount in the EMS fund is excessive. By increasing the amount being collected every year by \$5 million the reserve balance is going to continue to go up.

Kershner moved to reduce the levy rate to \$.21. The motion was seconded by Byrd.

Councilmembers discussed the motion.

Tyler Schroeder, Director of Administrative Services, answered whether they can change the rate after voters have approved it and whether changing the rate would change the amount collected since it is a budget-based levy. Council would have to amend the amount then calculate a rate to get to that amount.

Councilmembers discussed the levy amount and whether it should be reduced, honoring the process, whether the increase is for expanding services, and whether they would need to revisit the Ordinance to change the budgeted amount if the fund balance keeps ballooning.

Kershner withdrew her motion.

Schroeder stated the levy rate for the \$13.325 million is approximately \$.25 right now.

Kershner stated the issue is not so much the rate as much as it is the budget and the fund balance.

Elenbaas read the language that was on the ballot and stated it seems like it should say a dollar amount.

Councilmembers voted on the item (see final motion and vote below).

Satpal Sidhu, County Executive, thanked the Council for the public hearings and thanked the department heads, Brad Bennett and Marianne Caldwell in Finance, and Tyler Schroeder in the Executive's Office.

Donovan thanked the Executive and staff for working very collaboratively with the Council.

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

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

Nay: 1 - Byrd

Absent: 0

Enactment No: ORD 2022-075

OPEN SESSION

Clerk's note: Councilmembers took a short recess.

The following people spoke:

- Barbara Powers
- Name not stated
- Frank O'Neil
- Name not stated
- Natalie Chavez
- Jared (last name not stated)
- Richard Tran
- Robert Bystrom
- Patrick Alesse
- Name not stated
- Markis Dee Stidham
- Lyle Sorenson
- Sarah Gardam
- Joann Pattern
- Misty Flowers
- Sara Rose
- Amy Westman
- Cliff (last name not given)
- Hannah (last name not given)
- Name not given
- Name not given

Hearing no one else, Donovan closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Byrd reported for the Finance and Administrative Services Committee and ***moved*** to approve Consent Agenda items one through ten. Councilmembers voted on those items (see votes on individual items below).

Elenbaas spoke about record storage (AB2022-674) after the vote.

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

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: 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

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: 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

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: 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

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: 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)

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

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

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

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)

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

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

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: 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

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: 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

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: 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

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 2022-076

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

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

Elenbaas asked and Councilmembers discussed what sound suppressors are and why they are needed.

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

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

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 2022-078

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

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 2022-079

5. [AB2022-613](#) Ordinance amending the project budget for the Criminal Justice Integrated Case Management Systems 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 2022-080

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

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

Kershner stated these items were discussed in the Finance and Administrative Services Committee.

Tyler Schroeder, Director of Administrative Services, answered whether there will be more requests for this software.

Councilmembers discussed the cost of the software.

Satpal Sidhu, County Executive, spoke about the process for amending a project-based budget. First is the budget, then we make a project-based budget, and then we make a request to spend the money and there may be multiple requests.

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-081

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

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

Councilmembers voted on the item and discussion continued (see motion and vote below).

Tyler Schroeder, Director of Administrative Services, answered whether we make enough money from camping fees.

Christ Thomsen, Parks and Recreation Department, answered whether they charge different rates for non-county residents.

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-082

- 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

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 2022-083

- 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

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 2022-084

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

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 2022-085

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

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

Elenbaas applauded the Administration for the foresight into putting a capital facilities reserve fund together.

Donovan asked whether, if they have saved banked capacity, they would use it to reduce our debt service in the future.

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-086

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

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

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

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

Councilmembers discussed who makes the decision that someone qualifies for this and discussed the motion.

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

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

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

Kershner stated there was a Request for Proposal (RFP) process and the Opportunity Council was the only responder. She asked the Health Department to consider looking at our provider community and making sure we are doing everything we can to bolster it and encourage new providers because it is dangerous and risky to have just one provider in the community that is doing everything.

Satpal Sidhu, County Executive, stated developing variety and capacity in a community of our size is not an easy thing and takes time. If there is a fault in an organization we should correct the fault but it is not good for us to throw the baby out with the bathwater. The solution is accountability.

Kershner stated we need to think about diversity of ideas and approaches and methods. This is not a hit on the Opportunity Council. It is looking at the county and recognizing that we are limiting ourselves if we have just one large organization. Other organizations know that the Opportunity Council

sucks in all the resources and say not to come to Whatcom County. Our Health Department can be aware of that and then helpful in creating RFPs or situations where it is a more inviting approach to other providers.

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

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

Byrd reported for the Finance and Administrative Services Committee and stated that the contract failed in Committee.

Galloway moved and Buchanan seconded that the Contract be AUTHORIZED.

Kershner stated she abstained in committee because she wanted more information about the successful outcomes of this program and Councilmembers discussed that they received an email.

Galloway'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

ITEMS ADDED BY REVISION

REVISION SUMMARY: AB2022-688 was added to Introduction. See discussion below in the Introduction header.

INTRODUCTION ITEMS

Donovan stated there was one item added by revision as Introduction item number 18 (AB2022-688) and stated it is contingent on whether the Children and Families initiative passes. They will introduce it as if it might pass and will just dispose of it if it does not.

Galloway moved to introduce items one through 18. The motion was seconded by Byrd

Tyler Schroeder, Director of Administrative Services, answered a question about the Urban Growth Area interlocal agreements.

Dana Brown-Davis, Clerk of the Council, answered whether AB2022-636 reactivating the Wildlife Advisory Committee has been through or will be scheduled for the Planning and Development Committee on December sixth, and whether AB2022-641 adopting the Buildable Lands Report will go to committee for more work.

Kershner asked and Councilmembers discussed whether the Planning Department finished the work on the Buildable Lands Report and recommended it forward.

Kershner moved to send AB2022-641 to the Planning and Development Committee before the public hearing but there was already a motion on the floor.

Kershner stated she would like to pull Consent Agenda item number three (AB2022-641) from the Consent Agenda. Councilmembers voted first on the other items so Kershner's motion was put on hold.

The motion to introduce item numbers 1, 2, and 4-18 carried by the following vote (see votes on individual items below):

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

Nay: 0

Kershner moved to send AB2022-641 to the Planning and Development Committee on December sixth. The motion was seconded by Galloway.

Dana Brown-Davis, Clerk of the Council, answered whether it could be introduced the next week after being in committee, and whether it would require another public hearing two weeks out if they make substantial changes. She discussed with Councilmembers whether they would not like to schedule a public hearing on the same day that it is discussed in committee and push it into January.

Tyler Schroeder, Director of Administrative Services, stated that Mark Personius, Planning and Development Services Director, is fine with holding another work session or discussion on December sixth and waiting until January for a hearing and action.

The motion carried by the following vote (see this motion and vote on item

three below):

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

Nay: 0

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

Galloway moved and Byrd seconded that the Agreement 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

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

Galloway moved and Byrd seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-093

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

Kershner's motion that the Ordinance Requiring a Public Hearing be REFERRED TO COMMITTEE carried by the following vote:

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

Nay: 0

Absent: 0

This item was considered separately. See discussion under the Introduction header.

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

Galloway moved and Byrd seconded that the Agreement 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

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

Galloway moved and Byrd seconded that the Agreement 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

6. [AB2022-650](#) Ordinance Establishing Temporary one way traffic on Drayton Harbor Road (DBD check date before scheduling in 2023)

Galloway moved and Byrd seconded that the Ordinance 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

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

Galloway moved and Byrd seconded that the Ordinance 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

Enactment No: ORD 2022-087

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

Galloway moved and Byrd seconded that the Ordinance 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

Enactment No: ORD 2022-088

9. [AB2022-653](#) Ordinance to remove a temporary stop sign on Drayton Harbor Road (DBD check date before scheduling - see internal note)

Galloway moved and Byrd seconded that the Ordinance 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

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

Galloway moved and Byrd seconded that the Ordinance 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

Enactment No: ORD 2022-089

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

Galloway moved and Byrd seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-095

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

**Galloway moved and Byrd seconded that the Ordinance be INTRODUCED.
The motion carried by the following vote:**

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-096

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

**Galloway moved and Byrd seconded that the Ordinance be INTRODUCED.
The motion carried by the following vote:**

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-097

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

**Galloway moved and Byrd seconded that the Ordinance be INTRODUCED.
The motion carried by the following vote:**

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-094

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

**Galloway moved and Byrd seconded that the Ordinance be INTRODUCED.
The motion carried by the following vote:**

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-098

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

Galloway moved and Byrd seconded that the Ordinance 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

Enactment No: ORD 2022-090

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

Galloway moved and Byrd seconded that the Ordinance 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

Enactment No: ORD 2022-091

18. [AB2022-688](#) Ordinance authorizing the levy of taxes for Whatcom County and state purposes in Whatcom County, Washington, for the year of 2023

Galloway moved and Byrd seconded that the Ordinance 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

Enactment No: ORD 2022-092

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave committee reports and other updates.

ADJOURN

The meeting adjourned at 10:17 p.m.

The County Council approved these minutes on December 6, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Todd Donovan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE