

# **Whatcom County Council**

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



## **Minutes - Final**

**VIRTUAL MEETING - VIEW ONLINE; AGENDA REVISED 1.26.2021**

**Tuesday, January 26, 2021**

**6 PM**

**Virtual Meeting**

### **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 6:02 p.m. in a virtual meeting.

### ROLL CALL

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

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

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

### MINUTES CONSENT

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

1. [MIN2021-002](#) Committee of the Whole - Executive Session for January 12, 2021

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

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

**Nay:** 0

**Absent:** 0

2. [MIN2021-003](#) Committee of the Whole for January 12, 2021

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

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

**Nay:** 0

**Absent:** 0

3. [MIN2021-004](#) Special Council for January 12, 2021

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

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

**Nay:** 0

**Absent:** 0

### **ANNOUNCEMENTS**

Browne addressed claims that there is an ordinance on the agenda tonight regarding masks and civil penalties. He stated there is not such an ordinance on the agenda and gave some background.

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

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

The following people spoke:

- Doris Smith
- Mary Gibb
- Sarah Hansen
- Markis Dee Stidham
- Larry McDonough
- Patrick Wakefield
- Jesse Thurston
- Chad Butenschoen
- Amelia Ireland
- Heather Katahdin
- Abie (last name not given)
- Nicole McDonald
- General Strike
- Eve Smason-Marcus
- Adah Stewart
- Mary Stidham
- Ebony Campbell
- Andrew Gustafson
- Nissa Smith
- Bruce Thames
- Speaker (Name not given)
- Larry McDonough
- Tami Dotkter
- Brel Froebe
- Jax Kiel

- Emily Keogh
- Ian (last name not given)
- Melissa Wisener
- Shaina Flaherty
- Speaker (name not given)
- Emily Castle
- Tom O'Breien
- Jonah Lawhorn
- Sarah (last name not given)
- Shaina Flaherty (second time)

## **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 one through nine.

*Elenbaas moved* to amend the motion to consider each item separately. The motion was seconded by Byrd.

The motion to amend carried by the following vote:

**Aye:** 5 - Elenbaas, Frazey, Kershner, Buchanan, and Byrd

**Nay:** 1 - Donovan

**Abstain:** 1 - Browne

Dana Brown-Davis, Clerk of the Council, discussed the process with the Councilmembers.

1. [AB2021-035](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Land Trust to monitor and enforce easements purchased through the Purchase of Development Rights Program

**Browne moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2021-038](#) Request authorization to sign agreement with Washington State Recreation and Conservation Office in order to secure matching funds for the acquisition of an agricultural conservation easement on the Bishop-Jones property through the Purchase of Development Rights Program

**Browne moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Elenbaas

3. [AB2021-039](#) Request authorization to sign agreement with Washington State Recreation and Conservation Office in order to secure matching funds for the acquisition of an agricultural conservation easement on the Rethlefsen property through the Purchase of Development Rights Program

**Browne moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Elenbaas

4. [AB2021-047](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Everson for Jail Work Crew Services in the amount of \$1,700.00

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

5. [AB2021-048](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Skagit County for Mini-Chain Services in the amount of \$177,725.00

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

6. [AB2021-055](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Spiralfx Interactive LLC for Electronic Medical Records in the amount of \$19,200.00

**Browne moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

7. [AB2021-060](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Wilson Engineering LLC to provide on-call professional land surveying services for 2021 in the amount not to exceed \$100,000

**Browne moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

8. [AB2021-061](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and Bellingham Fire Department to add the budget for 2021 and 2022 to support two Community Paramedics for an additional \$709,610 and not to exceed a total of \$1,030,665

The following people answered questions about the funding for this item, what the money would be spent on otherwise, whether the program is county-wide, the goals of the Emergency Medical Services (EMS) levy, and whether the current levy rate would have to be increased to fund a fifth unit.

- Mike Hilley, Emergency Medical Services (EMS) Manager
- Tyler Schroeder, Executive's Office

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 1 - Byrd

**Absent:** 0

9. [AB2021-062](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Eltec Systems LLC for Elevator Inspections, Maintenance and Repairs

**Browne moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

## **OTHER ITEMS**

**(From Council Natural Resources Committee)**

1. [AB2021-029](#) Resolution affirming the PDR Oversight Committee ranking and authorizing Whatcom County Purchase and Development Rights Program Administrator and Whatcom County Executive to proceed with the acquisition of conservation easements on the Lakeland Foundation, Jones-Bishop, Martin, VanderWerff, Kiera-Duffy Forestry, and Kiera-Duffy Ecological applications

**Donovan** reported for the Natural Resources Committee and **moved** that the Resolution be APPROVED.

Councilmembers discussed the motion, whether the program preserves agriculture in the long run, and the current ranking mechanism.

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

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

**Nay:** 1 - Byrd

**Absent:** 0

**Abstain:** 1 - Elenbaas

Enactment No: RES 2021-004

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

Dana Brown-Davis, Clerk of the Council, answered why the items from the Natural Resources Committee come in between items from the Finance and Administrative Services Committee.

2. [AB2020-587](#) Request authorization for the County Executive to enter into a three-year agreement, using the National Association of State Procurement Officials ValuePoint Master Agreement #AR2474 and State of Washington Participating Addendum #05116, between Whatcom County and CenturyLink Communications, LLC for telecommunications trunk line services, in the amount of \$106,127.17

**Browne moved that the Contract be AUTHORIZED. The motion carried by**

**the following vote:**

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

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

**Absent:** 0

3. [AB2021-018](#) Ordinance amending the 2021 Whatcom County Budget, request no. 2, in the amount of \$5,839,516

Tyler Schroeder, Executive's Office, answered questions.

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

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

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

**Absent:** 0

Enactment No: ORD 2021-002

4. [AB2021-041](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the Washington State Department of Commerce for an additional attorney to assist in handling deferred cases as a result of the coronavirus, in the amount of \$238,417.00

**Browne moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

5. [AB2021-050](#) Resolution accepting the Treasurer's list of petitions for property tax refunds, consistent with RCW 84.69.020

**Browne moved that the SUBSTITUTE Resolution be APPROVED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2021-005

6. [AB2021-054](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Service Master Cleaning to provide cleaning services

at the COVID-19 Temporary Housing Facility in the amount of \$168,333 for a total amended contract amount of \$335,000

**Browne moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

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

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

**Absent:** 0

7. [AB2021-063](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Conservation District for the Enhanced Whatcom Water Alliance Program, in the amount of \$50,000 (County acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Browne moved that the Contract (FCZDBS) be AUTHORIZED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**(No Committee Assignment)**

8. [AB2021-028](#) Reorganization of the Whatcom County Council for 2021

**Donovan moved** to nominate himself for the optional Alternate WSAC Board Member. The motion was seconded by Kershner.

The motion carried by the following vote:

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

**Nay:** 1 - Elenbaas

**Abstain:** 1 - Byrd

**Kershner moved** to nominate herself to the Intergovernmental Tribal Relations Committee. The motion was seconded by Buchanan.

Elenbaas stated he would like to do it too.

**Kershner withdrew** her motion.

**Buchanan withdrew** his second and **moved** to nominate Elenbaas. The motion was seconded by Kershner.

The motion carried by the following vote:

**Aye:** 6 - Buchanan, Donovan, Elenbaas, Frazey, Kershner, and Browne  
**Nay:** 0  
**Abstain:** 1 - Byrd

The positions were **APPOINTED** as follows:

**Appointed Donovan to optional Alternate WSAC Board Member**  
**Appointed Elenbaas to Intergovernmental Tribal Relations Committee**

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

1. [AB2021-056](#) Council appointment to fill vacancy on the Surface Mining Advisory Committee -  
Applicant(s): Candice Leonard  
Jill Nixon, Council Office staff, answered questions.

***Kershner moved*** and Frazey seconded that Candace Leonard be APPOINTED to the following position: A citizen who lives in close proximity to active mining or mineral overlay areas.

Councilmembers discussed the motion.

**Kershner's motion that Candace Leonard be APPOINTED carried by the following vote:**

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

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

**Absent:** 0

- [AB2021-068](#) Council appointment to fill vacancies on the Child and Family Well-Being Task Force - Applicant(s): Debbie Ahl, Jenifer Barcott, Chris Cochran, Clara Cunningham, Jen Curlett, Ray Deck III, Jamie Desmul, Tilda Doughty, Mike Ford, Urvasi Graham, Anne Granberg, Jodi Greene, Alicia Hanning, Melissa Isenhardt, Julee Johnson, Mara Kelley, Sarah Kidd, Monika Mahal, Tamara Mattson, Jean McMahan, Brian Nelson, Katherine Orłowski, Pauline Owen, Elizabeth Page, Rosalva Santos-Guzman, Abby Smith, Erin Smith, Alisha Spencer, Liz Stuart, Tess Tessler, Ann M. Welch

***Byrd moved*** to hold the item for two weeks. The motion was seconded by Elenbaas.

Councilmembers discussed the motion, how applicants qualify for the vacant positions, whether the ordinance needs to be amended, whether to include the late applications, and how to go about nominating and voting on applicants.

Jill Nixon, Council Office staff, answered questions.

The motion to hold failed by the following vote:

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

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

**Browne moved** to nominate all the applicants including the late applicants. The motion was seconded by Donovan.

Councilmembers discussed the applicants and each Councilmember voted for the applicants of his/her choice (see attachment). Fourteen of the applicants received four votes or greater and were appointed. Councilmembers then discussed how to appoint the 15th member.

**Kershner moved** that they have a second vote on the people who received 3 votes. There was no second but Councilmembers concurred.

**Donovan moved** to nominate Jean McMahan, Jodi Greene, Julee Johnson, Mike Ford, Tamara Mattson, and Meredith Hayes.

Mike Ford was appointed by the following vote:

**Jean McMahan:** 0

**Jodi Greene:** 0

**Julee Johnson:** 0

**Mike Ford:** 5 - Kershner, Browne, Buchanan, Byrd, and Elenbaas

**Tamara Mattson:** 0

**Meredith Hayes:** 2 - Frazey and Donovan

Councilmembers and Nixon discussed how to assign the staggered terms.

**Donovan moved** that the applicants who received five, six or seven votes be assigned to the longer term. The motion was seconded by Buchanan.

The motion carried by the following vote:

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

**Nay:** 0

Buchanan continued on to the next agenda item, but Browne made a point of order that they had not finished assigning the terms.

**Frazey moved** to take the name highest in the alphabet and the lowest in the alphabet for the next two four-year terms. The motion was seconded by Donovan.

Kershner stated that Mike Ford received five votes on the second vote.

*Frazey withdrew* her motion.

*Kershner moved* that Mike Ford receive a four-year term since he had five votes. The motion was seconded by Frazey.

The motion carried by the following vote:

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

**Nay:** 0

*Donovan moved* to make the last person with a four-year term either the first or last person in the alphabet. The motion was seconded by Kershner.

Kershner suggested to make it the last person in the alphabet with four votes (Komal Shah).

The motion carried by the following vote:

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

**Nay:** 0

**Applicants were NOMINATED AND APPOINTED.**

Appointed: Alicia Hanning, Anne Granberg, Brian Nelson, Chris Cochran, Debbie Ahl, Jamie Desmul, Mara Kelley, Melissa Isenhardt, Mike Ford, Ray Deck III, Rosalva Santos-Guzman, Urvasi Graham, Escarleth De Leon, Jennifer Wright, and Komal Shah

The following applicants were appointed to four-year terms: Debbie Ahl, Jamie Desmul, Mara Kelley, Mike Ford, Ray Deck III, Rosalva Santos-Guzman, Jennifer Wright, and Komal Shah

3. [AB2021-069](#) Council appointment to fill vacancies on the Lynden/Everson Flood Control Subzone Advisory Committee - Applicant(s): Ron Bronsema (Council Acting as the Flood Control Zone District Board of Supervisors)

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

Jill Nixon, Council Office staff answered a question about the applicant.

**Elenbaas's motion that the applicant be APPOINTED carried by the following vote:**

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

**Nay:** 1 - Byrd

**Absent:** 0

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

1. [AB2021-065](#) Request confirmation of the County Executive's reappointments and new appointments to Executive boards, committees and commissions; appointments to take effect on February 1, 2021

*Donovan moved* and Frazey seconded that the Executive Appointments be CONFIRMED.

Dana Brown-Davis, Clerk of the Council, confirmed that they were voting on the revised list of appointments and discussed with Councilmembers whether they should confirm all the appointments at once.

**Donovan's motion that the Executive Appointments be CONFIRMED carried by the following vote:**

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

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

**Absent:** 0

## **ITEMS ADDED BY REVISION**

1. [AB2021-086](#) Discussion regarding possible modifications to the remaining tiny homes currently on order from 360Modular

*Browne moved* to support the Executive's purchase of the 20 larger homes. The motion was seconded by Buchanan.

Councilmembers discussed the motion, whether a motion by the Council is needed, how many people could be housed with the different sized units, and whether the purchase is necessary, and the following people spoke:

- Satpal Sidhu, County Executive
- Tyler Schroeder, Executive's Office

Browne's motion carried by the following vote:

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

**Nay:** 1 - Elenbaas

**Abstain:** 1 - Byrd

**This agenda item was DISCUSSED AND MOTION(S) APPROVED.**

## **INTRODUCTION ITEMS**

*Donovan moved* to introduce items one through four. The motion was

seconded by Frazey (see votes on individual items below).

Dana Brown-Davis, Clerk of the Council, answered questions about the process for an ordinance as it relates to AB2021-075.

1. [AB2021-051](#) Ordinance adopting Countywide Planning Policies relating to the Review and Evaluation Program (also known as Buildable Lands) and dispute resolution procedures

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-003

2. [AB2021-058](#) Ordinance adopting the temporary installation of stop signs on Deer Trail

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-004

3. [AB2021-074](#) Ordinance adopting amendments to Whatcom County Code 2.66 County-Owned Vehicles

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-006

4. [AB2021-075](#) Ordinance authorizing the closure of a portion of 4th Street in Custer, Washington, related to COVID-19 economic relief

**Donovan moved and Frazey seconded that the Ordinance be INTRODUCED**

**FOR PUBLIC HEARING. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-005

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

Councilmembers gave committee reports and updates on recent activities and upcoming events.

Satpal Sidhu, County Executive, answered questions about committee appointments in Point Roberts.

Councilmembers discussed the work of the Health Department for homelessness and the response of the community, and misinformation about a draft mask ordinance.

**ADJOURN**

The meeting adjourned at 11:02 p.m.

The County Council approved these minutes on February 9, 2021.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

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

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

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