

# **Whatcom County Council**

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



## **Minutes - Final**

**VIRTUAL MEETING - VIEW ONLINE**

**Tuesday, July 7, 2020**

**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 p.m. in a virtual meeting.

### ROLL CALL

**Present:** 6 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Ben Elenbaas

**Absent:** 1 - Kathy Kershner

### FLAG SALUTE

### ANNOUNCEMENTS

Satpal Sidhu, County Executive

1. AB2020-279 Reading (as required) of Public Employment Relations Commission (PERC) notice Nan Kallunki, Administrative Services Department, briefed the Councilmembers and read a notice into the record (notice attached to these minutes).

Satpal Sidhu, County Executive, reported to the Council about the Whatcom Unified Command (WUC) and stated that they would remain active until the end of this year but that they would have a reduced function with the flexibility to expand on an as-needed basis. He also spoke about the role of the Health Department, the distribution of masks, and the status of the Byron Avenue isolation center.

**This reading of the notice was ACCEPTED and appended to the minutes.**

### MINUTES CONSENT

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

1. MIN2020-048 Special Council for March 26, 2020

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

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

**Nay:** 0

**Absent:** 1 - Kershner

2. MIN2020-049 Special Council for March 31, 2020

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

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

**Nay:** 0

**Absent:** 1 - Kershner

3. MIN2020-050 Special Council for April 3, 2020

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

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

**Nay:** 0

**Absent:** 1 - Kershner

4. MIN2020-051 Regular County Council for April 7, 2020

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

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

**Nay:** 0

**Absent:** 1 - Kershner

5. MIN2020-052 Special Council for April 9, 2020

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

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

**Nay:** 0

**Absent:** 1 - Kershner

6. MIN2020-053 Committee of the Whole - Executive Session for April 21, 2020

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

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

**Nay:** 0

**Absent:** 1 - Kershner

7. MIN2020-054 Regular County Council for April 21, 2020

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

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

**Nay:** 0

**Absent:** 1 - Kershner

8. MIN2020-055 Regular County Council for May 5, 2020

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

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

**Nay:** 0

**Absent:** 1 - Kershner

9. MIN2020-056 Committee of the Whole - Executive Session for May 5, 2020

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

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

**Nay:** 0

**Absent:** 1 - Kershner

10. MIN2020-059 Committee of the Whole - Executive Session for May 19, 2020

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

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

**Nay:** 0

**Absent:** 1 - Kershner

## **PUBLIC HEARINGS**

1. AB2020-064 Ordinance finalizing a revised system of assessment for Drainage Improvement District No. 5

Paula Harris, Public Works Department, briefed the Councilmembers on the agenda item and answered questions about whether the Ordinance has to list every address of people in the district and whether the rate has been changed.

*Clerk's note: Council staff played an instructional video on how to join*

*the meeting to speak.*

Buchanan opened the public hearing and the following people spoke:

- Richard Pylilo

Hearing no one else, Buchanan closed the public hearing.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2020-037

2. AB2020-213 Ordinance authorizing installation of stop signs on Truck Road

Jim Karcher, Public Works, stated he was available for questions but there were none.

Buchanan opened the public hearing and hearing no one, closed the public hearing.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2020-038

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

*Clerk's note: Council staff played an instructional video on how to join the meeting to speak.*

The following people spoke:

Doug Gustafson  
Kathy Sabel  
Mary McIntosh  
Markis Dee

### **OTHER ITEMS**

**(From Council Natural Resources Committee)**

1. AB2020-256 Resolution adopting the Lake Whatcom Management Program 2020-2024 Work Plan
- Donovan* reported for the Natural Resources Committee and *moved* that the Resolution be approved.
- Donovan's motion that the Resolution be APPROVED carried by the following vote:**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Elenbaas
- Nay:** 0
- Absent:** 1 - Kershner
- Enactment No: RES 2020-023

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

2. AB2020-255 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Skagit County for participation in the Youth Marijuana Prevention and Education Program, in the amount of \$26,000
- Byrd* reported for the Finance and Administrative Services Committee and *moved* that the Interlocal be authorized.
- Councilmembers discussed the motion.
- Byrd's motion that the Interlocal be AUTHORIZED carried by the following vote:**
- Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Elenbaas
- Nay:** 1 - Byrd
- Absent:** 1 - Kershner
3. AB2020-258 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and San Juan County for participation in the Youth Marijuana Prevention and Education Program, in the amount of \$26,000
- Byrd* reported for the Finance and Administrative Services Committee and *moved* that the Interlocal be authorized.
- Byrd's motion that the Interlocal be AUTHORIZED carried by the following vote:**
- Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Elenbaas
- Nay:** 1 - Byrd

**Absent:** 1 - Kershner

4. AB2020-260 Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office to develop an outdoor sports court at the East Whatcom Regional Resource Center

*Byrd* reported for the Finance and Administrative Services Committee and *moved* that the Resolution be approved.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: RES 2020-024

5. AB2020-267 Request permission for the County Executive and the County Council to enter into an agreement for funding support and implementation of the Duffner Ditch Culvert and Flood Gate Replacement Project (Council acting as the Flood Control Zone District Board of Supervisors)

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

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

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

**Nay:** 0

**Absent:** 1 - Kershner

6. AB2020-268 Request permission for the County Executive and the County Council to enter into an agreement between the Ag Water Board of Whatcom County and the Whatcom County Flood Control Zone District relating to Funding Support for Participation in the Flood Integrated Planning Process (FLIP) (Council acting as the Flood Control Zone District Board of Supervisors)

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

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

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

**Nay:** 0

**Absent:** 1 - Kershner

7. AB2020-269 Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department, in the amount of \$400,725.

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Agreement be authorized.

Frazey read the following statement from a memo from the Whatcom County Sheriff: "Participating agencies will not enforce Title Eight" which is concerning United States Immigration Law.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

**Abstain:** 1 - Donovan

8. AB2020-270 Request authorization for the County Executive to enter into a contract between Whatcom County and the U.S. Department of Justice in the amount of \$10,000.

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Agreement be authorized.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

9. AB2020-271 Request authorization for the County Executive to enter into an Interagency Agreement amendment between Whatcom County Flood Control Zone District and Washington State Department of Health for support of the Pollution Identification and Correction (PIC) program in the amount of \$447,732 for a total amended contract amount of \$1,047,732

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

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

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



**Nay:** 0

**Absent:** 1 - Kershner

10. AB2020-273 Request authorization for the County Executive to award bid #20-33 and enter into a contract between Whatcom County and Boss Construction, Inc. for the Swift Creek Channel Excavation and Oat Coles North Repository Development project in the amount of \$644,554.61

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Bid Award be authorized.

**Byrd's motion that the Bid Award be AUTHORIZED carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

11. AB2020-275 Resolution amending Resolution 2019-061 (Amendment #1) relating to the salary schedule and policies for unrepresented Whatcom County employees

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Resolution be approved.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: RES 2020-025

**(From Council Committee of the Whole)**

12. AB2020-263 Request authorization for the County Executive to sign a proposed interlocal agreement between Whatcom County and the cities relating to interim procedures for amending the Countywide Planning Policies

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

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

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

**Nay:** 0

**Absent:** 1 - Kershner

**(No Committee Assignment)**

15. AB2020-294 Resolution supporting the Executive's Budget Goals for 2021-2022
- Buchanan reported for the Committee of the Whole Committee and stated this item was recommended to the full Council.
- Donovan* spoke about corrected scrivener's errors and *moved* that the Resolution be approved as it was amended in Committee of the Whole. The motion was seconded by Frazey.
- Donovan's motion that the Resolution be APPROVED AS AMENDED carried by the following vote:**
- Aye:** 4 - Browne, Buchanan, Donovan, and Frazey
- Nay:** 2 - Byrd, and Elenbaas
- Absent:** 1 - Kershner
- Enactment No: RES 2020-026
13. AB2020-106 Resolution docketing comprehensive plan and development regulation amendments
- Mark Personius, Planning and Development Services Department Director, briefed the Councilmembers. He stated that there would need to be a motion to not waive the fees.
- Byrd moved* that the Resolution be approved. The motion was seconded by Donovan.
- Councilmembers and Personius discussed the Resolution.
- The motion carried by the following vote:
- Aye:** 5 - Frazey, Browne, Buchanan, Byrd, and Donovan
- Nay:** 1 - Elenbaas
- Absent:** 1 - Kershner
- Donovan moved* to waive the fees for the privately proposed items.
- Councilmembers and Personius discussed the motion and how it should be stated.
- Donovan withdrew* his motion and *moved* to deny the request for a fee waiver for applications PLN2020-00003 and PLN2020-00004. The motion was seconded by Browne.

Councilmembers and Personius discussed the motion, the amount of the fees, how much of the Planning Department budget comes from fees, whether moving forward with a development proposal would increase the tax revenue for the County in the long term, and whether someone could make an argument that a mistake was made with how the zoning is right now.

The motion to deny the request for a fee waiver carried by the following vote:

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

**Nay:** 1 - Byrd

**Absent:** 1 - Kershner

**As noted above, Byrd's motion that the Resolution be APPROVED carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Kershner

Enactment No: RES 2020-027

14. AB2020-259 Resolution amending the Homeless Strategies Workgroup to establish two-year terms for Council-appointed members

**Donovan moved** that the Resolution be approved. The motion was seconded by Byrd.

Cathy Halka, Council Office, answered questions about how the Resolution affects the membership.

*Clerk's note: The Council voted later in the meeting (see notes on AB2020-138) to amend the Resolution to include two positions instead of one. The amended Resolution was approved and signed.*

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

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: RES 2020-028

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

1. AB2020-138 Appointment to the Homeless Strategies Workgroup, Homeless Children and Families position, applicant(s): Joel Kennedy and Emily O'Connor
- Cathy Halka, Council Office, answered a question about whether this appointment is for one position or two.
- Byrd moved** to nominate and appoint Joel Kennedy. The motion was seconded by Elenbaas.
- Frazey moved** to nominate and appoint Emily O'Connor. The motion was seconded by Browne.
- Councilmembers discussed the applicants. Donovan suggested that they amend the Resolution (AB2020-259) to allow for both applicants. Councilmembers discussed Donovan's suggestion to amend the Resolution and the requirements for the position.
- Frazey withdrew** her motion to nominate and appoint O'Connor.
- Byrd withdrew** his motion to nominate and appoint Kennedy.
- Buchanan moved** to amend the Resolution to expand the position to two seats. The motion was seconded by Donovan.
- Clerk's note: This amended the Resolution approved earlier in the meeting (AB2020-259).*
- The motion to amend Resolution 2020-028 carried by the following vote:
- Aye:** 5 - Buchanan, Byrd, Donovan, Frazey, and Browne  
**Nay:** 1 - Elenbaas  
**Absent:** 1 - Kershner
- Buchanan moved and Byrd seconded that both applicants be NOMINATED AND APPOINTED. The motion carried by the following vote:**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Elenbaas  
**Nay:** 0  
**Absent:** 1 - Kershner
2. AB2020-248 Appointment to the Noxious Weed Board, District 3, applicant(s): George Kaas
- Frazey moved and Byrd seconded that the applicant be APPOINTED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

3. AB2020-249 Appointment to Drainage District 3, commissioner position 3, applicant(s): Paul Sangha

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

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

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

**Nay:** 0

**Absent:** 1 - Kershner

4. AB2020-250 Appointment to the Homeless Strategies Workgroup, Schools position, applicant(s): Lisa Marx

**Elenbaas moved and Byrd seconded that the applicant be APPOINTED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

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

1. AB2020-264 Request confirmation of the County Executive's reappointments of Jodi Sipes and Jana Finkbonner to the Northwest Senior Services Board

**Donovan moved and Browne seconded that the applicants be CONFIRMED.**

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

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

**Nay:** 0

**Absent:** 1 - Kershner

2. AB2020-265 Request confirmation of County Executive's appointment of Nicholas Evans and Mullane Harrington to the Behavioral Health Advisory Committee

**Byrd moved and Frazey seconded that the applicants be CONFIRMED. The motion carried by the following vote:**

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

Nay: 0

Absent: 1 - Kershner

3. AB2020-266 Request confirmation of County Executive's appointment of Peter Coy to the Parks and Recreation Commission

**Frazey moved and Donovan seconded that the applicant be CONFIRMED.**

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

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

Nay: 1 - Elenbaas

Absent: 1 - Kershner

4. AB2020-272 Request confirmation of County Executive's appointment of Emily O'Connor and Krista Touros to the Commission on Sexual and Domestic Violence

**Frazey moved and Browne seconded that the applicants be CONFIRMED.**

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

Aye: 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Elenbaas

Nay: 0

Absent: 1 - Kershner

### **INTRODUCTION ITEMS**

*Donovan moved* to introduce items one through seven. The motion was seconded (see votes on individual items below).

1. AB2020-276 Ordinance amending the 2020 Whatcom County Budget, request no. 14, in the amount of \$1,810,500

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

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

Aye: 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Elenbaas

Nay: 0

Absent: 1 - Kershner

Enactment No: ORD 2020-039

2. AB2020-277 Ordinance establishing the Silver Beach Creek Fund and establishing a project based budget for the Silver Beach Creek Stormwater Improvements Fund

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

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

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2020-040

3. AB2020-281 Appointment to the Wildlife Advisory Committee, member with technical expertise, applicant(s): Barry Wenger

**Donovan moved and Frazey seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

4. AB2020-282 Appointment to the Homeless Strategies Workgroup, Homeless Advocate position, applicant(s): Markis (Dee) Stidham

**Donovan moved and Frazey seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

5. AB2020-283 Appointment to Consolidated Drainage Improvement District 1, supervisor position 3, applicant(s): James Bouma

**that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

6. AB2020-253 Resolution authorizing Whatcom County to enter into a twenty-year communication tower lease agreement with Verizon Wireless for an existing tower site located at the Lookout Mountain Forest Reserve

**Donovan moved and Frazey seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried**

**by the following vote:****Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Elenbaas**Nay:** 0**Absent:** 1 - Kershner

Enactment No: RES 2020-031

7. AB2020-254 Resolution authorizing Whatcom County to enter into a twenty-year communication lease agreement with PI Tower Development LLC for an existing tower site located at the Lookout Mountain Forest Reserve

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

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

Enactment No: RES 2020-029

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

Councilmembers discussed fee waivers for docketed applications (see discussion on AB2020-106).

Councilmembers and Satpal Sidhu, County Executive, discussed the comments and email by Richard Pylilo regarding Legislation concerning safe visitation of spouses and family members to patients in care facilities during the COVID-19 crisis and possible solutions.

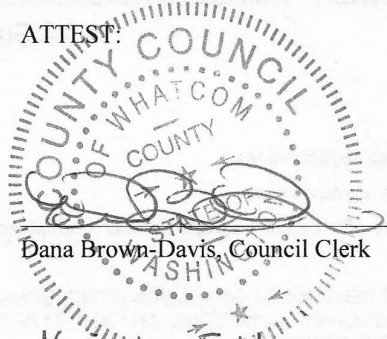
**ADJOURN**

The meeting adjourned at 8:09 p.m.

The County Council approved these minutes on August 5, 2020.



ATTEST:



Dana Brown-Davis, Council Clerk

*Kristi Felbinger*

Kristi Felbinger, Minutes Transcription

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

A handwritten signature in black ink, appearing to read "Barry Buchanan".

Barry Buchanan, Council Chair

# NOTICE TO EMPLOYEES OF UNFAIR LABOR PRACTICE

CASE: 131286-U-19

DECISION: 13082-A

## STATE LAW GIVES YOU THE RIGHT TO

- self-organize, join, or assist labor or employee organizations.
- bargain collectively through a representative of your choice.
- refuse to pay dues to a union unless you have affirmatively agreed to make such payments.

THE WASHINGTON STATE PUBLIC EMPLOYMENT RELATIONS COMMISSION (PERC) CONDUCTED A LEGAL PROCEEDING, ISSUED A RULING THAT WHATCOM COUNTY COMMITTED AN UNFAIR LABOR PRACTICE, AND ORDERED THAT THIS NOTICE BE POSTED TO EMPLOYEES:

WE UNLAWFULLY DEDUCTED THE EMPLOYEE SHARE OF THE PAID FAMILY AND MEDICAL LEAVE PREMIUMS FROM EMPLOYEES' PAYCHECKS.

WE UNLAWFULLY FAILED OR REFUSED TO BARGAIN IN GOOD FAITH WITH THE WHATCOM COUNTY DEPUTY SHERIFF'S GUILD OVER THE DECISION TO DEDUCT THE EMPLOYEE SHARE AND THE AMOUNT OF EMPLOYEE PREMIUMS FOR THE PAID FAMILY AND MEDICAL LEAVE PREMIUM.

## TO REMEDY OUR UNFAIR LABOR PRACTICE(S):

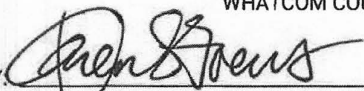
WE WILL GIVE NOTICE TO AND, UPON REQUEST, NEGOTIATE IN GOOD FAITH WITH THE WHATCOM COUNTY DEPUTY SHERIFF'S GUILD, INCLUDING MEDIATING AND PURSUING INTEREST ARBITRATION IF NECESSARY, BEFORE IMPLEMENTING THE EMPLOYEE PAID FAMILY AND MEDICAL LEAVE PREMIUM.

WE WILL MAKE EMPLOYEES WHOLE BY REIMBURSING EMPLOYEES FOR ANY EMPLOYEE PFML PREMIUMS DEDUCTED FROM THEIR WAGES BEGINNING JANUARY 4, 2019. BACK PAY SHALL BE COMPUTED IN CONFORMITY WITH WAC 391-45-410.

WE WILL RESTORE THE STATUS QUO ANTE BY REINSTATING THE WAGES, HOURS, AND WORKING CONDITIONS THAT EXISTED FOR THE EMPLOYEES IN THE AFFECTED BARGAINING UNIT PRIOR TO THE UNILATERAL CHANGE THAT OCCURRED WHEN THE EMPLOYER BEGAN DEDUCTING THE MAXIMUM EMPLOYEE CONTRIBUTION TO THE PAID FAMILY AND MEDICAL LEAVE PREMIUM FOUND UNLAWFUL IN THIS ORDER.

WE WILL NOT IN ANY OTHER MANNER INTERFERE WITH, RESTRAIN, OR COERCING EMPLOYEES IN THE EXERCISE OF THEIR COLLECTIVE BARGAINING RIGHTS UNDER THE LAWS OF THE STATE OF WASHINGTON.

WHATCOM COUNTY

BY:  DATE: 6/11/2020  
Name and Title of Authorized Representative

The decision relating to this violation can be found on the PERC website at <https://decisions.perc.wa.gov>.

THIS NOTICE MUST BE POSTED FOR 60 CONSECUTIVE DAYS  
AND MAY NOT BE ALTERED, DEFACED, OR COVERED.



Questions? Visit [perc.wa.gov](http://perc.wa.gov) or contact a PERC unfair labor practice administrator:

Dario de la Rosa  
[dario.delarosa@perc.wa.gov](mailto:dario.delarosa@perc.wa.gov)  
360.570.7328

Emily Whitney  
[emily.whitney@perc.wa.gov](mailto:emily.whitney@perc.wa.gov)  
360.664.3047