

# **Whatcom County Council**

**COUNTY COURTHOUSE  
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Bellingham, WA 98225-4038  
(360) 778-5010**



## **Minutes - Final**

**VIRTUAL MEETING - VIEW ONLINE  
AGENDA REVISED 9.25.2020**

**Tuesday, September 29, 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:** 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, Ben Elenbaas, and Kathy Kershner

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, gave a presentation and updated the Councilmembers on the following:

- Fiscal impacts in 2020
- 2020 mitigation measures
- Grants received
- Capital projects
- Water settlement discussions
- Child and Family Action Plan
- A Racial Equity Committee/Commission

He answered questions about how the Health Department would deal with the Child and Family Action Plan with all their responsibilities during the COVID-19 crisis.

Tyler Schroeder, Executive's Office, spoke about additional information sent to the Council about 2021-2022 financial projections.

### MINUTES CONSENT

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

1. [MIN2020-089](#) Special Council meeting (Interlocal Collaboration Meeting with Cities) for September 9, 2020

**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, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

2. [MIN2020-090](#) Committee of the Whole Executive Session for September 15, 2020

**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, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

3. [MIN2020-091](#) Committee of the Whole for September 15, 2020

**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, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

4. [MIN2020-092](#) Regular County Council for September 15, 2020

**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, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

## **PUBLIC HEARINGS**

1. [AB2020-352](#) Ordinance adopting various amendments to WCC Titles 12 (Roads & Bridges), 16 (Environment), 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures)

Cliff Strong, Planning and Development Services Department, stated he made some textual changes and saw one error that he would like to fix and he described the error.

Karen Frakes, Prosecuting Attorney's Office answered whether it is a substantial enough change that the Ordinance would need to be re-introduced.

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

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

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2020-045

2. [AB2020-358](#) Resolution adopting the Six-Year Water Resources Improvement Program (WRIP) 2021-2026 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Paula Harris, Public Works Department, briefed the Councilmembers and stated that this is a substitute version to fix a scrivener's error.

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

**Donovan moved and Frazey seconded that the SUBSTITUTE Resolution (FCZDBS) Requiring a Public Hearing be APPROVED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Browne

Enactment No: RES 2020-033

3. [AB2020-360](#) Ordinance to amend Whatcom County Code 12.60.040, appointment and responsibilities of the Citizen Address and Road Name Appeals Committee

Jim Karcher, Public Works Department, stated he did not have a staff report.

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

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2020-046

4. [AB2020-363](#) Resolution in the matter of the Whatcom County Six-Year Transportation Improvement Program (STIP) for the years of 2021 through 2026

Jim Karcher, Public Works Department, stated he had no report.

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

Dana Brown-Davis, Clerk of the Council, answered a question about whether this item had a substitute version.

**Donovan moved** that the Resolution Requiring a Public Hearing be approved. The motion was seconded by Frazey.

Byrd stated he would like to amend the Six-Year Transportation Improvement Program to move up the assessment of the following three Lakeway Drive improvements:

- R21 (“Lake Louise, Austin St to Lake Whatcom Blvd.”) on Combined Packet page 671
- R27 (“Lakeway Drive/Terrace, City of B’ham to Cable St”) on Combined Packet page 671
- R28 (“Lakeway Drive Corridor Improvements”) on Combined Packet page 671

Jon Hutchings, Public Works Department Director, addressed the request and stated line item R28, as referenced above, is the one that would allow Public Works to begin work on evaluating the implications and alternatives for that corridor and trying to align them with the City of Bellingham. He stated it would require a motion from the Council to put some out-year funding (perhaps 2022 funding) under that line item and give Public Works the support they need to advance that work.

He and Karcher discussed the request and the recommendation with the Councilmembers.

**Byrd moved** to amend the Resolution to move line item R28 to 2021 with a

proposed budget of \$100,000 with the understanding that it would likely begin at the end of the year or more likely sometime in 2022.

Hutchings suggested to split the budget between the two years to make it clear.

*Byrd withdrew* his motion.

*Byrd moved* to amend the Resolution to move the R28 project forward with a \$50,000 budget in 2021 and a \$50,000 budget in 2022 so that it may begin in 2021 or later. The motion was seconded by Elenbaas.

Councilmembers, Satpal Sidhu, County Executive, Hutchings, and Karcher discussed the motion.

*Byrd amended* his motion to replace the word “project” with the word “study” so that it reads: to amend the Resolution to move the R28 study forward with a \$50,000 budget in 2021 and a \$50,000 budget in 2022 so that it may begin in 2021 or later.

Dana Brown-Davis, Clerk of the Council, stated it was ok for him to amend his motion at this point.

Councilmembers and staff continued to discuss the motion to amend.

Hutchings suggested they put a modest amount of money in 2021 so that the Public Works Department can direct some of their engineering resources and begin to develop a scope that they could then bring back to the Council to have a conversation about what that appropriate scope is. Have committee discussion in 2021 about what the appropriate scope and the goals are of the project. Figure out the scope before spending any money.

*Byrd restated* his motion to amend the Resolution to have the item R28 study begin in 2021 or later with a \$50,000 budget allocation in 2021 and a \$50,000 budget allocation in 2022.

The motion to amend carried by the following vote:

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

**Nay:** 1 - Browne

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

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

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Buchanan

Enactment No: RES 2020-034

5. [AB2020-366](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for FY2020 Byrne Justice Assistance Grant Program Award, in the amount of \$12,832.00

Browne (Buchanan temporarily out of the meeting) opened the public hearing and hearing no one, closed the public hearing.

*Frazey moved* and Byrd seconded that the Agreement Requiring a Public Hearing be authorized.

Tyler Schroeder, Executive's Office, answered a question about what the grant award is.

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

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

**Nay:** 0

**Absent:** 0

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

Council Office staff played a short video explaining how to speak in the meeting.

Buchanan opened the Open Session and the following people spoke:

- Miguel Perry spoke about the proposed Cherry Point amendments.
- Lane McIlvoy spoke about the proposed Cherry Point amendments.
- Tim Johnson spoke about the proposed Cherry Point amendments.
- Trevor Smith spoke about the proposed Cherry Point amendments.
- Valerie Rupp Hauer spoke about concerns with housing issues and rules about sitting on sidewalks.
- Lance Calloway spoke about the proposed Cherry Point amendments.
- Barney Smith spoke about the proposed Cherry Point amendments.

- Markis Dee Stidham spoke about homelessness and emergency shelter in the winter.
- Melissa Gragg spoke about homelessness, emergency shelters, and not having misdemeanor charges during a pandemic.
- Wendy Harris spoke about fire concerns, logging the forests, and updating wildlife inventory.
- Heather Katahdin spoke about winter shelters.

Hearing no one else, Buchanan closed the open session.

**CONSENT AGENDA**

*Clerk's note:* Councilmember Byrd was out of the meeting so Council Chair Buchanan decided to skip the Consent Agenda and come back to it later.

**OTHER ITEMS (part 1)**

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

11.     [AB2020-415](#)     Resolution approving the Birch Bay Water and Sewer District Comprehensive Water System Plan Update

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

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2020-035

12.     [AB2020-416](#)     Resolution approving the Birch Bay Water and Sewer District Comprehensive Sewer System Plan Update

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

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2020-036



**(From Council Criminal Justice and Public Safety Committee)**

13. [AB2020-406](#) Resolution supporting Whatcom County Sheriff Deputies, Corrections Deputies, and Law Enforcement Officials across the County in response to the increased attacks on law enforcement across the Country

Buchanan reported for the Criminal Justice and Public Safety Committee.

**Donovan moved** and Buchanan seconded that the substitute Resolution be approved.

Satpal Sidhu, County Executive, stated that he did not get a copy of the substitute resolution and Dana Brown-Davis, Clerk of the Council, stated she would send it to him.

Councilmembers commented on the effort to put the Substitute Resolution together.

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

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2020-037

After the vote, Elenbaas requested that Kershner read the Resolution into the record and so she did.

14. [AB2020-418](#) Resolution stating support and appreciation of the Whatcom County Sheriff's Department, Whatcom County Sheriff Deputies, Whatcom County Corrections Deputies and support staff

**This agenda item was DISCUSSED.**

**CONSENT AGENDA**

Byrd was still out of the meeting so **Browne** reported for the Finance and Administrative Services Committee and **moved** to approve Consent Agenda items 1-11 and 13-14. Councilmembers discussed and voted on those items (see votes on individual items below). They then voted on item number 12 (AB2020-405).

Tyler Schroeder, Executive's Office, stated he just wanted to make sure that

the Council was voting on the substitute version of AB2020-412 and an updated contract for AB2020-410.

Browne also stated that the title of AB2020-402 was amended.

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

1. [AB2020-375](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the U.S. Department of Justice for FY20 Coronavirus Emergency Supplemental Funding, in the amount of \$43,145.00

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

2. [AB2020-380](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for Cooperative State and Local Task Force Agreement FY2021, in the amount of \$0

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

3. [AB2020-381](#) Request authorization for the County Executive to enter into an Interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for Program-Funded State and Local Task Force Agreement FY2021, in the amount of \$38,360.50

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

4. [AB2020-386](#) Request authorization for the County Executive to renew an interlocal agreement between Whatcom County and the Department of Corrections for the housing and care of Department of Corrections offenders in the Whatcom County Jail

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

5. [AB2020-395](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Family & Community Network in the amount of \$80,000 for a total amended contract amount of \$145,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

6. [AB2020-399](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Meridian School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

7. [AB2020-400](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Nooksack Valley School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

8. [AB2020-401](#) Requesting authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker School District for costs associated with distance instruction and learning due to the COVID-19 emergency in an amount not to exceed \$130,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

9. [AB2020-402](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000  
Title revised 9.29.2020 to change “COVID-10” to “COVID-19.”

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

10. [AB2020-403](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Blaine School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

11. [AB2020-404](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Lynden School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

13. [AB2020-410](#) Requests authorization for the County Executive to negotiate and enter into an agreement with PogoZone Internet Solutions for rural broadband access in an amount not to exceed \$110,000 to provide access to distance learning for approximately 200 households

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

14. [AB2020-412](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Bellingham Food Bank for costs associated with food insecurity resulting from the COVID-19 emergency in an amount not to exceed \$400,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

12. [AB2020-405](#) Request authorization for the County Executive to enter a contract amendment between Whatcom County and Cascadia Law Group PLLC to expand the Scope of Work and increase the compensation by \$25,000 to a total consideration not to exceed \$69,000

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

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

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

**Absent:** 0

**Temp Absent:** 1 - Byrd

### **OTHER ITEMS (Part 2)**

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

1. [AB2020-383](#) Request Council Approval of the 2020-2021 Criminal Justice Treatment Account Plan Update

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

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

2. [AB2020-357](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Ecology 2020-2021 Washington Conservation Corps Crew Agreement (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

3. [AB2020-356](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Conservation District to amend the 2019 Interlocal and Subrecipient Agreement for the Pollution Identification and Correction Program Non-Dairy Agricultural Technical Assistance in the amount of \$223,932.00 for a total amended contract amount of \$530,182.00 (Council acting as the Flood Control Zone District Board of Supervisors)

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

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

*Clerk's note:* Councilmember Browne skipped AB2020-417 and started reading AB2020-368.

Dana Brown-Davis, Clerk of the Council, asked that he go back to AB2020-417 so he did and then reported on AB2020-368 after that.

4. [AB2020-417](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to provide funding for the delivery of various public health programs and services in the amount of \$5,962,796 for a total amended contract amount of \$10,890,796

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

Elenbaas stated he would like to vote on items individually.

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

5. [AB2020-368](#) Ordinance amending the 2020 Whatcom County Budget, request no. 17, in the amount of \$871,548

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

Elenbaas stated he mixed this item up with AB2020-417 and would have voted yes for AB2020-417. Dana Brown-Davis, Clerk of the Council stated they would have to reconsider the item in order for him to change how he voted so Elenbaas decided not to go back and reconsider AB2020-417.

**Kershner moved** to amend the Ordinance to remove item number one: [\$50,000] To fund Cascadia Law - Potential Fossil Fuel Litigation. The motion was seconded by Elenbaas.

The motion to amend failed by the following vote:

**Aye:** 2 - Kershner and Elenbaas

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

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

**Elenbaas moved** to amend the Ordinance to separate all six of the items and vote on them individually. The motion was seconded by Kershner.

The motion to amend failed by the following vote:

**Aye:** 2 - Elenbaas and Kershner

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

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

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2020-047

Satpal Sidhu, County Executive, and Councilmembers discussed why budget supplemental items are not voted on separately.

6. [AB2020-371](#) Ordinance amending Whatcom County Code 2.09, Public Defender, to reflect current standards of practice outlined under RCW 10.101.030 and the ethical standards relating to conflicts of interest outlined by Washington court rules of professional conduct



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

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2020-048

7. [AB2020-377](#) Ordinance amending the 2020 Whatcom County Budget, request no. 18, in the amount of \$220,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2020-049

8. [AB2020-396](#) Request authorization for the County Executive to enter into this Memorandum of Agreement between Whatcom County and PeaceHealth St. Joseph Medical Center and Opportunity Council and Unity Care NW to initiate a capital campaign for the construction of the “The Way Station” at the County owned building at 1500 State St. in Bellingham, that will provide services to people who are homeless and living either in shelters or who are unsheltered

Browne read the title of the item and *Donovan* reported for the Finance and Administrative Services Committee and *moved* that the Memorandum of Agreement be authorized.

Councilmembers discussed what building is at 1500 State Street and discussed the motion.

Kershner stated she would like to have a presentation on this item.

Tyler Schroeder, Executive's Office, answered questions about whether the request on this item would just start the conversation but is not asking for money yet, whether the City of Bellingham has weighed in on this, and the

cost of moving the morgue. He and Councilmembers discussed the item.

**Donovan's motion that the Memorandum of Agreement be AUTHORIZED carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

9. [AB2020-388](#) Resolution accepting the 2015 Comprehensive Economic Development Strategy (CEDS) Project List update

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

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2020-038

10. [AB2020-392](#) Amendment 2 to Resolution 2019-061 for unrepresented Whatcom County employees

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

Kershner stated she would like to look at using funding to get the County's workforce back to work.

Tyler Schroeder, Executive's Office, answered whether vacation time could be paid out as opposed to carrying it over to next year and whether time above and beyond the limits listed would be lost.

*Clerk's note:* Byrd returned to the meeting.

Councilmembers continued to discuss the item.

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

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2020-039

**(From Council Planning and Development Committee)**

15. [AB2020-397](#) Resolution approving recommendation on one application for Open Space Current Use Assessment

**Elenbaas reported for the Planning and Development Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2020-040

Elenbaas also reported on the committee's discussion about AB2020-414.

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

1. [AB2020-340](#) Appointment to the Drayton Harbor Shellfish Protection District Advisory Committee, Applicant(s): Patricia Erin Lulu

***Donovan moved*** to nominate the applicant. The motion was seconded by Byrd.

Elenbaas asked if the applicant was available to speak but she was not.

**Donovan's motion that Patricia Erin Lulu be APPOINTED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

2. [AB2020-362](#) Appointment to the Climate Impact Advisory Committee, Applicant(s): Stevan Harrel, Sue Gunn, Hunter Hassig

***Donovan moved*** to nominate all applicants. The motion was seconded by Frazey.

Councilmembers discussed what positions are open and whether applicants have to be a citizen to serve on the board. One applicant (Gunn) did not

indicate on the application that she was a citizen.

***Buchanan moved*** to hold the item in Council for two weeks in order to reach out to applicant Gunn to get more information about her not having the citizenship box checked.

Dana Brown-Davis, Clerk of the Council, asked about the box on the application that they are referring to and that the applicant answered yes that she is registered to vote in Whatcom County.

***Buchanan withdrew*** his motion.

Councilmembers discussed whether to hold in Council.

***Donovan withdrew*** his motion to nominate all applicants.

Councilmembers concurred that the Appointment be held in Council.

**This agenda item was HELD IN COUNCIL.**

3. [AB2020-384](#) Request Council Approval For A Criminal Justice Treatment Account Panel Appointment

***Byrd moved*** approval on the item and Donovan seconded but Councilmembers discussed what motion was needed.

Dana Brown-Davis, Clerk of the Council, pointed out in the paperwork and clarified what is being requested for this item.

Kershner ***moved*** that Carolyn Mason be appointed as the substance use disorder treatment agency. The motion was seconded by Frazey.

***Byrd withdrew*** his motion.

**Kershner's motion that Carolyn Mason be APPOINTED as the substance use disorder treatment agency carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

### **INTRODUCTION ITEMS**

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

Browne pointed out item one and stated it has caused a lot of controversy around the country.

1. [AB2020-409](#) Ordinance increasing community oversight and transparency to establish fair contract negotiations

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

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

**Nay:** 0

**Absent:** 0

2. [AB2020-390](#) Ordinance regarding installation of a stop sign on Homesteader Road

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2020-050

3. [AB2020-391](#) Ordinance to Establish Speed Limits on Marine Drive

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2020-051

4. [AB2020-393](#) Ordinance amending Whatcom County Code 16.30 Lake Whatcom Stormwater Utility Service Area

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

**Nay:** 0

Absent: 0

Enactment No: ORD 2020-052

- 5. [AB2020-407](#) Appointment to the Birch Bay Watershed and Aquatic Resources Management Advisory Committee (BBWARM), Applicant(s): Theresa Coe, Michael Allan (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

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

**Nay:** 0

**Absent:** 0

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

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

**ADJOURN**

The meeting adjourned at 10:18 p.m.

The County Council approved these minutes on October 13, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

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

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

SIGNED COPY ON FILE