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WHATCOM COUNTY COUNCIL  
**Regular County Council Meeting**

February 26, 2019

**CALL TO ORDER**

Council Chair Rud Browne called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

**ROLL CALL**

**Present:** Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu.  
**Absent:** None.

**FLAG SALUTE**

**ANNOUNCEMENTS**

**MINUTES CONSENT**

*Brenner moved* to approve the Minutes Consent items.

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)  
**Nays:** None (0)

1. **MIN2019-017 COMMITTEE OF THE WHOLE FOR FEBRUARY 12, 2019**
2. **MIN2019-018 REGULAR COUNTY COUNCIL FOR FEBRUARY 12, 2019**
3. **MIN2019-019 SPECIAL COUNTY COUNCIL FOR FEBRUARY 15, 2019**

**PUBLIC HEARINGS**

1. **AB2019-027 ORDINANCE AMENDING WHATCOM COUNTY CODE 6.04 ANIMAL CONTROL, CHAPTER 6.04.020 DEFINITIONS AND 6.04.031 ADMINISTRATION AND ENFORCEMENT**

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

*Brenner moved* to adopt the ordinance.

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1  
2 The motion was seconded.

3  
4 Tyler Schroeder, Executive's Office, gave a staff report on animal control contracts.

5  
6 The motion carried by the following vote:

7 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

8 **Nays:** None (0)

9  
10 **2. AB2019-103 ORDINANCE PROPOSING MODIFICATIONS TO WHATCOM**  
11 **COUNTY CODE 2.27A, AQUATIC INVASIVE SPECIES (AIS)**

12  
13 Browne opened the public hearing, and hearing no one, closed the public hearing.

14  
15 *Donovan moved* to adopt the ordinance.

16  
17 The motion was seconded.

18  
19 The motion carried by the following vote:

20 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

21 **Nays:** None (0)

22  
23 **3. AB2019-106 ORDINANCE AMENDING THE UNIFIED FEE SCHEDULE TO**  
24 **ACCOMMODATE CHANGES TO WHATCOM COUNTY CODE 2.27A, AQUATIC**  
25 **INVASIVE SPECIES**

26  
27 Browne opened the public hearing, and hearing no one, closed the public hearing.

28  
29 *Donovan moved* to adopt the ordinance.

30  
31 The motion was seconded.

32  
33 The motion carried by the following vote:

34 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

35 **Nays:** None (0)

36  
37 **4. AB2019-121 ORDINANCE AMENDING WHATCOM COUNTY CODE SECTION**  
38 **1.14 CORRECTING CERTAIN PRECINCT BOUNDARY LINES AND PRECINCT**  
39 **MAPS**

40  
41 Debbie Adelstein, County Auditor, gave a staff report and answered questions about  
42 precinct population sizes, the impact of changing precincts on council districts, and when  
43 the changes go into effect.

44  
45 Browne opened the public hearing, and hearing no one, closed the public hearing.

46  
47 *Brenner moved* to adopt the ordinance.

48  
49 The motion was seconded.

50

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1 The motion carried by the following vote:

2 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

3 **Nays:** None (0)

4  
5  
6 **OPEN SESSION**

7  
8 The following people spoke:

- 9
- 10 • Bob Gay spoke about the open seat for the Planning Commission.
  - 11 • Laura Anthony spoke about the resolution supporting the local resident orca population.
  - 12 • Hanna (*no last name given*) spoke about apprenticeship in the construction trades.
  - 13 • Trevor Smith, Labor's Local 292, spoke about the State apprenticeship program and the open seat for the Planning Commission.
  - 14 • Wendy Harris spoke about enforcement of clean air regulations at her house and the impacts to her health.
  - 15 • Heather (*inaudible*) spoke about shelter services in inclement weather.
  - 16 • Bob Burr spoke about declaring a climate emergency.
  - 17 • Patrick Alesse spoke about the County's warming shelter for homeless individuals during inclement weather, supporting the local resident orca population, and the open seat for the Planning Commission.
  - 18 • Joy Gilfilen spoke about the warming shelter and the ordinance regarding the repeal of jail standards from the County Code.
  - 19 • Eddy Ury spoke about the warming shelter for the homeless during inclement weather.
  - 20 • Catherine Grain spoke about the ordinance regarding the repeal of jail standards from the County Code.
  - 21 • Irene Morgan spoke about the warming shelter for the homeless during inclement weather, the comments made earlier by Wendy Harris, and the ordinance regarding the repeal of jail standards from the County Code.

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33 Councilmembers discussed the apprenticeship programs in the community.

34  
35  
36 **OTHER ITEMS**

37  
38 **1. AB2019-133 RESOLUTION REQUESTING SUPPORT FOR WASHINGTON STATE HOUSE AND SENATE BILLS RELATED TO: POLLUTION PREVENTION; INCREASING HABITAT AND FISH ABUNDANCE; PROTECTION OF SOUTHERN RESIDENT ORCA WHALES FROM VESSELS; AND IMPROVING THE SAFETY OF OIL TRANSPORTATION**

39  
40  
41  
42  
43  
44 *Donovan* reported for the Natural Resources Committee and *moved* to approve the resolution.

45  
46  
47 Councilmembers discussed regulations that will add more vessels to the water, allowing the State task force to complete its work on its original schedule, impacts from legislation that would restrict commercial fishing vessels, and impacts of noise from vessels on the orca population.

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2        **Brenner moved** to amend to remove references to House Bill (HB) 1578 and Senate  
3 Bill (SB) 5578 on page three of the resolution.

4  
5        The motion to amend was seconded.

6  
7        The motion to amend failed by the following vote:

8        **Ayes:**        Brenner and Byrd (2)

9        **Nays:**        Browne, Buchanan, Frazey, and Sidhu (4)

10       **Abstains:**   Donovan (1)

11  
12        The motion to approve carried by the following vote:

13       **Ayes:**        Browne, Buchanan, Frazey, and Sidhu (4)

14       **Nays:**        Brenner (1)

15       **Abstains:**   Donovan and Byrd (2)

16  
17   2.    **AB2019-135    REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO**  
18    **ENTER INTO A GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE**  
19    **DEPARTMENT OF ECOLOGY (DOE) FOR WATER QUALITY COMBINED**  
20    **FINANCIAL ASSISTANCE GRANT AGREEMENT WQC-2017-WHCOPW-00030**  
21    **FOR THE AGATE BAY STORMWATER IMPROVEMENTS PROJECT IN THE**  
22    **AMOUNT OF \$552,548.62**

23  
24        **Sidhu** reported for the Finance and Administrative Services Committee and **moved**  
25 to approve the request.

26  
27        The motion carried by the following vote:

28       **Ayes:**        Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

29       **Nays:**        None (0)

30  
31   3.    **AB2019-124    ORDINANCE AMENDING THE 2019 WHATCOM COUNTY**  
32    **BUDGET, REQUEST NO. 2, IN THE AMOUNT OF \$4,901,742**

33  
34        **Sidhu** reported for the Finance and Administrative Services Committee and **moved**  
35 to adopt the ordinance.

36  
37        Councilmembers discussed whether this amount of money is the correct amount to  
38 fix the problems with the courthouse building envelope.

39  
40        The motion carried by the following vote:

41       **Ayes:**        Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (6)

42       **Nays:**        None (0)

43       **Abstains:**   Brenner (1)

44  
45   4.    **AB2019-128    ORDINANCE AMENDING COURTHOUSE BUILDING ENVELOPE**  
46    **PROJECT BUDGET (AS ESTABLISHED THROUGH ORDINANCE 2014-085)**  
47    **THIRD REQUEST, IN THE AMOUNT OF \$4,700,000 FOR A TOTAL PROJECT**  
48    **BUDGET OF \$7,377,809**

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1           **Sidhu** reported for the Finance and Administrative Services Committee and ***moved***  
2 to adopt the ordinance.  
3

4           Councilmembers discussed funding from the Economic Development Initiative (EDI)  
5 fund.  
6

7           The motion carried by the following vote:

8           **Ayes:**           Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (6)

9           **Nays:**           None (0)

10          **Abstains:**    Brenner (1)

11  
12   **5.    AB2019-137    RESOLUTION   RESPECTFULLY   REQUESTING   THAT   THE**  
13 **WHATCOM COUNTY PROSECUTOR ASK THE WASHINGTON STATE ATTORNEY**  
14 **GENERAL TO REVIEW AND UPDATE OPINIONS PREVIOUSLY PROVIDED**  
15 **RELATED TO THE ELIGIBILITY OF COUNTY COUNCIL MEMBERS AND**  
16 **COMMISSIONERS TO BE APPOINTED TO VACANT LEGISLATIVE POSITIONS**  
17

18          **Sidhu** reported for the Finance and Administrative Services Committee and ***moved***  
19 to approve the resolution.  
20

21          Councilmembers discussed whether it's appropriate for elected officials to get elected  
22 or appointed to an office while already serving in another office.  
23

24          The motion carried by the following vote:

25          **Ayes:**           Browne, Byrd, Buchanan, Donovan, Frazey, and Sidhu (6)

26          **Nays:**           Brenner (1)

27  
28   **6.    AB2019-126    RESOLUTION AMENDING THE 2019 FLOOD CONTROL ZONE**  
29 **DISTRICT AND SUBZONES BUDGET, REQUEST NO. 2, IN THE AMOUNT OF**  
30 **\$90,659 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL**  
31 **ZONE DISTRICT BOARD OF SUPERVISORS)**  
32

33          **Sidhu** reported for the Finance and Administrative Services Committee and ***moved***  
34 to approve the resolution.  
35

36          The motion carried by the following vote:

37          **Ayes:**           Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

38          **Nays:**           None (0)

39  
40  
41   **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**  
42

43   **1.    AB2019-127    APPOINTMENT TO THE WHATCOM COUNTY PLANNING**  
44 **COMMISSION, APPLICANT MUST RESIDE IN COUNCIL DISTRICT 2,**  
45 **APPLICANTS: ROBERT BARTEL, RIA BORDIAN, BOB BURR, JAMES HANSEN,**  
46 **TOWHEE WEAN (THE PLANNING COMMISSION ASSISTS THE PLANNING AND**  
47 **DEVELOPMENT SERVICES DEPARTMENT IN CARRYING OUT ITS DUTIES,**  
48 **WHICH INCLUDE HELPING TO PREPARE AND EXECUTE THE COMPREHENSIVE**  
49 **PLAN AND MAKING RECOMMENDATIONS FOR ADOPTION OF OFFICIAL**  
50 **CONTROLS AND/OR AMENDMENTS)**

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1 Donovan nominated all applicants.

2  
3 The nomination was seconded.

4  
5 Councilmembers Browne, Brenner, Byrd, and Sidhu voted for Robert Bartel.

6  
7 Councilmembers Buchanan, Donovan, and Frazey voted for James Hansen.

8  
9 The Council appointed Robert Bartel.

10  
11 **2. AB2019-129 APPOINTMENT TO THE SUMAS/EVERSON/NOOKSACK FLOOD**  
12 **CONTROL SUB-ZONE ADVISORY COMMITTEE - APPLICANT: LARRY MADES**  
13 **(THE COMMITTEE IS AN INTEGRAL PART OF THE PROGRAM REVIEWING THE**  
14 **COMPREHENSIVE PLAN FOR FLOOD CONTROL)**

15  
16 *Brenner moved* to appoint Larry Mades by acclamation.

17  
18 The motion was seconded.

19  
20 The motion carried by the following vote:

21 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

22 **Nays:** None (0)

23  
24  
25 **EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

26  
27 **1. AB2019-139 REQUEST CONFIRMATION OF EXECUTIVE'S APPOINTMENT**  
28 **OF BRIAN RUSK TO THE WHATCOM COUNTY PURCHASE OF DEVELOPMENT**  
29 **RIGHTS OVERSIGHT COMMITTEE**

30  
31 *Sidhu moved* to confirm the appointment.

32  
33 The motion was seconded.

34  
35 The motion carried by the following vote:

36 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

37 **Nays:** None (0)

38  
39 **2. AB2019-143 REQUEST CONFIRMATION OF EXECUTIVE'S APPOINTMENT**  
40 **OF RACHEL ARNOLD TO THE WHATCOM COUNTY MARINE RESOURCES**  
41 **COMMITTEE**

42  
43 *Donovan moved* to confirm the appointment.

44  
45 The motion was seconded.

46  
47 The motion carried by the following vote:

48 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

49 **Nays:** None (0)

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1  
2 **3. AB2019-144 REQUEST CONFIRMATION OF EXECUTIVE'S APPOINTMENT**  
3 **OF PATRICK ALESSE TO THE WHATCOM COUNTY BICYCLE-PEDESTRIAN**  
4 **ADVISORY COMMITTEE**

5  
6 *Brenner moved* to confirm the appointment.

7  
8 The motion was seconded.

9  
10 The motion carried by the following vote:

11 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

12 **Nays:** None (0)

13  
14  
15 **INTRODUCTION ITEMS**

16  
17 *Donovan moved* to accept the Introduction Items.

18  
19 The motion was seconded.

20  
21 The motion carried by the following vote:

22 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

23 **Nays:** None (0)

24  
25 **1. AB2019-147 ORDINANCE AMENDING THE 2019-2020 WHATCOM COUNTY**  
26 **BUDGET, THIRD REQUEST, IN THE AMOUNT OF \$95,521**

27  
28 **2. AB2019-145 RECEIPT OF APPLICATION FOR THE DRAYTON HARBOR**  
29 **SHELLFISH PROTECTION DISTRICT COMMITTEE, APPLICANT: JULIE HIRSCH**  
30 **(THE COMMITTEE ADVISES THE COUNTY COUNCIL ON PROPOSED ACTIONS**  
31 **AND OPERATIONS RELATING TO THE RESTORATION OF WATER QUALITY IN**  
32 **THE DRAYTON HARBOR SHELLFISH PROTECTION DISTRICT) (APPLICATION**  
33 **DEADLINE FOR ANY OTHER APPLICANTS IS 10 A.M. MARCH 5, 2019)**

34  
35 **3. AB2019-149 RECEIPT OF APPLICATION FOR THE SURFACE MINING**  
36 **ADVISORY COMMITTEE, ENVIRONMENTAL CONSULTANT POSITION -**  
37 **APPLICANT: SHANNON LOGAN (THE COMMITTEE ADVISES THE PLANNING**  
38 **DEPARTMENT AND THE COUNCIL ON IMPLEMENTING A SURFACE MINING**  
39 **REGULATORY PROGRAM CONSISTENT WITH THE COMPREHENSIVE PLAN)**  
40 **(APPLICATION DEADLINE FOR THIS APPOINTMENT IS 10:00 A.M. MARCH 5,**  
41 **2019)**

42  
43  
44 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

45  
46 Committee Chairs reported on committee discussions.

47  
48 **AB2019-142 DISCUSSION REGARDING OPERATION OF THE WARMING SHELTER**  
49

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1           Browne reported for the Special County Council meeting and moved to send the  
2 letter to the City of Bellingham requesting they fund and schedule law enforcement to the  
3 warming shelter for the remaining available shifts through March 1.

4  
5           ***Buchanan moved*** to approve the letter.

6  
7           The motion was seconded.

8  
9           The motion carried by the following vote:

10          **Ayes:**     Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

11          **Nays:**     None (0)

12  
13          Karen Frakes, Prosecutor’s Office, answered questions about the proposed repeal of  
14 the County Code Chapter 1.28, Standards regarding Correctional Facilities (AB2019-043).

15  
16          Councilmembers and staff discussed the Code chapter for correctional facilities  
17 standards and Sheriff’s Office policies and procedures.

18  
19          Councilmembers gave updates on recent activities and upcoming events and  
20 discussed the watershed planning process with the Department of Ecology and its  
21 rulemaking process.

22  
23  
24          **ADJOURN**

25  
26          The meeting adjourned at 9:00 p.m.

27  
28          The County Council approved these minutes on \_\_\_\_\_, 2019.

29  
30  
31          ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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36  
37          \_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Rud Browne, Council Chair

38  
39  
40  
41          \_\_\_\_\_  
Jill Nixon, Minutes Transcription