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WHATCOM COUNTY COUNCIL
Regular County Council Meeting

March 12, 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, Todd Donovan, Carol Frazey and Satpal Sidhu.
Absent: Tyler Byrd.

FLAG SALUTE

ANNOUNCEMENTS

MINUTES CONSENT

Buchanan moved to approve the Minutes Consent items.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays: None (0)

Absent: Byrd (1)

1. **MIN2019-020 SPECIAL COUNTY COUNCIL FOR FEBRUARY 20, 2019**
2. **MIN2019-021 SURFACE WATER WORK SESSION FOR FEBRUARY 19, 2019**
3. **MIN2019-022 SPECIAL COUNTY COUNCIL FOR FEBRUARY 26, 2019**
4. **MIN2019-023 REGULAR COUNTY COUNCIL FOR FEBRUARY 26, 2019**

SPECIAL PRESENTATION

1. **AB2019-162 PROSECUTING ATTORNEY ERIC RICHEY TO SHARE HIS PLATFORM FOR REFORM**

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1 Eric Richey, County Prosecutor, submitted and read from a presentation on his goals
2 and focus in the Prosecutor's Office. He answered questions.
3

4 Councilmembers and Mr. Richey discussed the law enforcement assisted diversion
5 (LEAD) program funding, the lack of mental health treatment providers, the potential for
6 young adult court, and being responsive to the community.
7

8 9 **PUBLIC HEARINGS**

10 11 **1. AB2019-021 ORDINANCE GRANTING DEER CREEK WATER ASSOCIATION A** 12 **FRANCHISE AND THE RIGHT, PRIVILEGE, AND AUTHORITY THEREUNDER TO** 13 **LOCATE, SET, ERECT, LAY, CONSTRUCT, EXTEND, SUPPORT, ATTACH,** 14 **CONNECT, MAINTAIN, REPAIR, REPLACE, ENLARGE, OPERATE AND USE** 15 **FACILITIES IN, UPON, OVER, UNDER, ALONG, ACROSS AND THROUGH THE** 16 **FRANCHISE AREA TO ALLOW FOR THE PROVISION OF WATER SERVICES** 17

18 Brenner reported for the Public Works and Health Committee and stated this item is
19 held in committee.
20

21 Browne opened the public hearing, and the following person spoke:
22

23 Wendy Harris stated water associations have too much power and not enough
24 oversight. Clarify how they will meet no net loss standards.
25

26 Hearing no one else, Browne closed the public hearing.
27

28 29 **OPEN SESSION**

30
31 The following people spoke:

- 32 • Alex MacLean spoke about the Bellingham School District diesel buses parked
33 in the Whatcom Creek buffer.
- 34 • Michael Chiavarro spoke about proposed changes to the Maple Creek
35 campground and Silver Lake Park.
- 36 • Embi Torres spoke about homeless shelter services.
- 37 • Jaime Douglas spoke about the need for mental health and substance use
38 treatment in the criminal justice system.
- 39 • Aubrey Stargell spoke about the proposed changes to the Maple Creek
40 campground.
- 41 • Kathy Sabel spoke on the Comprehensive Plan docket items.
- 42 • Marcus D. spoke about homeless shelter services and gun open carry laws.
- 43 • Amy Glasser spoke about homeless shelter services.
- 44 • Wendy Harris spoke about protecting Whatcom Creek and the proposed tree
45 harvest at the Maple Creek campground.
- 46 • Dana Briggs spoke about climate change.
- 47 • Susan Hanson spoke about fiscal responsibility, affordable housing, and
48 homeless issues.

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- Max Perry spoke about the Public Works Department presentation in committee and the docket for the Comprehensive Plan, and County boards and commissions.

OTHER ITEMS

1. AB2019-147 ORDINANCE AMENDING THE 2019-2020 WHATCOM COUNTY BUDGET, REQUEST NO. 3, IN THE AMOUNT OF \$95,521

Sidhu reported for the Council Finance and Administrative Services Committee and *moved* to adopt the ordinance.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays: None (0)

Absent: Byrd (1)

2. AB2019-140 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM CONSERVATION DISTRICT TO PROVIDE LAKE WHATCOM HOMEOWNER INCENTIVE PROGRAM ASSISTANCE, IN THE AMOUNT OF \$216,883

Sidhu reported for the Council Finance and Administrative Services Committee and *moved* to approve the request.

Councilmembers discussed how the money will be spent.

Tyler Schroeder, Deputy Executive, gave a staff report and answered questions.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays: None (0)

Absent: Byrd (1)

3. AB2019-152 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND CITY OF BELLINGHAM FOR GRACE PROGRAM FUNDING, IN THE AMOUNT OF \$140,000

Sidhu reported for the Council Finance and Administrative Services Committee and *moved* to approve the request.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays: None (0)

Absent: Byrd (1)

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1 4. **AB2019-157 REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO**
2 **AUTHORIZE THE PURCHASE OF RADIOS AND RELATED ACCESSORIES FROM**
3 **RACOM CORPORATION, AN AUTHORIZED DISTRIBUTOR FOR HARRIS RFCD,**
4 **USING THE WASHINGTON STATE CONTRACT #02315, IN AN AMOUNT NOT**
5 **TO EXCEED \$59,091.90**
6

7 *Sidhu* reported for the Council Finance and Administrative Services Committee and
8 *moved* to approve the request.
9

10 The motion carried by the following vote:

11 **Ayes:** Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

12 **Nays:** None (0)

13 **Absent:** Byrd (1)
14

15 5. **AB2019-161 RESOLUTION CELEBRATING APRIL AS A MONTH OF SIKH**
16 **AWARENESS AND APPRECIATION IN WHATCOM COUNTY**
17

18 Sidhu stated this item is held in committee.
19

20
21 **FROM SPECIAL COMMITTEE OF THE WHOLE**
22

23 6. **AB2019-148 RESOLUTION DOCKETING COMPREHENSIVE PLAN AND**
24 **DEVELOPMENT REGULATION AMENDMENTS**
25

26 Browne reported for Committee of the Whole and referenced a substitute Exhibit A
27 as recommended for approval by the Committee. He submitted a handout of additional
28 potential docket items.
29

30 *Browne moved* to amend the resolution to add item PLN2019-00010, surface
31 mining pipeline buffer.
32

33 Mark Personius, Planning and Development Services Department, answered
34 questions.
35

36 Staff and councilmembers discussed whether they could direct the staff to come up
37 with criteria through the regular mineral resource land (MRL) review process for proximity
38 to pipelines.
39

40 The motion to amend carried by the following vote:

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

42 **Nays:** None (0)

43 **Absent:** Byrd (1)
44

45 *Browne moved* to amend the resolution to add item PLN2019-00011, surface
46 mining of dry meander zones.
47

48 The motion was seconded.
49

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1 Councilmembers discussed how to get more information on the proposal, the intent
2 of the proposed docket item, the history of dredging and mining river beds, and concerns
3 about negative impacts on salmon spawning habitat.

4
5 The motion to amend carried by the following vote:

6 **Ayes:** Brenner, Browne, Buchanan, Frazey, and Sidhu (5)

7 **Nays:** Donovan (1)

8 **Absent:** Byrd (1)

9
10 Councilmembers discussed adding language that indicates an MRL designation still
11 requires a separate permitting process to mine.

12
13 *(Clerk's Note: There was no motion to approve the substitute resolution.)*

14
15 The Council vote to approve the substitute resolution as amended carried by the
16 following vote:

17 **Ayes:** Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

18 **Nays:** None (0)

19 **Absent:** Byrd (1)

20 21 22 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

23
24 Browne referenced a request from the Health Department to Councilmembers to
25 send a letter to State legislators requesting that the State public health system be
26 further expanded. He read the letter into the record.

27
28 ***Donovan moved*** to approve the letter.

29
30 The motion was seconded.

31
32 The motion carried by the following vote:

33 **Ayes:** Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

34 **Nays:** None (0)

35 **Absent:** Byrd (1)

36
37 Browne stated he wants to write and send a letter of thank you and certificate of
38 appreciation to all the homeless warming shelter volunteers.

39
40 ***The Councilmembers concurred.***

41 42 43 **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

- 44
45 1. **AB2019-145 APPOINTMENT TO THE WHATCOM COUNTY DRAYTON HARBOR**
46 **SHELLFISH PROTECTION DISTRICT COMMITTEE, APPLICANT: JULIE HIRSCH**
47 **(THE COMMITTEE ADVISES THE COUNTY COUNCIL ON PROPOSED ACTIONS**
48 **AND OPERATIONS RELATING TO THE RESTORATION OF WATER QUALITY IN**
49 **THE DRAYTON HARBOR SHELLFISH PROTECTION DISTRICT)**

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1 **Donovan moved** to appoint Julie Hirsch.

2
3 The motion was seconded.

4
5 The motion carried by the following vote:

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

7 **Nays:** None (0)

8 **Absent:** Byrd (1)

- 9
10 2. **AB2019-149 APPOINTMENT TO THE WHATCOM COUNTY SURFACE MINING**
11 **ADVISORY COMMITTEE, ENVIRONMENTAL CONSULTANT POSITION -**
12 **APPLICANT: SHANNON LOGAN (THE COMMITTEE ADVISES THE PLANNING**
13 **DEPARTMENT AND THE COUNCIL ON IMPLEMENTING A SURFACE MINING**
14 **REGULATORY PROGRAM CONSISTENT WITH THE COMPREHENSIVE PLAN)**

15
16 **Frazey moved** to appoint Shannon Logan.

17
18 The motion was seconded.

19
20 The motion carried by the following vote:

21 **Ayes:** Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

22 **Nays:** None (0)

23 **Absent:** Byrd (1)

24
25
26 **INTRODUCTION ITEMS**

27
28 **Buchanan moved** to accept the Introduction Items.

29
30 The motion was seconded.

31
32 The motion carried by the following vote:

33 **Ayes:** Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

34 **Nays:** None (0)

35 **Absent:** Byrd (1)

- 36
37 1. **AB2019-150 ORDINANCE INCREASING SHERIFF'S OFFICE PETTY CASH**
38 **FUND**
- 39
40 2. **AB2019-156 ORDINANCE TO REPEAL ORDINANCE 2019-017**
- 41
42 3. **AB2019-153 ORDINANCE AMENDING WHATCOM COUNTY CODE 6.04**
43 **ANIMAL CONTROL, CHAPTER 6.04.020 DEFINITIONS AND 6.04.031**
44 **ADMINISTRATION AND ENFORCEMENT**
- 45
46 4. **AB2019-160 ORDINANCE AMENDING THE 2019 WHATCOM COUNTY**
47 **BUDGET, REQUEST NO. 4, IN THE AMOUNT OF \$2,260,652**
- 48
49 5. **AB2019-158 RESOLUTION AND PUBLIC HEARING REGARDING SUPPORT**
50 **FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING APPLICATION**

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2 6. **AB2019-159 RESOLUTION REQUESTING COUNCIL AUTHORIZATION OF THE**
3 **RELEASE OF COVENANTS ON THE PROPERTY KNOWN AS THE PLAYGROUND**
4 **TRACT, BENNETT HILL SUPPLEMENTAL**
5

6
7 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCIL MEMBER UPDATES**
8

9 Committee chairs reported on committee discussions.

10
11 Jack Louws, County Executive, gave a staff report and answered questions on the bid
12 for repairing the jail doors.

13
14 **Buchanan** referenced a handout (*on file*) and **moved** to support the Whatcom
15 County Housing Advisory Committee in creating the Subcommittee on Severe Weather
16 Responses, that will support the homeless population and to create a coordinated
17 comprehensive countywide plan to respond to the needs of people who are homeless during
18 severe weather conditions.

19
20 The motion was seconded.

21
22 The motion carried by the following vote:

23 **Ayes:** Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

24 **Nays:** None (0)

25 **Absent:** Byrd (1)
26

27 Sidhu reported on the potential closure of the Alaska ferry and the impact to local
28 businesses and communities along the ferry route. He will bring forward a resolution
29 regarding the issue.

30
31 Councilmembers gave updates on recent activities and upcoming events.
32

33
34 **ADJOURN**
35

36 The meeting adjourned at 9:04 p.m.

37
38 The County Council approved these minutes on _____, 2019.
39

40
41 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

42
43
44
45
46 _____
47 Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair