

Whatcom County Council

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



Minutes - Final

VIRTUAL MEETING - VIEW ONLINE

Tuesday, June 16, 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

MINUTES CONSENT

Donovan moved that the Minutes be approved by consent. The motion was seconded by Frazey.

Councilmembers briefly discussed the motion.

See votes on individual items below.

1. [MIN2020-037](#) Special Health Board for March 3, 2020

Donovan moved and Frazey seconded that the Minutes 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. [MIN2020-039](#) Regular County Council for March 10, 2020

Donovan moved and Frazey seconded that the Minutes 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. [MIN2020-040](#) Committee of the Whole - Executive Session for March 10, 2020

Donovan moved and Frazey seconded that the Minutes 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. [MIN2020-041](#) Special Health Board for March 10, 2020

Donovan moved and Frazey seconded that the Minutes 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

5. [MIN2020-042](#) Special Health Board for March 12, 2020

Donovan moved and Frazey seconded that the Minutes 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

6. [MIN2020-043](#) Special Council for March 17, 2020

Donovan moved and Frazey seconded that the Minutes 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

7. [MIN2020-044](#) Special Health Board for March 17, 2020

Donovan moved and Frazey seconded that the Minutes 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

8. [MIN2020-045](#) Special Health Board for March 19, 2020

Donovan moved and Frazey seconded that the Minutes 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

9. [MIN2020-046](#) Special Council for March 19, 2020

Donovan moved and Frazey seconded that the Minutes 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

10. [MIN2020-047](#) Regular County Council for March 24, 2020

Donovan moved and Frazey seconded that the Minutes 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**OPEN SESSION (20 MINUTES)**

The following people spoke:

Ashley Winter spoke about recent Councilmember comments made on social media.

Hearing no one else, Buchanan closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Byrd reported for the Finance and Administrative Services Committee and *moved* that Consent Agenda items 1-9 and 11 and 12 be approved by consent.

See votes on individual agenda items below.

Byrd reported for the Finance and Administrative Services Committee and *moved* that Consent Agenda item number 10 be approved by consent.

See vote on individual agenda item below.

1. [AB2020-167](#) Request authorization for the County Executive to amend a contract between Whatcom County and U.S. Department of Agriculture, Forest Services Baker Lake overtime patrols modifying the Annual Operating Plan in the amount of \$21,900.00 for 2020 with estimated period beginning May 1, 2020 and ending September 30, 2020 and updates to the contact information for Whatcom County

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

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

Nay: 1 - Elenbaas

Absent: 0

2. [AB2020-182](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Sustainable Connections to provide commercial waste reduction, recycling, and food waste recovery initiatives, in the amount of \$95,000

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

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2020-183](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Pioneer Human Services to lease the Whatcom County Behavioral Health Crisis Triage Center, in an annual amount of \$10,056

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

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2020-225](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Action Cleaning Services to provide custodial service for outside buildings

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

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

Nay: 1 - Elenbaas

Absent: 0

5. [AB2020-228](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Kulshan Supported Employment to provide services to adults with developmental disabilities in the estimated annual amount of \$1,066,912 for an estimated total amended contract amount of \$4,533,257

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

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

Nay: 1 - Elenbaas

Absent: 0

6. [AB2020-229](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington Vocational Services to provide services to adults with developmental disabilities in the estimated annual amount of \$258,093 for an estimated total amended contract amount of \$449,318

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

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

Nay: 1 - Elenbaas

Absent: 0

7. [AB2020-230](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Work Opportunities to provide services to adults with developmental disabilities in the estimated annual amount of \$672,138 for an estimated total amended contract amount of \$2,236,299

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

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

Nay: 1 - Elenbaas

Absent: 0

8. [AB2020-239](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Siemens Industry, Inc. for the Technical Support HVAC Controls Service Agreement, in the amount of \$171,837.96

Byrd moved that the Contract be AUTHORIZED BY CONSENT. The motion

carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

9. [AB2020-241](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Dept. of Transportation to obligate additional federal construction funds for the Birch Bay Drive and Pedestrian Facility, in the amount of \$377,787

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

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

Nay: 1 - Elenbaas

Absent: 0

10. [AB2020-242](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Boys and Girls Club of Whatcom County to support operational costs attributed to the addition of 532 childcare slots, in the amount of \$100,000

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

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

Nay: 0

Absent: 0

Abstain: 1 - Byrd

11. [AB2020-243](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department to receive FEMA Public Assistance funding for COVID-19 response, with the amount to be based on eligible scopes of work

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

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

Nay: 1 - Elenbaas

Absent: 0

12. [AB2020-245](#) Request authorization for the County Executive to enter into a contract between

Whatcom County and RMC Architects PLLC to provide a feasibility study for the Northwest Annex site, in the amount of \$98,950

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

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

Nay: 1 - Elenbaas

Absent: 0

OTHER ITEMS

(From Council Natural Resources Committee)

1. [AB2020-091](#) Ordinance amending Whatcom County Code 16.20, Whatcom County Shellfish Protection Districts

Donovan reported for the Natural Resources Committee and *moved* that the substitute Ordinance be adopted.

Dana Brown-Davis, Clerk of the Council, clarified that there was a revised version of the Ordinance.

Donovan's motion that the SUBSTITUTE Ordinance be ADOPTED carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-031

(From Council Finance and Administrative Services Committee)

2. [AB2020-093](#) Ordinance amending Whatcom County Code 1.32, Public Records, to delete provisions related to exhaustion of administrative remedies

Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance 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 2020-032

3. [AB2020-164](#) Ordinance closing the Lighthouse Marine Park Improvement Fund 362

Byrd reported for the Finance and Administrative Services Committee and moved that the Ordinance 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 2020-033

4. [AB2020-214](#) Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities Operational Standards

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

Donovan summarized the background of the ordinance.

Councilmembers discussed the ordinance, the discussion in committee, and a request made to the Sheriff's Office to make the updated policies available on the website as they are completed.

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-034

5. [AB2020-224](#) Ordinance amending the 2020 Whatcom County Budget, request no. 13, in the amount of \$13,153,598

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

Councilmembers discussed the motion and demobilization of the Unified Command.

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

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

Enactment No: ORD 2020-035

6. [AB2020-226](#) Ordinance amending the project budget for the Northshore Drive/Edgewater Lane Stormwater Improvements Fund, request no. 1

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

Councilmembers discussed the motion and the fund used for the project.

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

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: ORD 2020-036

7. [AB2020-208](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office for South Fork Park trail development

Byrd 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, Byrd, Donovan, Frazey, and Kershner

Nay: 1 - Elenbaas

Absent: 0

Enactment No: RES 2020-020

8. [AB2020-209](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office for development of Birch Bay Beach Park

Byrd reported for the Finance and Administrative Services 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 2020-021

(From Council Public Works and Health Committee)

9. [AB2020-184](#) Consideration of citizen appeals of address change due to correction of address number sequence

Frazey reported for the Public Works and Health Committee and ***moved*** that the appeal be denied.

Councilmembers discussed the request and the committee discussion about who should bear the cost depending on who caused the mistake in addressing and creating a proposal which would provide for a mechanism if the homeowner is not at fault for the mistake.

Karen Frakes, Prosecuting Attorney's Office, clarified that the motion was to deny the appeal.

Frazey's motion that the appeal be DENIED carried by the following vote:

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

Nay: 0

Absent: 0

(From Council Committee of the Whole)

10. [AB2020-252](#) Resolution inviting other local jurisdictions to collaborate to improve efficiency for the benefit of our taxpayers

Buchanan reported for the Committee of the Whole.

Browne summarized the Resolution.

Clerk's note: After the vote, and under AB2020-129 Browne suggested that the Resolution be sent with a cover letter signed by the Chair to each of the other jurisdictions addressed to their respective councils. The Chair concurred.

Buchanan moved and Browne seconded 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 2020-022

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2020-129](#) Requests confirmation of the County Executive's appointment of Steven Groen to the Agricultural Advisory Committee

Donovan moved that the Executive Appointment be confirmed. The motion was seconded by Frazey.

Councilmembers discussed the motion.

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

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

Nay: 0

Absent: 0

2. [AB2020-130](#) Requesting confirmation of the County Executive's appointment of Todd Tyrrell to the Whatcom County Appeals Board

Donovan moved and Byrd seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

3. [AB2020-135](#) Requesting confirmation of the County Executive's appointment of David Charleston to the Developmental Disabilities Advisory Board

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

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

Nay: 0

Absent: 0

4. [AB2020-136](#) Requesting confirmation of the County Executive's appointment of John Radwanski to the Americans With Disabilities Act (ADA) Compliance Committee

Byrd moved and Donovan seconded that the Executive Appointment be CONFIRMED. The motion 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 four. The motion was seconded by Byrd (see votes on individual items below).

1. [AB2020-138](#) Appointment to the Homeless Strategies Workgroup, Homeless Children and Families position, applicant(s): Joel Kennedy and Emily O'Connor

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

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

Nay: 0

Absent: 0

2. [AB2020-248](#) Appointment to the Noxious Weed Board, District 3, applicant(s): George Kaas

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

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

Nay: 0

Absent: 0

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

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

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

Nay: 0

Absent: 0

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

Donovan moved and Byrd seconded that the Council Appointment 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

Buchanan reported on a possible special meeting on the afternoon of June 23 or June 30, 2020 to discuss the following agenda items:

- **Resolution docketing Comprehensive Plan and development regulation amendments (AB2020-106)**
- **Discussion regarding goals, guidelines, and approach to updating current and future budgets (AB2020-234)**

Kershner moved to have a special meeting on the June 23, 2020 after the Water Work Session. The motion was seconded by Frazey.

Councilmembers and Dana Brown-Davis, Clerk of the Council, discussed the motion and the time for the meeting.

The motion carried by the following vote:

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

Nay: 0

Councilmembers gave reports and updates on recent events.

Satpal Sidhu, County Executive, extended an invitation to meet and talk with Councilmembers.

ADJOURN

The meeting adjourned at 6:59 p.m.

The County Council approved these minutes on July 21, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

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