

Whatcom County Council

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



Minutes - Final

Tuesday, January 10, 2023

6 PM

Hybrid Meeting

HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010); AGENDA REVISED ON THE FOLLOWING 1.5.2023, 1.9.2023, AND 1.10.2023

COUNCILMEMBERS

Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kaylee Galloway
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 6:01 p.m. in a hybrid meeting.

ROLL CALL

Present: 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

There was no Executive Report.

MINUTES CONSENT

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

1. MIN2022-083 Special Council for December 5, 2022

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

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

Nay: 0

Absent: 0

2. MIN2022-084 Committee of the Whole Executive Session for December 6, 2022

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

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

Nay: 0

Absent: 0

3. MIN2022-085 Committee of the Whole for December 6, 2022

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

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

Nay: 0

Absent: 0

4. MIN2023-001 Regular County Council for December 6, 2022

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

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

Nay: 0

Absent: 0

5. MIN2023-006 Special Council for December 28, 2022

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

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

Nay: 0

Absent: 0

OPEN SESSION

The following people spoke:

- Todd Lagestee
- Mary Sewright
- Aubrey Stargell
- Erik Ferrell
- Quentin Dills
- John Marshall
- Lyle (last name not stated)
- Susan David
- Natalie Chavez
- Denais Nabley
- Michael Feerer
- Emily Freudenberger
- Name not stated

Council staff played a short instructional video about how to speak at the meeting and the following people spoke:

- Alexander Harris
- Laura Weiss
- Misty Flowers
- Bill Turner
- Skip Hamilton
- Rob Lewis
- Jon Larson
- Doug Cooper
- Jillian Froebe
- Elizabeth Kerwin
- Pam Turner
- Daniel Harm
- Heath Heikkliä
- Kai Clarke
- Michele Cameron
- Sara Rose
- Brel Froebe
- HJ (Name not stated)
- Richard Johnson
- Susan (Last name not given)
- Cliff (Last name not given)
- Karla Rae

Hearing no one else, Buchanan closed the Open Session.

Councilmembers took a short break.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Kershner reported for the Finance and Administrative Services Committee and ***moved*** to approve Consent Agenda items one through 20 (except for item six [AB2022-728] which had been withdrawn from the agenda) and 22 through 26. Councilmembers voted on those items (see votes on individual items below).

1. AB2022-707 Request authorization for the County Executive to enter into an agreement between Whatcom County and Domestic Violence and Sexual Assault Services for administrative, management and support services in the amount of \$180,000

Kershner reported for the Finance and Administrative Services Committee

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

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

Nay: 1 - Elenbaas

Absent: 0

2. AB2022-723 Request authorization for the County Executive to enter into an agreement between Whatcom County and Bellingham Food Bank to procure, warehouse and distribute food and other essentials to low and very low income families in the amount of \$276,000

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

3. AB2022-724 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Clean Earth Environmental Solutions, Inc. to operate the County's moderate risk waste facility known as Disposal of Toxics in the amount of \$120,000 for a total amended contract amount of \$1,320,000

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

4. AB2022-726 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Snohomish County to implement youth cannabis and tobacco prevention activities in the amount of \$31,000 for a total amended contract amount of \$56,000

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

5. AB2022-727 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Island County to implement youth cannabis and tobacco prevention activities in the amount of \$25,000 for a total amended contract amount of \$50,000

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

6. AB2022-728 Request authorization for the County Executive to enter into an agreement between Whatcom County and Whatcom Conservation District to administer the Firewise fire risk reduction program throughout Whatcom County in the amount of \$80,000

This agenda item was WITHDRAWN.

7. AB2022-729 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and United General District 304 to implement youth cannabis and tobacco prevention activities, in the amount of \$81,650

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

8. AB2022-730 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and San Juan County to implement youth cannabis and tobacco prevention activities in the amount of \$25,000 for a total amended contract amount of \$50,000

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

9. AB2022-733 Request authorization for the County Executive to enter into an interagency agreement between Whatcom County and the State of Washington Department of Ecology for Whatcom Marine Resources Committee (MRC) Operations and Projects, in the amount of \$75,846.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

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

Nay: 1 - Elenbaas

Absent: 0

10. AB2022-734 Request authorization for the County Executive to enter into a contract between Whatcom County and FLO Analytics to accurately map all Whatcom County solid waste landfills and their associated 1000' buffer zones, in the amount of \$51,655

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

11. AB2023-005 Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the County to provide probation services to the City

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

12. AB2023-006 Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and the City of Blaine for the County to provide probation services to the City

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion

carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

13. AB2023-007 Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and the City of Everson for the County to provide probation services to the City

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

14. AB2023-008 Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and the Washington State Department of Transportation, to obligate federal Emergency Relief funding in the amount of \$1,840,000

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

15. AB2023-012 Resolution to approve annual petition for refunds paid list consistent with RCW 84.69.020.

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

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: RES 2023-001

16. AB2023-013 Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for the County to provide

probation services to the City

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

17. AB2023-014 Request authorization for County Executive to enter into an interlocal agreement between Whatcom County and the City of Sumas for the County to provide probation services to the City

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

18. AB2023-015 Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department for funding for local jurisdictions to prepare for all hazards through the sustainment and enhancement of local emergency management programs in the amount of \$80,956

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

19. AB2023-016 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the County to oversee the administration of the Domestic Violence Perpetrator Opportunity for Treatment Funding (DVPOTS)

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

- 20. AB2023-019 Request authorization for the County Executive to enter into a contract between Whatcom County and Anchor QEA to prepare a multi-purpose water storage assessment for WRIA 1, in the amount of \$150,000.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

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

Nay: 1 - Elenbaas

Absent: 0

- 21. AB2023-024 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Master’s Touch LLC to provide printing and mailing of tax statements

This item was considered separately (see motion and vote after the Consent Agenda).

- 22. AB2023-039 Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Conservation District in support of the Firewise Wildfire Risk Reduction Program in the amount of \$80,000

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

- 23. AB2023-041 Request authorization for the County Executive to enter into a collective bargaining agreement between Whatcom County and International Organization of Masters, Mates and Pilots and Inlandboatmen’s Union of the Pacific for the period of January 1, 2023 to December 31, 2025

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

24. AB2023-042 Request authorization for a Letter of Understanding between Whatcom County and the Fraternal Order of Police, Matt Herzog Memorial Lodge #24 to amend the Collective Bargaining Agreement for the period January 1, 2022 - December 31, 2024

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

25. AB2023-043 Request authorization for the County Executive to enter into a Letter of Agreement between Whatcom County and PROTEC17 to amend the Collective Bargaining Agreement for the period January 1, 2022 - December 31, 2023

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

26. AB2023-044 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Parks and Recreation Commission for Recreational Boating Safety (RBS) Federal Financial Assistance Grant, in the amount of \$18,476.57

Kershner reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

21. AB2023-024 Request authorization for the County Executive to enter into a contract amendment

between Whatcom County and Master's Touch LLC to provide printing and mailing of tax statements

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

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

Nay: 0

Absent: 0

OTHER ITEMS

(From Council Climate Action and Natural Resources Committee)

1. AB2023-048 Discussion and approval of letter regarding Whatcom County's response to the Washington State Department of Natural Resources regarding Phase II of the Carbon Project

Galloway reported for the Climate Action and Natural Resources Committee and briefed the Councilmembers on the "Revised Draft Letter (Galloway) Following Committee 1.10.2023" (on file).

Donovan moved to approve sending this version of the letter. The motion was seconded by Galloway.

Donovan discussed the changes made to the letter.

Kershner moved to amend the letter to include the last two paragraphs and the four bulleted points in the alternate letter (Alternate Letter (Kershner) 1.10.2023) which starts with:

“We respectfully ask that the Board of Natural Resources direct DNR to provide the following information for each of the seven parcels in Whatcom County identified for potential inclusion in Phase I and II of the Carbon Project:”

The motion was seconded by Elenbaas.

Councilmembers discussed the letter and the motion to amend.

The motion to amend carried by the following vote:

Aye: 6 - Byrd, Buchanan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 1 - Donovan

Councilmembers discussed the motion to approve the letter and where the

approved amendment language will be added.

The motion to approve as amended carried by the following vote:

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

Nay: 2 - Elenbaas and Byrd

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

(From Council Finance and Administrative Services Committee)

2. AB2022-725 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to operate the Ground Floor Day Use Center in the amount of \$160,000 for a total amended contract amount of \$576,770

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

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

3. AB2022-731 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Hunt Forensics for increased costs of services in the amount of \$893,449.13 for the total amount of \$3,356,602

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be HELD IN COMMITTEE. The motion carried by the following vote:

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

Nay: 0

Absent: 0

4. AB2023-001 Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Long Term Recovery Group to provide Housing Assistance to those impacted by the November 2021 Floods, in the amount of \$2,050,000

Kershner reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED.

Kershner stated she wanted to verify that there is nothing the Council needs to do to make sure that the Whatcom Long Term Recovery Group is going to be able to benefit from reimbursements made to help our community that

The motion carried by the following vote:

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

Nay: 0

Donovan moved to nominate Andrew Gamble and Pamela Brady for the Energy Industry position. The motion was seconded by Buchanan.

Pamela Brady addressed the Council.

Councilmembers discussed the motion.

Brady was appointed by the following vote:

Pamela Brady: 7 - Elenbaas, Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan

Andrew Gamble: 0

This agenda item was APPOINTED.

4. AB2023-029 Appointment to various vacancies on the Child and Family Well-Being Task Force, Applicant(s): Monika Mahal, Katherine Orłowski, Vann Dartt, Colton Redtfeldt, Rick Tanner, Pamela Jons, Tilda Doughty, Christina Jackson, Anne Granberg
Jill Nixon, Council Office Staff, answered how many vacancies there are.

Frazey stated there is a letter in the packet from the Co-Chairs of the Child and Family Well-Being Task Force with recommendations.

Buchanan moved and Galloway seconded to nominate all the applicants.

Councilmembers discussed the fact that there were recommendations for the appointees.

Monika Mahal, Anne Granberg, Pamela Jons, Tilda Doughty, Christina Jackson, Katherine Orłowski, and Colton Redtfeldt were appointed by the following vote:

Monika Mahal: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Anne Granberg: 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

Pamela Jons: 5 - Buchanan, Byrd, Frazey, Galloway, and Kershner

Tilda Doughty: 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

Christina Jackson: 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

Katherine Orłowski: 4 - Buchanan, Donovan, Frazey, and Galloway

Colton Redtfeldt: 4 - Buchanan, Donovan, Frazey, and Galloway

Vann Dartt: 3 - Byrd, Donovan, and Elenbaas

Rick Tanner: 3 - Byrd, Elenbaas, and Kershner

Douglas Dickenson: 2 - Elenbaas and Kershner

Nixon read the results into the record.

This agenda item was APPOINTED.

5. AB2023-030 Appointment to various vacancies on the Climate Impact Advisory Committee, Applicant(s): Derek Gremban, Ray Kamada, Stevan Harrell, Phillip Thompson, John Bosche, Michael Karp, Chris Hoops, Regina Jeffries

Galloway moved and Kershner seconded to nominate all the applicants and encourage Councilmembers to vote for six people.

Buchanan stated there are five full terms and one partial term.

Derek Gremban, Ray Kamada, Stevan Harrell, Phillip Thompson, Suneeta Eisenberg, and Regina Jeffries were appointed by the following vote:

Derek Gremban: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Ray Kamada: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Stevan Harrell: 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

Phillip Thompson: 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

Regina Jeffries: 4 - Buchanan, Donovan, Frazey, and Galloway

Suneeta Eisenberg: 4 - Buchanan, Donovan, Frazey, and Galloway

John Bosche: 3 - Byrd, Elenbaas, and Kershner

Chris Hoops: 3 - Byrd, Elenbaas, and Kershner

Michael Karp: 0

Jill Nixon, Council Office Staff, read the results into the record and stated if Council wants to choose either Regina Jeffries or Suneeta Eisenberg for the partial term that would be helpful.

Byrd moved to appoint Regina Jeffries to the partial term and Suneeta Eisenberg to the full term. The motion was seconded by Kershner.

The motion carried by the following vote:

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

Nay: 0

Derek Gremban addressed the Council after the vote.

This agenda item was APPOINTED.

6. AB2023-031 Appointment to various vacancies on the Drayton Harbor Shellfish Protection District Advisory Committee, Applicant(s): Julie Hirsch

Byrd moved and Kershner seconded that Hirsch be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

7. AB2023-032 Appointment to various vacancies on the Horticulture Pest and Disease Board, Applicant(s): Troy Kortus, John Grubb

***Kershner moved* and Galloway seconded that both Troy Kortus and John Grub be appointed.**

Elenbaas spoke about the applicants and stated they will do a wonderful job.

Kershner's motion that Kortus and Grub be APPOINTED carried by the following vote:

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

Nay: 0

Absent: 0

8. AB2023-033 Appointment to various vacancies on the Planning Commission, Applicant(s): William Dominic Mocerì

***Kershner moved* and Donovan seconded that Mocerì be APPOINTED.**

Elenbaas stated he was shocked there was only one applicant.

Jill Nixon, Council Office Staff, answered what the other district is that the vacancy is in.

Kershner's motion that Mocerì be APPOINTED carried by the following vote:

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

Nay: 0

Absent: 0

9. AB2023-034 Appointment to various vacancies on the Portage Bay Shellfish Protection District

Advisory Committee, Applicant(s): Alan Chapman

Kershner moved and Frazey seconded that Chapman be APPOINTED.

Elenbaas stated the applicant is an asset to the committee.

Jill Nixon, Council Office Staff, answered whether the committee has enough members to make a quorum considering all the vacancies.

Kershner's motion that Chapman be APPOINTED carried by the following vote:

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

Nay: 0

Absent: 0

10. AB2023-035 Appointment to various vacancies on the Public Health Advisory Board, Applicant(s): Leah Wainman, Madison Emry, Misty Flowers, Hannah Ordos, Robyn Phillips-Madson, Susan Prosser, Adrienne Renz, Ashley Thomasson, Shu-Ling Zhao

Buchanan stated they had a request from the Chair of the Public Health Advisory Board (PHAB) to hold on three of the spots because there are some of the advisory committees that have not fully formed yet and they were wanting applicants to apply from some of those committees.

The following people gave information on the membership requirements in the enabling Ordinance:

- Dana Brown-Davis, Clerk of the Council
- Jill Nixon, Council Office Staff
- Karen Frakes, Prosecuting Attorney's Office

Buchanan stated the question before them is that the request is to hold until the committees listed in an email from the PHAB are filled out, but the enabling Ordinance does not call these committees out specifically. The Council needs to make the decision whether they want to hold and follow the PHAB's request or just vote with the applicants they have today.

Byrd moved to vote with the applicants they have today. The motion was seconded by Elenbaas.

The Clerk started to call roll on the motion but Galloway had her hand up. She spoke in favor of the recommendation set forth by the Chair of the PHAB.

Jill Nixon, Council Office Staff, reminded the Council that there are two vacancies for terms that end in 2026 and five vacancies for terms that end in 2025.

Kershner stated she does not want to get into the place where the PHAB is taking all of the advice from our advisory boards and funneling it to the Council and she wants to make sure they are not just filling boards with the same people. She will support more voices from the community.

The motion failed by the following vote:

Aye: 3 - Byrd, Elenbaas, and Kershner

Nay: 3 - Buchanan, Donovan, and Frazey

Abstain: 1 - Galloway

Elenbaas stated the file summary states, "Membership preference shall be given to tribal, racial, ethnic, and other minorities" and asked whether the application includes a box for an applicant to check if they identify as any of those things.

Elenbaas moved to nominate all the applicants. The motion was seconded by Byrd.

Galloway confirmed everyone can vote up to seven times or vote for fewer than seven and all appointed committee members would need to have at least four votes.

Four applicants received six votes as follows:

Leah Wainman: 6 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Adrienne Renz: 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

Ashley Thomasson: 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner

Shu-Ling Zhao: 6 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Misty Flowers: 3 - Byrd, Elenbaas, and Kershner

Hannah Ordos: 3 - Byrd, Elenbaas, and Kershner

Susan Prosser: 3 - Byrd, Elenbaas, and Kershner

Robyn Phillips-Madson: 1 - Byrd

Madison Emry: 0

Jill Nixon, Council Office Staff, read the results into the record. **Leah Wainman, Adrienne Renz, Ashley Thomasson, and Shu-Ling Zhao were**

appointed. She stated two of those will preferably be chosen to fill the current positions where the terms expire in 2026 and two with terms that expire in 2025. She answered whether that decision has to be made with these four applicants or whether it could be made at a later date with the remainder of the positions. She stated ideally it would be made with this vote so we know who is appointed to which position and we can get their appointment letter sent out and they can begin their service.

Galloway moved to appoint Leah Wainman and Shu-Ling Zhao to the positions with terms expiring in 2026. The motion was seconded by Kershner.

The motion carried by the following vote:

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

Nay: 1 - Byrd

Kershner stated there are applicants on the Zoom meeting and we did not ask them if they wanted to give us a 30 second introduction.

Elenbaas stated he finds it unsavory that we have enough applicants for volunteer positions and we are not filling them.

The following applicants spoke after the vote:

- Misty Flowers
- Susan Prosser
- Hannah Ordos

Elenbaas moved to nominate Hannah Ordos, Misty Flowers, and Susan Prosser for the PHAB board. The motion was seconded by Byrd.

Councilmembers discussed the motion.

The motion failed by the following vote:

Aye: 3 - Byrd, Elenbaas, and Kershner

Nay: 3 - Buchanan, Frazey, and Galloway

Abstain: 1 - Donovan

Elenbaas stated he just heard that diversity is important unless it is diversity of thought against the majority. He would encourage them to reconsider even just one of the three applicants.

Galloway stated if the PHAB is not able to identify a representative for those sectors in a few more weeks, we should revisit the existing

applications.

This agenda item was APPOINTED.

Action Summary:

Appointed the following:

Vacancies with terms that expire in 2026

Leah Wainman and Shu-Ling Zhao

Vacancies with terms that expire in 2025

Adrienne Renz and Ashley Thomasson

11. AB2023-036 Appointment to various vacancies on the Solid Waste Advisory Committee, Applicant(s): Rodd Pemble

Frazey moved and Galloway seconded that Pemble be APPOINTED.

Frazey spoke in favor of the applicant.

Frazey's motion that Pemble be APPOINTED carried by the following vote:

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

Nay: 0

Absent: 0

12. AB2023-038 Appointment to various vacancies on the Flood Control Zone District Advisory Committee, Applicant(s): Albert de Boer, Ron Bronsema, Jeff De Jong, Bruce Bosch, John Perry (Council acting as the Flood Control Zone District Board of Supervisors)

Galloway moved and Buchanan seconded that the applicants be APPOINTED.

Elenbaas stated that he is related to Kurtis Vossbeck.

Galloway's motion that the applicants be APPOINTED carried by the following vote:

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

Nay: 0

Absent: 0

13. AB2023-050 Appointments to various vacancies on the Noxious Weed Control Board, Applicant(s): Alan Yoder and Patricia Lenssen

Frazey thanked Jill Nixon after the vote for putting the voting sheets and memos together.

Byrd moved and Buchanan seconded that Yoder and Lenssen be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

1. AB2023-055 Request authorization for the County Executive to enter into an Interlocal Amendment Between Whatcom County, City of Bellingham and Fire Protection District No 7 to pays in accordance with the 2023 portion of the 2023-2028 Levy Plan which includes a 5th Medic Unit in the amount of \$13,837,716

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

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

Nay: 0

Absent: 0

2. AB2022-732 Request authorization for the County Executive to enter into the Memorandum of Understanding between the North Sound Region Participating Local Governments and North Sound Behavioral Health Administrative Services Organization for the creation of the regional Opioid Abatement Council required by the One Washington Memorandum of Understanding

Karen Frakes, Prosecuting Attorney's Office, briefed the Councilmembers on the item and answered whether the Council has a copy of anything to look at since they had not seen the agreement yet, and whether there is a timeframe for the item.

Kershner suggested they move the item to the end of the meeting.

The Clerk of the Council sent them the agreement and Councilmembers reviewed it.

Frakes answered what the agreement's purpose is and whether they will be paying North Sound Behavioral Health Administrative Services Organization an administrative fee to act as the Opioid Abatement Council (OAC).

Byrd moved and Buchanan seconded that the Memorandum of Agreement be AUTHORIZED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

3. AB2023-062 Resolution in support of adjudication funding in the Washington State 2023 - 2024 biennium

Donovan briefed the Councilmembers.

Elenbaas asked what process was used to get this on the agenda where it was not published and has not been seen by the public.

Galloway stated it may have been inspired by a letter that she was wanting to circulate for feedback and she was hoping the Resolution would be discussed in conjunction with the letter in the Climate Action and Natural Resources Committee.

Donovan stated he just wanted to get it out since the Legislature had its first session yesterday. They can pass it now or put it in committee. If they want to have it in committee he and Galloway cannot talk about their documents since they are on the same committee so is he mostly just trying to get this out for discussion.

Elenbaas spoke about voting on this without giving the agricultural community, rural residents, and the cities the chance to weigh in.

Councilmembers discussed what the Resolution is asking the Legislature to fund, whether they should send this to the Climate Action and Natural Resources Committee for discussion, what fully funding means, whether they are requesting that the State fully funds the legal fees, whether adjudication would be an equitable process since the person with the most money usually wins, and whether the burden of proof could fall on the Department of Ecology (DOE) to prove that the water right holder does *not* have a right in order to help level the playing field.

Donovan moved to move this and the letter that Councilmember Galloway circulated to the Climate Action and Natural Resources Committee. The motion was seconded by Galloway.

Councilmembers discussed getting someone from the DOE to describe their budget ask and whether they can also have our legislators involved in the conversation.

Donovan's motion that the Resolution be REFERRED TO COMMITTEE carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

4. AB2023-063 Discussion and approval of motion to request the County Executive send a letter of support for Port of Bellingham and Whatcom County Public Utility District (PUD) #1 broadband project, with commitment of \$4 million for the Port and \$350,000 for the PUD

Buchanan stated they received a letter for review.

Donovan stated the letter on file (in the Legislative Information Center) mentions the \$350,000 and asked whether there was another one that has the \$4 million.

Kershner moved and Galloway seconded that the Request to send the letters be APPROVED.

Frazey stated she hopes they take Port of Bellingham Commissioner Michael Shepard's invitation that they have some representation (a staff member, and if not possible, then a Councilmember) in the broadband discussions.

Tyler Schroeder, Director of Administrative Services, stated he has been working with the PUD and the Port to draft how to include County representation on the broadband workgroup. He will bring something back to Council.

Frazey spoke about her frustration about not getting information in a timely manner.

Schroeder discussed with the Councilmembers what the workgroup would be, and whether a councilmember or staff member would be more appropriate to be part of the group.

Dana Brown-Davis, Clerk of the Council, stated if she were to have to make a decision about Council staff she would like to have further conversation with Schroeder about what is going to be expected.

Schroeder stated they have been probably identifying Kayla Schott-Bresler, the Executive's Special Projects Manager, as participating in that role and

would be happy to continue to talk with Council about other support associated with it. He stated there are two letters that will be sent (one will be the Port's letter to support the North Whatcom County -- Blaine to Eastern Whatcom County above Lynden - application for \$4 million with American Rescue Plan Act [ARPA] funds, and one for the Point Roberts application for the \$350,000 match) and he answered whether the \$4 million will definitely come from ARPA funds. The letters are written to commit the funding but do not specify the funds. The Council has budgeted the \$4 million out of ARPA but we can have that discussion moving forward.

Kershner's motion that the request to send the two letters be APPROVED carried by the following vote:

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

Nay: 0

Absent: 0

INTRODUCTION ITEMS

1. AB2023-002 Ordinance amending the Whatcom County Unified Fee Schedule - ferry rates

Donovan moved that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING.

Dana Brown-Davis, Clerk of the Council, stated the Ordinance is a SUBSTITUTE.

Kershner moved that they introduce this and move it into the Finance Committee before the hearing that night but a motion was not needed to do this.

Dana Brown-Davis, Clerk of the Council, answered whether there was a substitute Exhibit A. She stated the Exhibit is included in the Ordinance and that the code amendment piece was taken out and it is just the ferry fares now. It was amending the code and the Unified Fee Schedule and now it is just amending the Unified Fee Schedule.

Elizabeth Kosa, Public Works Department Acting Director, stated while they would eventually like to do some code changes, especially for clerical errors, the main issue is to correct the fares right now, then moving forward they will have more opportunity and more interface with the Lummi Island Advisory Committee to make some of those code changes.

Donovan's motion that the SUBSTITUTE Ordinance Requiring a Public

Hearing be INTRODUCED FOR PUBLIC HEARING carried by the following vote:

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

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers continued where they left off on the reorganization of the Whatcom County Council for 2023 (AB2023-022) in the Special Committee of the Whole this morning.

Racial Equity Commission Appoint ONE-Non-Voting member (** 2-year term) AB2022-590

Buchanan, Kershner, and Frazey withdrew their names from consideration.

Buchanan moved and Donovan seconded to nominate Elenbaas and Galloway.

Elenbaas stated he had asked how many dissenting voices there were on the commission and that he was encouraged to join it. He spoke about why he would like to be on the commission.

Galloway spoke about why she would like to be on the commission.

Galloway was appointed by the following vote:

Galloway: 4 - Donovan, Frazey, Galloway, and Buchanan

Elenbaas: 3 - Elenbaas, Kershner, and Byrd

Solid Waste Advisory

Galloway moved and Kershner seconded that Frazey be appointed.

The motion carried by the following vote:

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

Nay: 0

Stakeholder Advisory Committee (SAC)

Kershner moved and Galloway seconded that Buchanan be appointed.

The motion carried by the following vote:

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

Nay: 0

WSAC Alternate Board Member (The Executive is the active representative, Councilmember is alternate)

Buchanan moved and Frazey seconded that Galloway be appointed.

The motion carried by the following vote:

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

Nay: 0

WSAC Optional Alternate Board Member (Res2019-008)

Buchanan moved and Frazey seconded that Kershner be appointed.

The motion carried by the following vote:

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

Nay: 0

WSAC Legislative Steering Committee

Kershner moved and Frazey seconded that Galloway be appointed.

The motion carried by the following vote:

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

Nay: 0

WSAC Timber Counties Caucus - Optional

Kershner withdrew her name from consideration.

Kershner moved and Buchanan seconded that Galloway be appointed.

The motion carried by the following vote:

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

Nay: 0

WSAC Coastal Counties Caucus - Optional

Kershner moved and Buchanan seconded that Galloway be appointed.

The motion carried by the following vote:

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

Nay: 0

Whatcom Transportation Authority

Byrd withdrew his name from consideration.

Donovan spoke about why he would like to be appointed.

Kershner withdrew her name from consideration.

Donovan was appointed by acclamation by the following vote:

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

Nay: 1 - Byrd

Galloway stated there is an Executive Committee for the Snohomish, Whatcom, Island, San Juan and Skagit (SWISS) Regional Partnership that has either the Council Chair or designee and she asked whether that committee should be added to the Chair's assignments or whether the Council would like to choose a designee.

Frazey stated she would like to put it out to the Chair or whomever else is interested.

Galloway stated she would welcome Buchanan to be the primary representative on the committee and have her as the alternate and Buchanan agreed.

Galloway moved and Kershner seconded to appoint Buchanan as the primary representative and Galloway as the alternate.

The motion carried by the following vote:

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

Nay: 0

Councilmembers gave Committee Reports and reported on other items.

Byrd spoke about a suit filed by the Seattle Public School System against the large social media companies for damages to youth and the public health issues it is causing. He would like to explore joining that suit.

Byrd moved to put the discussion in an Executive Session at the next meeting. The motion was seconded by Kershner.

Dana Brown-Davis, Clerk of the Council, stated the next meeting in two weeks is packed and she is not sure how much time this one is going to take.

Karen Frakes, Prosecuting Attorney's Office, stated it would be important to make sure the attorneys who would be representing us would be available before setting a time for an executive session.

Byrd amended his motion to have an Executive Session (to discuss a social media lawsuit) and meet at the next available date that works for everyone.

The motion carried by the following vote:

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

Nay: 0

Galloway reported on the Washington Association of Counties (WSAC) Legislative Steering Committee orientation. She would like clear direction from Council on how they would like to receive information from her on the legislative session as well as protocols they would like her to take when she is engaging on particular bills, either on behalf of WSAC or consistent with our legislative objectives or policies that we have supported as a county or as a council.

Elenbaas spoke about being disappointed that there could not be a dissenting voice on an advisory committee when the Council had the opportunity to appoint one.

Kershner thanked all the applicants that put in their applications for boards and commissions.

Galloway stated she would like to have a Council retreat where they can come together with their years' worth of policy priorities and discuss how they might better communicate with each other on outcomes of committee assignments.

Councilmembers discussed questions about what constitutes a quorum for committee members and finding out how other jurisdictions are doing it.

Buchanan reported on a recent ceremony in honor of re-naming the Crisis Stabilization Center to the Anne Deacon Center for Hope.

ACTION SUMMARY:

Councilmembers continued to vote on Committee Assignments from the Special Committee of the Whole.

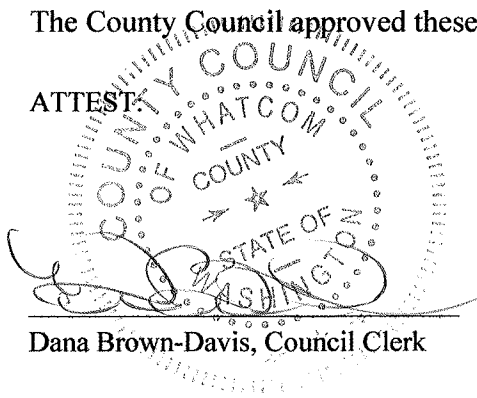
Motion approved 7-0 to have an Executive Session to discuss a social media lawsuit and meet at the next available date that works for everyone.

ADJOURN

The meeting adjourned at 10:55 p.m.

The County Council approved these minutes on February 7, 2023.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription