

# **Whatcom County Council**

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



## **Minutes - Draft Minutes**

AGENDA REVISED 10.8.2019

**Tuesday, October 8, 2019**

**7 PM**

**Council Chambers**

### **COUNCILMEMBERS**

Barbara Brenner  
Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Carol Frazey  
Satpal Sidhu

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## COUNTY COUNCIL

### CALL TO ORDER

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

### ROLL CALL

**Present:** 7 - Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

*Donovan moved* to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District Board of Supervisors, to execute an option agreement to purchase property as discussed in executive session (AB2019-500). The motion was seconded.

The motion carried by the following vote:

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

### SPECIAL PRESENTATION

1. [AB2019-497](#) Report from the Behavioral Health Advisory Committee on the Behavioral Health Program Fund

Chris Phillips, Behavioral Health Advisory Board Chair, gave a presentation. He introduced the following staff from the Blaine School District:

Randy Elsbree, Executive Director of Federal and Special Programs  
Kaatri Jones, Mental Health Counselor - submitted a handout (on file)

**This agenda item was REPORTED.**

### PUBLIC HEARINGS

1. [AB2019-472](#) Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County

Browne invited representatives from the City of Blaine to speak.

**Bonnie Onyon**, City of Blaine Mayor, spoke in favor of the ordinance.

**Michael Jones**, Blaine City Manager, answered why the area in question can not be

annexed and why it was taken out of Blaine's Urban Growth Area (UGA). He also spoke in favor of the ordinance.

**Mary Lou Steward**, Blaine City Councilmember, spoke in favor of the ordinance.

**Jennifer Plombon**, Semiahmoo Resort Association Board member, spoke in favor of the ordinance and about the lack of enforcement.

**Ryan Valentine**, Washington Department of Fish and Wildlife (WDFW), stated he has only received a handful of just noise-related calls from Drayton Harbor and answered question about buffers, whether signs are posted, whether visiting hunters are required to take safety courses, whether Blaine Police Officers refer citizens outside of the city to the WDFW, what firearms are allowed, different state requirements for hunter education courses, how long the area has been open to hunting, how many hours he spends working in Drayton Harbor, and whether he patrols from land or water.

Browne opened the public hearing, and the following people spoke:

**Tyler Schroeder**, Executive's Office, answered questions about noise regulations and discharge of firearms.

**Karen Frakes**, Prosecuting Attorney's Office, answered questions about noise and firearms regulations, and whether the State law would supercede County code.

**John Arrabito**, Washington Waterfowl Association, spoke about State laws concerning firearms, and firearm noise.

**Gerry Heys** spoke about noise from hunters and spoke in favor of the ordinance.

**Richard Holt**, President of the Washington Waterfowl Association, submitted a handout (on file), stated the association's mission and purpose, and spoke against the ordinance.

**Paul Johnson** stated Drayton Harbor is used for many other purposes and spoke in favor of the ordinance.

**Linda Marshall** stated Drayton Harbor is not the only option for hunters and spoke in favor of the ordinance.

**Matthew Goggins** stated he signed up for the wrong hearing.

**Patrick Allese** stated these are areas outside the City limits.

**Andrew Scoular** stated City development has increased, this is no longer a rural area, and people don't always abide by the rules. He spoke in favor of the ordinance.

**Frank Bob** stated his ancestors have always hunted as a food source and the ordinance infringes on tribal rights. He does not support the ordinance.

**Matt Berry** read from a statement about a petition against the no shooting zone, spoke about education for the public, and does not support the ordinance. He submitted his comments.

**Tino Villaluz** spoke about finding solutions for enforceable boundaries that support public safety and spoke against the ordinance.

**Pete Adams** stated he hunts to provide for his family and spoke against the ordinance.

**Randall Miller** stated no-shooting boundaries should take density into account.

**Lyle Galloway**, acting president for the Whatcom County chapter of the Washington Waterfowl Association, spoke about the association's mission and existing hunting laws, and stated he is opposed to the ordinance.

**Dave Turner** stated he is opposed to the ordinance.

**Anthony Giebol** stated that hunting allows for conservation and management of waterfowl populations and spoke against the ordinance.

**Blair Smith** submitted a handout (on file) and stated he supports the City of Blaine Resolution 1765-19 concerning the creation of a no shooting zone in Drayton Harbor because of population growth and safety concerns.

**John Sitkin**, City of Blaine attorney, spoke about the state statute that defines County Council authority in firearm regulations and answered questions about the amount of people who use Drayton Harbor for various activities and about UGA boundaries.

**Jesse Dewite** stated he hunts to provide for his family and hunters do not want to break the laws because they don't want to lose their hunting rights.

**Mark Walker** stated that a no shooting zone would encourage development and in turn, a loss of habitat for birds.

**Rodney Vandersypen** stated there are no safety issues with the current boundary lines and spoke against the ordinance.

Hearing no one else, Browne closed the public hearing.

**Donovan moved** and Buchanan seconded that the Ordinance be REFERRED TO COMMITTEE to get more information about treaty rights, noise versus safety concerns, and UGA boundary lines, and to leave the item open for comment.

Council members discussed making rules for all hunters as opposed to just hunters in one area, and respecting tribal treaty rights.

**Browne suggested** a friendly amendment to hold for four weeks.

Donovan accepted the friendly amendment.

**Donovan moved and Buchanan seconded that the Ordinance be REFERRED TO COMMITTEE and sent to Council Special Committee of the Whole on 11/6/2019. The motion carried by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

[AB2019-452](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for the 2019 Byrne Justice

Assistance Grant to purchase ballistic resistant vests for a total of \$13,391

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

**Brenner moved and Byrd seconded that the Special Council Only Item be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

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

**Heather Dahlberg** spoke about the issue of homelessness, her volunteer efforts at Unity Village and with HomesNow! Not Later, and the need for warming centers.

**Patrick Alesse** spoke about concerns with people speeding and running stop signs in Birch Bay.

The following people spoke about like Samish

**Erik McHenry**

**Sharon Cody**

**Jerry Johnson**

**Tim Slesk**

**Mark Walker**

**Dave Morrow**

**Paul Joostens**

**Mary Walker**

**Heather Katahdin** spoke about opening warming centers.

Brown closed the Open Session and recognized Karen Frakes, Prosecuting Attorney's Office, for her 35 years of service.

### **CONSENT AGENDA**

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

Sidhu stated that item number three received a split vote of one to one in committee and requested to consider it separately.

**Sidhu** reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda item three. Councilmembers voted on this item (see vote on individual item below).

**Sidhu** reported for the Finance and Administrative Services Committee and *moved*

to approve Consent Agenda items one, two, and four separately. Councilmembers discussed and voted on those items (see votes on individual items below).

3. [AB2019-486](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority for treatment and recovery support services to individuals involved in the criminal justice system, in the amount of \$174,881

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

1. [AB2019-494](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Geneva Consulting Services for coordination of the Whatcom Lead Integrating Organization, in the amount of \$68,616.11

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

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

**Nay:** 2 - Brenner, and Byrd

**Absent:** 0

2. [AB2019-485](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority for substance use prevention services in high-need communities, in the amount of \$577,550

***Sidhu moved*** and Buchanan seconded that the Interlocal be AUTHORIZED BY CONSENT.

Councilmembers discussed the definition of “Health Equity“ from packet page 139.

**The motion to AUTHORIZE BY CONSENT carried by the following vote:**

**Aye:** 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

**Nay:** 1 - Byrd

**Absent:** 0

4. [AB2019-501](#) Request authorization for the County Executive to enter into a contract between Whatcom County and FLO Analytics to assist with the developing of the 2020 Lake

Whatcom Stormwater Utility Fee in the amount of \$28,715.00

***Sidhu moved*** and Frazey seconded that the Contract be AUTHORIZED BY CONSENT.

Brenner stated she prefers incentives as opposed to punitive actions.

**The motion TO AUTHORIZE BY CONSENT carried by the following vote:**

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

**Nay:** 2 - Brenner, and Byrd

**Absent:** 0

## **OTHER ITEMS**

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

1. [AB2019-478](#) Request authorization for the County Executive to enter into an interagency agreement between Whatcom County Flood Control Zone District and State of Washington Puget Sound Partnership for coordination of the Whatcom County Local Integrating Organization (LIO), in the amount of \$75,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

***Sidhu moved*** that the Contract (WCFCZDBS) be AUTHORIZED.

Councilmembers discussed the function of the Local Integrating Organization in the water resource planning process.

**The motion to AUTHORIZE carried by the following vote:**

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

**Nay:** 1 - Brenner

**Absent:** 0

**Abstain:** 1 - Byrd

2. [AB2019-487](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the State of Washington Department of Ecology to fund administrative support and action projects for the Whatcom County Marine Resources Committee, in the amount of \$182,313 (Council Acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Sidhu moved that the Contract (WCFCZDBS) be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

Absent: 0

3. [AB2019-498](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Birch Bay Water and Sewer District for implementation of stormwater and water quality programs (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Sidhu moved that the Contract (WCFCZDBS) be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

(From Council Public Works and Health Committee)

4. [AB2019-499](#) Resolution in the matter of considering vacating a portion of Horton Road

**Brenner moved that the Resolution be APPROVED. The motion carried by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

Enactment No: RES 2019-043

(From Council Planning and Development Committee)

5. [AB2019-417](#) Resolution to replace the Business Rules of the Whatcom County Hearing Examiner

**This agenda item was WITHDRAWN.**

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

1. [AB2019-509](#) Request confirmation of the County Executive's appointment of Steve Bennett and Galen Herz to the Public Health Advisory Board

**Donovan moved** and Brenner seconded that the Executive Appointments be CONFIRMED.

They voted for each candidate individually.

The motion to confirm Bennett carried by the following vote:

**Aye:** 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

**Nay:** 0



**Abstain:** 1 - Byrd

The motion to confirm Herz carried by the following vote:

**Aye:** 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

**Nay:** 1 - Byrd

**Both appointments were CONFIRMED.**

## **INTRODUCTION ITEMS**

Tyler Schroeder, Executives Office, answered a question about when the following agenda bill will be on the agenda for introduction:

Discussion regarding draft interim zoning regulations for the siting, establishment, and operation of temporary homeless facilities (AB2019-511).

***Brenner moved*** to introduce items one through six. The motion was seconded (see votes on individual items below).

1. [AB2019-489](#) Ordinance establishing the Affordable and Supportive Housing Fund

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

2. [AB2019-508](#) Ordinance amending the 2019 Whatcom County Budget, request no. 13, in the amount of \$375,570

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

3. [AB2019-495](#) Ordinance reauthorizing a Golf Cart Zone on certain roads in the Birch Bay Area

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

4. [AB2019-503](#) Appointments to two vacancies on the Horticulture Pest and Disease Board, applicants: Andrew Taylor and Diana Bedlington (committee controls and prevents the spread of horticultural pests and diseases)

**Brenner moved and Donovan seconded that the Current Year Council Appointment be INTRODUCED. The motion carried by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

5. [AB2019-502](#) Resolution amending WCC 100.7 Birch Bay Watershed Aquatic Resources Management District Funding Mechanism by adding an exemption for the Birch Bay Water and Sewer District (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Brenner moved and Donovan seconded that the Resolution Requiring a Public Hearing be INTRODUCED. The motion carried by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

6. [AB2019-504](#) Resolution adopting the 2020 Annual Road Construction Program (ACP)

**Brenner moved and Donovan seconded that the Resolution Requiring a Public Hearing be INTRODUCED. The motion carried by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

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

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

## **ADJOURN**

The meeting adjourned at 10:08 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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Dana Brown-Davis, Council Clerk

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Rud Browne, Council Chair

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Kristi Felbinger, Minutes Transcription