

# **Whatcom County Council**

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



## **Minutes - Draft Minutes**

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010)**

**Tuesday, May 18, 2021  
6 PM**

### **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, Ben Elenbaas, Carol Frazey, and Kathy Kershner

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, reported on the COVID-19 vaccine.

### MINUTES CONSENT

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

1. [MIN2021-041](#) Committee of the Whole Executive Session for May 4, 2021

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

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

**Nay:** 0

**Absent:** 0

2. [MIN2021-042](#) Committee of the Whole for May 4, 2021

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

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

**Nay:** 0

**Absent:** 0

3. [MIN2021-043](#) Regular County Council for May 4, 2021

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

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

**Nay:** 0

**Absent:** 0

## **PUBLIC HEARINGS**

Council staff played a short instructional video about how to speak at the meeting.

1. [AB2021-258](#) Ordinance amending the Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities (2021-2026)

Rob Ney, Administrative Services Department, stated he was available for questions.

Buchanan opened the Public Hearing and, hearing no one, closed the Public Hearing.

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-028

2. [AB2021-227](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

Buchanan opened the Public Hearing and the following people spoke:

- Brent Jones
- Lance Calloway
- Christopher Watrobka
- Trevor Smith
- Barney Smith

Hearing no one else, Buchanan closed the Public Hearing.

**Donovan moved** and Frazey seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Councilmembers discussed the item.

**Donovan's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 2 - Elenbaas, and Kershner

**Absent:** 0

Enactment No: ORD 2021-029

3. [AB2021-185](#) 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

Doug Chadwick, Undersheriff, stated he was available for questions.

Buchanan opened the Public Hearing and the following people spoke:

- Mary Lou Steward
- Bonnie Onyon
- Cliff Langley
- Lyle Galloway
- Tino Villaluz
- Frank Bob
- Andrew Scoular
- Tyler Bahrenburg
- Ryan Valentine
- Bob Harriman

Hearing no one else, Buchanan closed the Public Hearing.

Karen Frakes, Prosecuting Attorney's Office, answered a question about the most current ordinance.

***Frazey moved*** and Browne seconded that the Ordinance be ADOPTED.

Councilmembers discussed the Ordinance and Frakes also spoke.

***Byrd moved*** and Browne seconded that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL until the next meeting to give an opportunity for the groups to come back and accept a thousand-foot buffer.

Councilmembers discussed the motion and the following people also spoke:

- Satpal Sidhu, County Executive
- Michael Jones, City of Blaine
- Bonnie Onyon, City of Blaine

**Byrd's motion that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Byrd, Elenbaas, and Kershner

**Nay:** 2 - Donovan, and Frazey

**Absent:** 0

4. [AB2021-186](#) Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone to be known as the Dearborn No Shooting Zone

*Donovan moved* and Byrd seconded that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL.

Dana Brown-Davis, Clerk of the Council, asked about holding the public hearing first.

*Donovan withdrew* his motion.

Buchanan opened the Public Hearing and the following people spoke:

- Frank Bob
- Andrew Scoular
- Tino Villaluz
- Bob Harriman
- Tyler Bahrenburg

Hearing no one else, Buchanan closed the Public Hearing.

**Donovan moved and Byrd seconded that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, and Kershner

**Nay:** 1 - Frazey

**Absent:** 0

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

The following people spoke:

- Doug Gustafson

- Markis Dee Stidham
- Misty Flowers
- Kevin Bates
- Gail Adderley
- Jack (last name not given)
- Desiree Espericueta
- Mary Stidham
- Frank Bob
- Jeff (last name not given)
- Cliff Langley
- Natalie Chavez
- Shannon Mejia
- Melissa Wisener
- Dan Johnson
- Eve Smason-Marcus
- Heather Katahdin

## **CONSENT AGENDA**

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

**Browne** reported for the Finance and Administrative Services Committee and **moved** to approve Consent Agenda items one through four. Councilmembers voted on those items (see votes on individual items below).

1. [AB2021-277](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and State of Washington, Secretary of State, for publication and distribution of a combined local voters' pamphlet, in the amount of \$15,000 (average annual costs vary depending on size of election)

**Browne 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 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2021-280](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and South Fork Community Association for operation of the Van Zandt Community Hall located at Josh VanderYacht Memorial Park, in the amount of \$1,000

**Browne reported for the Finance and Administrative Services Committee and 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

3. [AB2021-285](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Snohomish County to utilize State Homeland Security Program (SHSP) funding to sustain and enhance Division of Emergency Management programs, in the amount of \$82,781

**Browne 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 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

4. [AB2021-288](#) Request approval for the County Executive to award Bid #21-25 Rental Rates for Maintenance and Construction Equipment Without Operator to all bidders with the award for each vendor not to exceed \$100,000.00

**Browne reported for the Finance and Administrative Services Committee and moved that the Bid Award 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 Finance and Administrative Services Committee)**

1. [AB2021-264](#) Ordinance amending the Whatcom County Budget, request no. 7, in the amount of \$5,156,985

***Browne*** reported for the Finance and Administrative Services Committee and ***moved*** that the Ordinance be ADOPTED

Councilmembers discussed the request to fund an offsite buffer mitigation program feasibility study.

Tyler Schroeder, Executive's Office, answered questions about the request to fund staffing for vaccination support activities from DOH vaccination/immunization grant proceeds and the request to fund additional Emergency Solution Grant program activities.

Councilmembers continued to discuss the ordinance and the approval process.

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: ORD 2021-030

2. [AB2021-286](#) Joint Resolution of the County Council of Whatcom County, Washington, the City Council of the City of Bellingham, Washington, and the Board of the Whatcom County Transportation Authority regarding the creation of a Whatcom Public Radio System

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Resolution be APPROVED.

Councilmembers discussed the resolution and the following person spoke:

- Satpal Sidhu, County Executive

**Browne's motion that the Resolution be APPROVED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2021-019

**(From Council Public Works and Health Committee)**

3. [AB2021-209](#) Resolution regarding permanent affordability of childcare in Whatcom County
- Frazey** reported for the Public Works and Health Committee and **moved** that this item be held in Committee, that it be passed along to the Child and Family Well-being Task Force for a recommendation for permanent solutions for childcare, and that the feedback be presented to the Council by



September 30, 2021.

Councilmembers discussed the motion.

Dana Brown-Davis, Clerk of the Council, read the motion as approved by Committee and Councilmembers continued to discuss it.

**Frazey's motion that this item be held in Committee, that it be passed along to the Child and Family Well-being Task Force for a recommendation for permanent solutions for childcare, and that the feedback be presented to the Council by September 30, 2021 carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**(From Council Planning and Development Committee)**

4. [AB2021-252](#) Resolution approving recommendations on eight applications for Open Space Current Use Assessment

Elenbaas reported for the Planning and Development Committee.

Dana Brown-Davis, Clerk of the Council, clarified the process for approving the resolution with the amendment that was recommended in committee.

***Donovan moved*** and Elenbaas seconded that the Resolution be APPROVED.

***Donovan moved*** and Buchanan seconded that the Resolution be amended as follows:

NOW, THEREFORE, BE IT RESOLVED BY THE WHATCOM COUNTY COUNCIL: 1. The recommendations on the applications for open space current use assessment listed below are hereby approved, with the exceptions of OSP2019-00002, OSP2019-00003, and OSP2019-00006:

The motion to amend carried by the following vote:

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

**Nay:** 0

**Donovan moved and Buchanan seconded that the Resolution be APPROVED AS AMENDED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2021-020

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

1. [AB2021-273](#) Request Council to change Solid Waste Advisory Committee Member Rodd Pemble's representation from Business/Industry to Waste Collection Industry

**Kershner moved and Byrd seconded to reappoint Rodd Pemble to a new position on the Solid Waste Advisory Committee. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

### **ITEMS ADDED BY REVISION**

There were no agenda items added by revision.

### **INTRODUCTION ITEMS**

1. [AB2021-289](#) Ordinance amending the 2021 Whatcom County Budget, request No. 8, in the amount of \$1,250,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

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

***Browne read the following motion*** from Committee of the Whole Executive Session:

The County Council met in executive session concerning the lawsuit Geneva Langworthy, Plaintiff, v. Anthony Parise, David Freeman, and Jeffrey Lustick, Defendants, Skagit County Superior Court Cause No. 21-2-00236-29.

Pursuant to Whatcom County Code 2.56, the Council hereby finds the following:

- A. Anthony Parise, David Freeman, and Jeffrey Lustick were acting in a matter in which the county had an interest;
- B. Anthony Parise, David Freeman, and Jeffrey Lustick were acting in the discharge of a duty imposed or authorized by law;
- C. Anthony Parise, David Freeman, and Jeffrey Lustick acted in good faith.

The officers, officials, agents or employees will therefore be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

The motion was seconded by Donovan.

The motion carried by the following vote:

**Aye:** 7 - Elenbaas, Frazey, Kershner, Browne, Buchanan, Byrd, and Donovan  
**Nay:** 0

Councilmembers continued committee reports and they and Satpal Sidhu, County Executive, spoke about other topics including homelessness, a comment made about people with COVID-19 receiving no treatment at the hospital, vaccinations, and the plans for meeting in person.

## **ADJOURN**

The meeting adjourned at 10:04 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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Dana Brown-Davis, Council Clerk

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Barry Buchanan, Council Chair

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Kristi Felbinger, Minutes Transcription