

**Whatcom County  
Council Committee of the Whole**

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



**Committee Minutes - Final**

VIRTUAL MEETING - ENDS NO LATER THAN 5 P.M. (TO  
PARTICIPATE, SEE INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010)  
**Tuesday, April 20, 2021**

**1:40 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.

## Call To Order

Council Chair Barry Buchanan called the meeting to order at 1:41 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

## Committee Discussion

1. AB2020-219 Discussion and update on strategies and other items related to COVID-19 (Council and Health Board)

Staff was not yet available to speak about this item so Councilmembers went to the next item. See action and discussion on this item below after AB2021-209.

## Committee Discussion and Recommendation to Council

1. AB2021-209 Resolution regarding permanent affordability of childcare in Whatcom County  
*Browne moved* to recommend approval of the letter to the full Council then he and Frazey briefed the Councilmembers.

Kershner suggested reordering the questions and stated she would work with Frazey before the evening meeting.

Browne suggested that they change the word “would” to “could” in question number one.

*Browne moved* that they amend the letter to follow Kershner's recommendation for the sequence of the questions and to amend question #1 as follows:

1. If this resolution was enacted, how ~~would~~ could it negatively impact child care in Whatcom County?

The motion was seconded by Kershner.

Councilmembers discussed the wording of the letter, other ideas, and who the letter would be sent to.

*Browne restated his motion* to amend the order of the questions at the end of the letter per Kershner's recommendations and to amend question #1 as

follows:

1. If this resolution was enacted, how ~~would~~ could it negatively impact child care in Whatcom County?

The motion to amend carried by the following vote:

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

**Nay:** 0

Councilmembers continued to discuss the letter.

The motion to recommend approval of the letter as amended carried by the following vote:

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

**Nay:** 0

*Clerk's note:* There was not a recommendation forwarded to the Council for the Resolution.

**This agenda item was FORWARDED TO COUNCIL WITH RECOMMENDED MOTION(S).**

### **Committee Discussion**

1. AB2020-219 Discussion and update on strategies and other items related to COVID-19 (Council and Health Board)

Cindy Hollinsworth, Health Department, updated the Councilmembers on the average daily case rate and hospitalization rate of COVID-19, the level of case rates per age group, the rate of vaccination in the county, and the community vaccination center.

She answered questions about whether the county is experiencing a significant number of COVID-19 variant viruses, whether there are incidences of breakthrough cases in people who have been fully vaccinated, whether there is any evidence of the Brazilian variant showing up in Washington state, how the supply and allocation of vaccine types has been changed as a result of questions in the media about adverse reactions, whether there is a difference in the vaccine between the first and second doses, whether excess doses could be shared with Canada, and whether there are any vaccine doses that are going unused in the community.

**This agenda item was DISCUSSED.**

### **Committee Discussion**

1. AB2020-345 Discussion of proposed Cherry Point amendments

Approximate Timestamp: 00:55:35

Brad Brown, Philips 66, briefed the Councilmembers on adjustments to language in 20.68.068 (21). He presented two options as stated in an email to Council:

**Original** (April 12th proposal):

(21) Inter-refinery shipments of refined products and Intermediate Materials such as unfinished oils and blendstocks;

**Option 1:** Adjust language as follows:

(21) Inter-refinery shipments of refined products and Intermediate Materials such as unfinished oils and blendstocks, excluding transshipment of such materials by a Fossil Fuel Refinery

**Option 2:**

Move language without changes to be an Accessory Use under 20.68.100 (reference page 17 in the April 12th proposal).

The following people spoke and answered questions:

- Matt Aamot, Planning and Development Services Department
- Brad Brown, Philips 66

*Elenbaas moved* approval of Option 2 Accessory Use. The motion was seconded by Kershner.

The following people discussed the motion with Councilmembers:

- Matt Aamot, Planning and Development Services Department
- Karen Frakes, Prosecuting Attorney's Office
- Brad Brown, Philips 66

The motion carried by the following vote:

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

**Nay:** 0

Approximate Timestamp: 01:13:22

The following people discussed with Councilmembers a question posed in an email by Planning and Development Services Department (PDS) about whether the County will take the stakeholder group's draft affidavit at face value or will require review by a third-party engineer working on behalf of the County to verify the information provided by industry:

- Matt Aamot, Planning and Development Services Department
- Brad Brown, Phillips 66
- Karen Frakes, Prosecuting Attorney's Office
- Satpal Sidhu, County Executive

*Donovan moved* that they accept the stakeholder's proposal to have an affidavit. The motion was seconded by Byrd.

Councilmembers and the speakers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 0

Approximate Timestamp: 01:44:04

*Donovan moved* to amend Whatcom County Code 20.68.060 as follows:

.060 Stationary thermal power plants with generating capacity of less than 250,000 kilowatts, floating thermal power plants with generating capacity of less than 50,000 kilowatts, and other power plants utilizing renewable resources from solar, wind (Chapter 20.14 WCC) or water sources, except that ~~coal-~~ fossil fuel-fired power plants are-prohibited.

*And* Whatcom County Code 20.68.207 as follows

~~Coal-~~ fossil fuel fired power plants.

The motion was seconded by Frazey.

Councilmembers discussed the motion.

The motion failed by the following vote:

**Aye:** 3 - Donovan, Frazey, and Buchanan

**Nay:** 4 - Elenbaas, Kershner, Browne, and Byrd

Approximate Timestamp: 01:57:04

Karen Frakes, Prosecuting Attorney's Office, spoke about next steps and working with Cascadia Law.

Dana Brown-Davis, Clerk of the Council, asked how the Council would like to move forward with the interim ordinance and whether a new moratorium should be introduced tonight.

*Elenbaas moved* that they not have Cascadia law not weigh in on the current version and that the County's in-house legal team be the legal yea or nay on it. The motion failed for lack of a second.

*Frazey moved* to move forward on introducing a moratorium tonight. The motion was seconded by Browne.

The motion carried by the following vote:

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

**Nay:** 2 - Elenbaas and Kershner

Councilmembers and Frakes discussed what the scope of work will be for Cascadia Law.

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

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

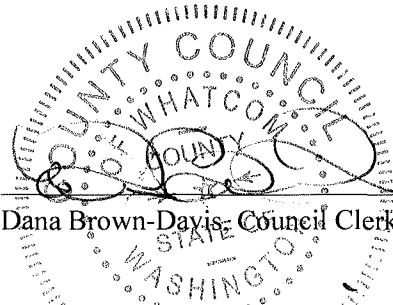
There was no other business.

### **Adjournment**

The meeting adjourned at 3:45 p.m.

The County Council approved these minutes on May 4, 2021.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription