

Whatcom County Council

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



Minutes - Final

Tuesday, June 20, 2023
6 PM
Hybrid Meeting

HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN
INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010)

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 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

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

There was no report.

MINUTES CONSENT

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

1. [MIN2023-041](#) Committee of the Whole for June 6, 2023

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

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

Nay: 0

Temp Absent: 1 - Donovan

2. [MIN2023-042](#) Regular County Council for June 6, 2023

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

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

Nay: 0

Temp Absent: 1 - Donovan

SPECIAL PRESENTATION

1. [AB2023-359](#) Whatcom County Executive Sidhu's "State of the County" address
Satpal Sidhu, County Executive, read his address (on file).

This agenda item was REPORTED.

PUBLIC HEARINGS

1. [AB2023-349](#) Resolution granting a Quitclaim Right of Way Deed to the City of Lynden
Andrew Hester, Public Works Department, stated he is available for questions.

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

Kershner moved and Elenbaas seconded that the Resolution Requiring a Public Hearing be APPROVED.

Elenbaas stated they had a robust discussion on this item in committee.

Kershner's motion that the Resolution Requiring a Public Hearing be APPROVED carried by the following vote:
Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0

Enactment No: RES 2023-015
2. [AB2023-354](#) Ordinance adopting amendments to the Six-Year Capital Improvement Program for Whatcom County Facilities 2023-2028
Matt Aamot, Planning and Development Services Department, briefed the Councilmembers.

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

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

Elenbaas spoke about trails and parks listed and stated he feels we could be better served if we invested these monies toward other things because we do a great job of providing activities, parks, and trails already.

Byrd's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:
Aye: 6 - Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner
Nay: 1 - Elenbaas

Enactment No: ORD 2023-035

3. [AB2023-356](#) Ordinance adopting Zoning Code amendments relating to density, lot size, setbacks, public water and sewer, and reasonable measures for the Birch Bay UGA
- Matt Aamot, Planning and Development Services Department, briefed the Councilmembers.

Buchanan opened the Public Hearing and the following people spoke:

- Laurie Poms Nelson
- Carol Donovan

Hearing no one else, Buchanan closed the Public Hearing.

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

Councilmembers discussed the public comments, the need for infrastructure as densities increase, and the fact that that will fall on the Council to think about as they are budgeting and making land use policy in the future.

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

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

Nay: 0

Enactment No: ORD 2023-036

4. [AB2023-258](#) Ordinance amending Whatcom County Code 10.34, Ferry Rates
- Buchanan gave a history on this item and stated it was a hearing that was carried over from April 25th. Normally they do not allow speakers to speak more than once in a public hearing but he suggested they allow it and asked whether there were any objections from Council.

Kershner stated she objected to allowing people to speak twice on a public hearing and Councilmembers discussed whether they should allow people who have already spoken to speak again tonight.

Buchanan moved to allow speakers who had spoken on this public hearing on April 25th to speak again. The motion was seconded by Frazey.

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 6 - Frazey, Galloway, Buchanan, Byrd, Donovan, and Elenbaas
Nay: 1 - Kershner

Elizabeth Kosa, Public Works Department Director, stated they do not have a staff report but they are available for discussion.

Buchanan opened the Public Hearing and the following people spoke:

- Bob Anderson
- Diane Harper
- Pam Gould
- Ralph Steele
- Marissa Orada
- Steven Thomas
- Catherine Shornick
- Dan Ohms
- David Cummins
- Todd Lagestee
- David Kershner
- Janice Holmes
- Peter (last name not given)

Hearing no one else, Buchanan closed the Public Hearing.

Galloway stated she is conflicted because she feels good about this Ordinance but she also wants to honor the concerns and feedback they are hearing from the community.

Elizabeth Kosa, Public Works Department Director, answered whether Public Works would have any issues if Council were to keep this open for another month. She stated it affects how much time they have to work on doing a fare increase, which they have to do.

Kershner stated she is interested in knowing what the Council-appointed Lummi Island Ferry Advisory Committee (LIFAC) recommends. It sounds like there is no LIFAC recommendation at this time, but she asked that the advisory committee vote at their next meeting on whether or not they recommend the Ordinance. She does not know at this point if using American Rescue Plan Act (ARPA) funds is a reality depending on whether the related Resolution (**AB2023-403**) gets approved. We may have erased the deficit but we have not changed the declining trajectory so we are going to have to raise the rates.

Donovan moved to hold this for a month (to the July 25th meeting). The motion was seconded by Galloway.

Councilmembers discussed when LIFAC meets again and what their discussions have been, having some time to get a good definition and background of what is considered capital and what is considered operational expense, whether the public hearing should be closed or kept open if they hold the Ordinance, hearing from rural residents that do not live on Lummi Island but would have to pay the tax, looking at the current percentage of what rural residents pay for the operation of the ferry, coming back to the 55/45 percent fare box recovery rate split and maybe making changes to that if they pass the Resolution that puts more of the Road Fund into the fair box recovery, and giving clarity in the next LIFAC meeting that ARPA dollars are no longer on the table.

Councilmembers discussed whether the hearing should be left open. Donovan stated he would say to leave it open but he would like it to come back to the Council to discuss some of the issues and then it would probably have to be re-introduced.

Buchanan officially closed the public hearing.

Councilmembers discussed that this item could go back to the Public Works and Health Committee for further discussion.

Kosa stated the new Ordinance change just allows for the use of ARPA funds for the ferry fees portion of the equation but it does not specify how much. That is a totally different decision. She answered whether there was going to be a recommendation from Public Works on what gap still exists after all of this or whether they have moved past that because of the Resolution clearing up the gap, and she stated it depends on the decision made on the Resolution.

Kershner stated the decision to use ARPA money would be a Council decision and they cannot actually use it until the Ordinance is updated. In the meantime, the proposed Resolution has erased the deficit so she does not plan on bringing up the use of ARPA dollars if there is no deficit.

Donovan moved and Galloway seconded that the Ordinance Requiring a Public Hearing be discussed in Committee and HELD IN COUNCIL for a month. The motion carried by the following vote:

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

Nay: 0

Enactment No: ORD 2023-045

Held for a month and will be referred to the Public Works Committee

OPEN SESSION

The following people spoke:

- Davis Wright
- Christopher Deile
- Jeremiah Winchester
- Lela Boyd
- Harmony Hayes
- Keller Larsen
- Tad Shetler
- Dana Hansen
- Nick Sutterley
- Lyle Sorenson
- Kim Cochran
- Jeff Holmes
- Jim Sutterfield
- Cliff Langley
- Natalie Chavez
- Wendy Harris
- Joy Gilfilen
- Misty Flowers
- Name not given

Hearing no one else, Buchanan closed the Open Session.

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 eleven. Councilmembers voted on those items (see votes on individual items below).

1. [AB2023-381](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Jessica Dubek, DDS to provide Dental Services for inmates at the Whatcom County Jail and Work Center in the amount of \$36,000

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

Nay: 0

2. [AB2023-385](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and The Language Exchange to provide language translation and interpreter services in the amount of \$29,600 for a total amended contract amount of \$83,600

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

Nay: 0

3. [AB2023-388](#) Request authorization for the County Executive to enter into a Contract Amendment for Supplemental Agreement No. 2 between Whatcom County and Geo Test Services, Inc., in the amount of \$50,000

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

Nay: 0

4. [AB2023-392](#) Request authorization for the County Executive to enter into a contract amendment for Local Agency Agreement Supplemental No. 1 between Whatcom County and the Washington State Department of Transportation, in the amount of \$1,974,900, for a total amended amount of \$10,972,210.00

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

Nay: 0

5. [AB2023-408](#) Request authorization for County Executive to enter into a contract amendment between Whatcom County and Department of Commerce for pass through funding for direct public services to low and moderate income people in Whatcom, Island and San Juan counties in the amount of \$134,000 for a total amended amount of

\$265,000

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

Nay: 0

6. [AB2023-409](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Status Electrical Corporation, dba Status Automation to provide design, installation, programming and maintenance of the Digital Video Management System (DVMS) at various Whatcom County facilities, in the amount of \$58,975.04

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

Nay: 0

7. [AB2023-394](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the US Army Corps of Engineers (USACE) to repair the Timon Levee along the right bank of the Nooksack River located between the towns of Everson and Lynden, in the amount of \$405,207, which is 20% of the total estimated cost of \$2,025,984 (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: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

8. [AB2023-395](#) Request authorization for the County Executive to enter into a contract between Whatcom County and US Army Corps of Engineers (USACE) to repair the Upper Hampton Levee along the right bank of the Nooksack River located between the towns of Everson and Lynden, in the amount of \$221,804, which is 20% of the total amount of \$1,109,020 (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: 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

9. [AB2023-376](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Social and Health Services to outline general terms and conditions that govern the work to be performed under agreements between DSHS and Whatcom County

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

Nay: 0

10. [AB2023-386](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Snohomish County Health Department to support participation in planning and engagement in youth cannabis and tobacco prevention strategies and activities in the amount of \$14,928 for a total amended agreement amount of \$97,928

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

Nay: 0

11. [AB2023-389](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the US Forest Service for Jail Work Crew Services in the amount of \$109,512.00, for a total of \$353,520.00

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

Nay: 0

OTHER ITEMS

(From Council Climate Action and Natural Resources Committee)

1. [AB2023-390](#) Request authorization for the County Executive to enter into a Memorandum of Agreement between the County, Nooksack Indian Tribe, Lummi Nation, and Washington Department of Fish and Wildlife to guide remediation of County culverts

that block salmon passage

Galloway reported for the Climate Action and Natural Resources Committee and **moved** that the Memorandum of Agreement be AUTHORIZED.

Elenbaas stated this is the first time he has seen this kind of collaboration and it will solve more problems than it will not. He will vote in favor in the spirit of collaboration.

Galloway's motion that the Memorandum of Agreement be AUTHORIZED carried by the following vote:

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

Nay: 0

(From Council Finance and Administrative Services Committee)

2. [AB2023-374](#) Ordinance amending the 2023 Whatcom County Budget, request no. 9, in the amount of \$842,550

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

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

Nay: 0

Enactment No: ORD 2023-037

3. [AB2023-375](#) Ordinance amending the project budget for the Hovander Park Building Improvements Project, request no. 1

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

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

Nay: 0

Enactment No: ORD 2023-038

4. [AB2023-382](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to support operations at the permanent supportive housing facility known as 22 North in the amount of \$304,550 for a total amended contract amount of \$838,102

Kershner reported for the Finance and Administrative Services Committee

and ***moved*** that the Contract be AUTHORIZED.

Elenbaas stated 22 North sounded like a good idea but in reality, it did not seem to work very well. Without accountability we get outcomes like we have seen at 22 North and it is time that we fix the situation in its entirety, and this funding will not do that.

Kershner stated she had requested a report and will forward that to Council. She has also asked the Opportunity Council's director, Greg Winters, or his staff to come and give the Council an update on how things are going there and how the Opportunity Council is managing the program. She will be abstaining.

Elenbaas asked whether holding the funding till Kershner has the information might be more appropriate than abstaining.

Kershner moved to hold the funding until we can have a report from the Opportunity Council on what improvements they have made and how things are going. The motion was seconded by Byrd.

Councilmembers discussed the motion and whether a delay would negatively impact program operations.

Tyler Schroeder, Director of Administrative Services, answered whether the funding is mostly for case management and stated it is. Amendment number four to the contract extended the contract through June thirtieth, 2023 and this is amendment number five, which would extend it until December 2023, so it is time-sensitive.

Councilmembers and Schroeder discussed why this was not presented to Council earlier so they would have time to get clarity and why the Opportunity Council was not present at the meeting, a request that the Opportunity Council come to the Council before a request is on the agenda in the future, holding this and other vendors accountable to present data to the Council before a contract needs to be approved, and considering improvements that have been made to the program.

The motion to hold failed by the following vote:

Aye: 3 - Elenbaas, Kershner, and Byrd

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

Kershner's motion that the Contract be AUTHORIZED carried by the following vote:

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

Nay: 3 - Byrd, Elenbaas, and Kershner

(From Council Public Works and Health Committee)

5. [AB2023-403](#) Resolution on the interpretation and retroactive application of ambiguous language in WCC 10.34.030, Use of Ferry Fee Revenue

Kershner reported for the Public Works and Health Committee.

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

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Enactment No: RES 2023-016

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-361](#) Appointment to vacancies on the Public Health Advisory Board, Applicant(s): Matthew Durkee, Madison Emry, Robyn Phillips-Madson

Frazey moved to consider all the applicants. The motion was seconded by Galloway.

Councilmembers discussed that there are two vacancies and asked whether any of them would like to address the Council, but there were none.

Councilmembers voted for two applicants each as follows:

Buchanan: Madison Emry and Robyn Phillips-Madson

Byrd: Madison Emry and Robyn Phillips-Madson

Donovan: Madison Emry and Robyn Phillips-Madson

Elenbaas: Matthew Durkee and Madison Emry

Frazey: Madison Emry and Robyn Phillips-Madson

Galloway: Madison Emry and Robyn Phillips-Madson

Kershner: Madison Emry and Matthew Durkee

Madison Emry and Robyn Phillips-Madson were appointed with seven votes and five votes respectively.

This agenda item was APPOINTED.

Appointed Madison Emry (7 votes) and Robyn Phillips-Madson (5 votes)

2. [AB2023-380](#) Appointment to a vacancy on the Open Space Advisory Committee, Applicant(s):

Gary Cassera

Kershner moved and Galloway seconded that the Council Appointment be APPOINTED.

Elenbaas asked whether the applicant would like to address the Council but the applicant was not present.

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

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

Nay: 0

Temp Absent: 1 - Donovan

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-384](#) Request confirmation of the County Executive's appointment of Dylan Deane-Boyle to the Lodging Tax Advisory Committee

Galloway moved and Byrd seconded that the Executive Appointment be CONFIRMED.

Elenbaas asked whether the individual was present but they were not.

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

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

Nay: 0

Temp Absent: 1 - Donovan

2. [AB2023-400](#) Request confirmation of the County Executive's appointments to the Whatcom Racial Equity Commission (WREC) Appointment Committee

Frazey moved and Galloway seconded that the Executive Appointment be CONFIRMED.

Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager, answered why we are doing it differently with this committee than for any other committee (see Staff memo).

Kershner spoke about the appointees and stated the commission is getting a strong start.

Elenbaas asked whether any of the appointees or alternates were in

attendance but none were.

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

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

Nay: 1 - Elenbaas

Temp Absent: 1 - Donovan

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

Buchanan reported on the Introduction items and Councilmembers considered each of them separately (item number 4 was reconsidered after the start of Committee Reports. See the first vote below and the second vote after the beginning of Committee Reports).

1. [AB2023-397](#) Ordinance amending Whatcom County Code Chapter 20.14, Wind Energy Systems, and Chapter 20.97, Definitions

Elenbaas moved and Galloway seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 0

Temp Absent: 1 - Donovan

2. [AB2023-399](#) Ordinance adopting various amendments to WCC Title 20, Zoning, regarding home-based businesses

Elenbaas and Galloway reported for the Planning and Development Committee.

Elenbaas moved and Galloway seconded that this item come back to the Planning and Development Committee on July 25th, that they would introduce it on August 8th, and that they would take action on September 12th.

The motion carried by the following vote:

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

Nay: 0

Out of the Meeting: 1 - Donovan

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

3. [AB2023-415](#) Ordinance providing for submission of a proposition to the qualified electors of Whatcom County pursuant to RCW 82.14.450 authorizing the collection of a local sales and use tax of two-tenths of one percent for the purpose of providing funds for costs associated with public health, safety and justice facilities and services, including behavioral health, supportive housing, public safety, and criminal justice facilities and programs

Galloway reported for the Committee of the Whole and stated they discussed trying to schedule an additional special work session, maybe for the coming Monday. She **moved** to hold introduction on this item until that special work session is scheduled, but a motion was not necessary, so **Galloway withdrew** her motion. The item was not introduced.

This agenda item was WITHDRAWN.

4. [AB2023-416](#) Ordinance amending Whatcom County Code Section 11.20.025, Flotation Devices on the South Fork of the Nooksack River, to better protect ESA-listed Chinook salmon

Galloway moved to introduce the substitute Ordinance. The motion was seconded by Buchanan. She reviewed the changes made since they discussed it in Committee.

The motion first carried by the following vote (Kershner reconsidered her vote right after the vote (see below):

Aye: 4 - Galloway, Kershner, Buchanan, and Frazey

Nay: 2 - Byrd and Elenbaas

Out of the Meeting: 1 - Donovan

After Kershner reconsidered her vote, the **motion to introduce failed** by the following vote:

Aye: 3 - Galloway, Buchanan, and Frazey

Nay: 3 - Byrd, Elenbaas, and Kershner

Out of the Meeting: 1 - Donovan

Clerk's note: This vote was again reconsidered during Committee Reports (see below).

Motion to introduce failed 3-3-1, with Byrd, Elenbaas, and Kershner opposed and Donovan out of the meeting, but it was reconsidered below after the start of Committee Reports (see final action on this file below).

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**PART 1**

Buchanan reported on Committee of the Whole Executive Session.

Galloway stated she just saw that Donovan got back onto the meeting and asked whether she could move to reconsider the vote for **AB2023-416**.

Clerk's note: See motions and votes on **AB2023-416** below and then the continuation of Committee Reports after that.

INTRODUCTION ITEMS RECONSIDERED

4. [AB2023-416](#) Ordinance amending Whatcom County Code Section 11.20.025, Flotation Devices on the South Fork of the Nooksack River, to better protect ESA-listed Chinook salmon

Galloway moved and Buchanan seconded that they reconsider their vote of AB2023-416.

The motion to reconsider carried by the following vote:

Aye: 4 - Buchanan, Donovan, Frazey and Galloway

Nay: 3 - Byrd, Elenbaas, and Kershner

Galloway moved and Buchanan seconded that the SUBSTITUTE Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING.

The motion carried by the following vote:

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

Nay: 3 - Byrd, Elenbaas, and Kershner

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**PART TWO.**

Councilmembers continued to give committee reports and other updates.

Elizabeth Kosa, Public Works Department Director, spoke about upcoming road closures and stated they will be providing more information soon.

Councilmembers continued to discuss updates and other items.

ADJOURN

The meeting adjourned at 9:37 p.m.

The County Council approved these minutes on July 25, 2023.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE