

# **Whatcom County Council**

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



## **Minutes - Draft Minutes**

**Tuesday, July 26, 2022**

**6 PM**

**Hybrid Meeting**

**HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN  
INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL  
360.778.5010), AGENDA REVISED 7.25.2022**

### **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 Todd Donovan called the meeting to order at 6:01 p.m. in a hybrid meeting.

### ROLL CALL

**Present:** 6 - Barry Buchanan, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

**Absent:** 1 - Tyler Byrd

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, spoke about the following:

- A memo he sent on July 22 regarding the Emergency Medical Services (EMS) levy and how it highlights how the money will be spent. He stated there will be opportunities to implement system-wide efficiencies over the next six years and urged the Council to reinforce their roll, through the County Administration, as the EMS fund manager.
- A meeting last week with Canadian officials regarding the Nooksack flooding situation.

1. [AB2022-385](#) Request confirmation of the County Executive's appointment of Bennett Knox as Director of Parks & Recreation effective 9/6/22 pursuant to Whatcom County Code Section 2.29.020

Executive Sidhu introduced Bennett Knox, Director of Parks and Recreation Appointee, and Knox addressed the Councilmembers.

**Frazey moved and Galloway seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Byrd

### MINUTES CONSENT

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

1. [MIN2022-044](#) Committee of the Whole Executive Session for July 12, 2022

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

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

**Nay:** 0

**Absent:** 1 - Byrd

2. [MIN2022-045](#) Committee of the Whole for July 12, 2022

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

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

**Nay:** 0

**Absent:** 1 - Byrd

3. [MIN2022-046](#) Regular County Council for July 12, 2022

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

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

**Nay:** 0

**Absent:** 1 - Byrd

### **OPEN SESSION**

The following people spoke:

- Todd Lagestee
- Mike Kaufman
- Rick Eggerth
- Ellyn Murphy
- Leea Heeringa
- Jim Hansen
- Rachel Barner
- Dwayne Molendyk
- Elisa Claassen
- Name not stated
- Tony Chunkapura
- John Marshall

- John Miller
- Richard Tran
- Name not stated
- Deb Luby
- Shari Lapoff
- Johnathan Cook
- Judy
- Glen Elenbaas
- Ron Groen
- Klaus Klix
- Todd Rawls
- Nancy Bergman
- Matt Bonham
- Misty Flowers
- Tammie Lagerwey
- Robert Bystrom
- Melissa Wisener
- Sherman Polinder
- Markis Dee
- Barbara Powers
- Hannah Ordos
- Natalie Chavez
- Name not stated
- Lyle Sorenson
- Alexander Harris
- Danielle Shaw
- Robert Zander
- Alexandra Williams
- Erinrose Becker
- Michele Cameron
- Wendy Harris
- Ashleigh Barnhart
- Cliff
- Laurie
- Sara Rose
- Fran

Hearing no one else, Donovan closed the Open Session.

*Clerk's note:* Councilmembers took a brief recess.

## 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 eight.

Elenbaas pointed out that item number eight is funding for the High Creek Sediment Removal Project and will remove accumulated sediment, so removing sediment from waterways is not unheard of. There is no county law, policy or Ordinance that would prevent us from removing sediment from any of our waterways.

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

1. [AB2022-400](#) Request authorization for the County Executive to enter into an interagency agreement between Whatcom County and Washington Administrative Office of the Courts for grant reimbursement of BECCA Programs and Services, in the amount of \$253,918

**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, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

2. [AB2022-401](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and WA Department of Ecology to sponsor a Washington Conservation Corps crew for the October 2022 to September 2023 term, in the amount of \$163,360.00 (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, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

3. [AB2022-403](#) Request authorization for the County Executive to enter into a Subrecipient Grant contract between Whatcom County and City of Bellingham What-Comm Communications Center for reimbursement of eligible E911 operational expenses in

the amount of \$48,476

**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, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

4. [AB2022-404](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Association of Sheriffs and Police Chiefs for the Registered Sex Offender Address Verification Program, in the amount of \$138,319.00

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

**Nay:** 0

**Absent:** 1 - Byrd

5. [AB2022-405](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Tetra Tech, Inc, to provide a Birch Point Subwatershed Drainage Study, in the amount of \$74,793 (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, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

6. [AB2022-406](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Military Department for FY2018 Operation Stonegarden (OPSG), in the amount of \$31,826.55

**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, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

7. [AB2022-407](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for FY2022 Edward Byrne Memorial Justice Assistance Grant Program, in the amount of \$14,003.00

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

**Nay:** 0

**Absent:** 1 - Byrd

8. [AB2022-413](#) Request authorization for the County Executive to award bid #22-23 and enter into a contract between Whatcom County and Williamson Construction, LLC, for the High Creek Sediment Removal Project in the amount of \$61,902

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

**Absent:** 1 - Byrd

## **OTHER ITEMS**

(From Council Climate Action and Natural Resources Committee)

1. [AB2022-363](#) Resolution supporting a transition to zero-emissions transportation

**Galloway** reported for the Climate Action and Natural Resources Committee and ***moved*** that the SUBSTITUTE Resolution be APPROVED.

Councilmembers discussed the motion and the amendment made in committee and Galloway clarified that the motion was for the Resolution as amended in committee.

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

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

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

**Absent:** 1 - Byrd

Enactment No: RES 2022-033

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

2. [AB2022-366](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to support the youth and young adult vocational program in the amount of \$25,900 for a total amended contract amount of \$51,800

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

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

**Nay:** 0

**Absent:** 1 - Byrd

3. [AB2022-387](#) Ordinance amending the 2022 Whatcom County Budget, request no. 10, in the amount of \$4,085,565

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

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

**Nay:** 0

**Absent:** 1 - Byrd

Enactment No: ORD 2022-054

4. [AB2022-388](#) Resolution amending the 2022 Flood Control Zone District & Subzones 2022 budget, request no. 4 (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 Resolution (FCZDBS) be APPROVED.**

Elenbaas noted for the record that these funds are going to the Truck Road Emergency Bank Stabilization, Floodplain Acquisition, Timon Levee Rehabilitation, Upper Hampton Levee Repair, Everson Overflow Pipeline Bank Stabilization, and Jones Creek Debris Flow Protection as listed in the Resolution.

**Kershner's motion that the Resolution (FCZDBS) be APPROVED carried by**



**the following vote:**

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

**Nay:** 0

**Absent:** 1 - Byrd

Enactment No: RES 2022-034

**(From Council Committee of the Whole)**

5. [AB2022-382](#) Ordinance providing for submission to the qualified voters of Whatcom County a proposition renewing the levy of a regular property tax at a rate of \$.295 or less per \$1000 assessed valuation to continue to provide emergency medical services
- Donovan** reported for the Committee of the Whole and **moved** that the SUBSTITUTE Ordinance be ADOPTED.

Councilmembers discussed the motion.

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

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

Enactment No: ORD 2022-055

6. [AB2022-422](#) Resolution establishing priorities for Whatcom County's 2025 Comprehensive Plan update
- Donovan** reported for the Committee of the Whole and **moved** that the Resolution be withdrawn from the agenda. The motion was seconded by Elenbaas.

Galloway stated she would like to honor a collaborative process which involves continuing to collect feedback from her colleagues and others in the community and stated her goal is to receive that feedback, maybe get a work session in before the August 9 meeting, and encourage action on the Resolution at the August 9th Council meeting.

**Donovan's motion that the Resolution be WITHDRAWN FROM THE AGENDA carried by the following vote:**

**Aye:** 5 - Buchanan, Donovan, Elenbaas, Galloway, and Kershner

**Nay:** 1 - Frazey

Absent: 1 - Byrd

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

1. [AB2022-371](#) Appointment to a vacancy on the Forestry Advisory Committee, Commercial Forest Landowner position - Applicant(s): Susan David

**Galloway moved and Buchanan seconded that the Council Appointment Requiring Introduction be APPOINTED. The motion carried by the following vote:**

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

**Nay:** 0

Absent: 1 - Byrd

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

1. [AB2022-402](#) Request confirmation of Executive Sidhu's appointment of Matthew Santos to the Whatcom County Library System Board of Trustees

**Frazey moved and Kershner seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:**

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

**Nay:** 0

Absent: 1 - Byrd

2. [AB2022-411](#) Request confirmation of Executive Sidhu's reappointment of Brent Walker and Dunham Gooding to the Bellingham-Whatcom Public Facilities District board

**Buchanan moved and Kershner seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:**

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

**Nay:** 0

Absent: 1 - Byrd

### **SPECIAL COUNCIL APPOINTMENTS**

1. [AB2022-383](#) Appointment of members to serve on pro and con statement writing committees for a proposed ballot measure regarding the renewal of a regular levy for the funding of the countywide Emergency Medical Services system.

**Kershner moved** to appoint all three applicants to their respective roles. The motion was seconded by Elenbaas.

The following people answered questions:

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

They answered whether, if there are two people, they would work together on a joint statement and decide how to do that, whether there are concerns with appointing a late submission, and whether a Councilmember could volunteer to be on the pro-statement committee.

**Kershner's motion that all three be APPOINTED to their respective roles carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Byrd

2. [AB2022-384](#) Appointment of members to serve on pro and con statement writing committees for a proposed ballot measure proposing a levy above the regular property tax limitations for the purpose of funding childcare, early learning programs, and increased support for vulnerable children.

**Buchanan moved and Frazey seconded that the Special Council Only Item be APPOINTED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Byrd

## **ITEMS ADDED BY REVISION**

Revision summary:

AB2022-379 was withdrawn from Council Introduction.

AB2022-427 was added to Council Introduction.

AB2022-422 (in other items) had substitute paperwork.

## **INTRODUCTION ITEMS**

Donovan stated item two (AB2022-379) was removed from the agenda and a new item four was added (AB2022-427), so there are three items for Introduction (AB2022-408, AB2022-417, and AB2022-427).

Galloway stated they were planning on introducing parallel ordinances (a

regular Ordinance on the agenda [AB2022-417] and an interim Ordinance [AB2022-425] to be added to the agenda) for the 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 following agenda items:

- AB2022-408
- AB2022-417
- AB2022-419
- AB2022-427

Dana Brown-Davis, Clerk of the Council, stated the temporary Ordinance is actually AB2022-425 instead of AB2022-419.

**Galloway withdrew** her motion and **moved** to introduce the following agenda items:

- AB2022-408
- AB2022-417
- AB2022-425
- AB2022-427

The motion was seconded by Donovan.

Councilmembers discussed the motion then voted on those items (see motion and votes on individual items below).

1. [AB2022-408](#) Ordinance amending the 2022 Whatcom County Budget, request no. 11, in the amount of \$250,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

2. [AB2022-379](#) Ordinance amending Whatcom County Title 3, requiring that public funds used for construction projects also provide apprentices with job training hours to meet the requirements necessary to become the next generation of skilled trades persons

**This agenda item was WITHDRAWN.**

3. [AB2022-417](#) 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 Donovan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

4. [AB2022-427](#) Ordinance amending Ordinance 2020-079 to change the due date of the Phase III Report of the Child and Family Well-Being Task Force

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

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

5. [AB2022-425](#) Ordinance temporarily 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 Donovan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

This item was added to Introduction after discussion in the Climate Action and Natural Resources Committee. See discussion on AB2022-419 in that committee.

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

Councilmembers gave committee reports.

Satpal Sidhu, County Executive, spoke about the complexity of dredging the river.

Karen Frakes, Prosecuting Attorney's Office, spoke about whether Galloway could be on the pro-con committee as discussed under

AB2022-383 above.

Councilmembers gave other updates.

Dana Brown-Davis, Clerk of the Council, answered a question about changing the order of the Council agenda.

**ADJOURN**

The meeting adjourned at 9:50 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Todd Donovan, Council Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription