

Whatcom County Council

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



Minutes - Final

Tuesday, October 24, 2023

6 PM

Hybrid Meeting

HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010), AGENDA REVISED 10.23.2023

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

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

1. [MIN2023-067](#) Health Board and Public Health Advisory Board for October 3, 2023

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

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

Nay: 0

2. [MIN2023-068](#) Committee of the Whole for October 10, 2023

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

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

Nay: 0

3. [MIN2023-069](#) Regular County Council for October 10, 2023

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

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

Nay: 0

PUBLIC HEARINGS

1. [AB2023-622](#) Resolution to sell tax title property by public auction, Sudden Valley Division No. 22
Buchanan opened the Public Hearing and hearing no one, closed the Public Hearing.

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

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

Nay: 0

Enactment No: RES 2023-035

2. [AB2023-623](#) Resolution to sell tax title property by public auction, Sudden Valley Division No. 3
Buchanan opened the Public Hearing and hearing no one, closed the Public Hearing.

Byrd moved and Donovan seconded that the Resolution Requiring a Public Hearing be APPROVED.

Tyler Schroeder, Director of Administrative Services, answered whether these are parcels in the watershed which are coming back to the Council because of taxes not being paid, whether the County coordinates with the City of Bellingham with acquisitions of parcels in the watershed, and whether they will eventually be built.

Byrd'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 2023-036

3. [AB2023-624](#) Resolution to sell tax title property by public auction, Sandy Point Garden Tracts
Buchanan opened the Public Hearing and hearing no one, closed the Public Hearing.

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

Tyler Schroeder, Director of Administrative Services, answered whether this is an area that will be affected by projected sea-level rise and flooding, and whether it will go up for auction now and then have to be acquired by the County 20 years from now because it is in one of those areas. He stated this property has a 99-year restriction on development associated with it.

Byrd'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 2023-037

4. [AB2023-648](#) Resolution approving the Whatcom County 2024 Annual Construction Program
Doug Ranney, Public Works Department, briefed the Councilmembers.

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

Frazey moved and Byrd seconded that the Resolution Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

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

Nay: 0

Enactment No: RES 2023-038

5. [AB2023-646](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new uses in areas zoned heavy impact industrial within a city's designated urban growth area

Buchanan opened the Public Hearing and the following people spoke:

- Adam Lamb
- Robert McCloud
- Miguel Edmondson
- Sheryl Peterson
- Scott Campbell
- Mark Geri
- Sarah Gardner
- Tsena Paulson
- Brian Sarni
- Deborah Wessell
- Don Chapman
- Rob Fix
- Lisa Adam
- Charlene Mills
- Robert Koch
- Riley Sweeney

- Tyson King
- Pete Granger
- Eli Loomis
- Andrew Vander Stoep
- MaryLou Whiteford
- Jessica Radovich
- Karl de Jong
- Mary Lou White
- Stan Parker
- Denny Lange
- Mike McAuley
- Joy Patterson
- Lynn Billington
- Hilary Braun
- Ned Vasquez
- Peter Hart
- Bob Carmichael
- Kim Walbeck
- Jill Likkel
- Ken Bell
- John Ferdon
- Maureen Traxler
- Claire Walton
- Eric Palmer
- Jeremy Eckley
- Ria Bordian
- Bob Ball
- Bobby Briscoe
- Joseph Bay
- Lyle Sorenson
- Katy (last name not given)
- Eric Scott
- Lindsie Fratus-Thomas
- Ralph Perona
- Maren Anderson
- Eric Elton
- Barbara Chase
- Ken Domorod
- Katie Horvath

- Madi Gilbert
- (Eric Elton again because he got cut off earlier)
- Austin Papritz

Hearing no one else, Buchanan closed the Public Hearing.

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

Donovan moved to amend the first point under “NOW, THEREFORE, BE IT ORDAINED” so that it reads:

1. Are vested pursuant to law to the zoning or other land use control ordinances in effect prior to the effective date of this ordinance;

The motion was seconded by Frazey.

Karen Frakes, Prosecuting Attorney's Office, stated she suggested the change and she spoke about adding the word "or" after provisions one, two, and three. She referenced the comments received by Bob Carmichael during the public hearing.

Councilmembers discussed Donovan's motion to amend.

Frakes stated the language she proposed recognizes that there is more than one way to vest besides filing a complete application and that is requesting a preapplication process. She answered what the difference is between the language in provision one in the proposed ordinance and the proposed amended language.

Buchanan spoke about the rationale behind the code change several years ago that incorporated the language to allow the scheduling of the preapplication meeting to be a vesting point.

The motion to amend carried by the following vote:

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

Nay: 0

Donovan moved to amend to add the word "or" after provisions one, two, and three under “NOW, THEREFORE, BE IT ORDAINED.”

Frakes stated she does not see a problem with adding that language because

that is clearly what the intent was.

The motion was seconded by Kershner.

The motion carried by the following vote:

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

Nay: 0

Councilmembers discussed the motion to adopt the ordinance as amended, looking at zoning to determine what the compatible industrial uses would be very close to a residential area, whether they should have a stakeholder group as was suggested in the public hearing comments, and whether they can take the time to address the needs that need to be addressed through existing processes without having the need for a moratorium.

Galloway moved to table this ordinance. The motion was seconded by Byrd.

Councilmembers discussed whether there needs to be a date set for how long to table and whether tabling is a debatable motion.

Dana Brown-Davis, Clerk of the Council, stated that according to the Standard Code of Parliamentary Procedure, the motion requires a second, cannot be amended, is not debatable, and requires a two-thirds vote.

The motion to table failed by the following vote (requires a 2/3 vote):

Aye: 4 - Kershner, Byrd, Elenbaas, and Galloway

Nay: 3 - Buchanan, Donovan, and Frazey

Councilmembers continued to discuss the motion to adopt the ordinance as amended, whether they should move to hold the ordinance, whether the zoning was overlooked by the County, and whether moratoriums should be used for land use policy.

Frazey's motion that the Ordinance Requiring a Public Hearing be ADOPTED AS AMENDED failed by the following vote:

Aye: 3 - Buchanan, Donovan, and Frazey

Nay: 3 - Byrd, Elenbaas, and Kershner

Abstain: 1 - Galloway

OPEN SESSION

Clerk's note: Councilmembers took a short break before the open session.

The following people spoke:

- Nickolaus Lewis
- Christopher Deile
- Natalie Chavez
- Adam Bellingar
- Lyle Sorenson
- Markis Dee
- Misty Flowers

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 stated that they considered Consent Agenda item number three separately. She *moved* to approve Consent Agenda items one, two, and four through twelve. Councilmembers voted on those items (see votes on individual items below).

1. [AB2023-641](#) Request authorization from the County Executive to enter into a contract between Whatcom County and the Administrative Office of the Courts in the amount of \$66,373

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

2. [AB2023-663](#) Request authorization for the County Executive to sign an agreement between Whatcom County and WA Recreation and Conservation Office (RCO) to secure matching funds for the Jacoby Agricultural Conservation Easement through the RCO Farmland Preservation grant program in the amount of \$169,650

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. [AB2023-669](#) Resolution approving the 2024 recommended convention center allocations for tourism-related facilities and activities as defined through RCW 67.28.1816
- Enactment No: RES 2023-039

This item was considered separately (see below).

4. [AB2023-670](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Traffic Safety Commission for High Visibility Enforcement (HVE) patrols, in the amount of \$15,000.00

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

5. [AB2023-671](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham to jointly fund a winter shelter, in an amount not to exceed \$250,000

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

6. [AB2023-673](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham to jointly fund an interim shower program, in an amount not to exceed \$137,500

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

7. [AB2023-674](#) Request authorization for the County Executive to enter into a memorandum of understanding between Whatcom County and Birch Bay Village Community Club to coordinate stormwater capital improvement projects

Kershner reported for the Finance and Administrative Services Committee and moved that the Memorandum of Agreement be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

8. [AB2023-681](#) Request authorization for the County Executive to award bid #23-59 and enter into a contract between Whatcom County and CIMA Construction, Inc for roof and siding replacement at Lighthouse Marine Park, in the amount of \$203,755.93

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

Nay: 0

9. [AB2023-683](#) Request authorization for the County Executive to enter into an interlocal amendment between Whatcom County and Washington State Parks & Recreation Commission to provide additional funding for providing an instructor for the State Parks Recreational Boating Safety (RBS) program in the amount of \$5,000 for a total amended amount of \$23,476.57

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. [AB2023-687](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice for Organized Crime Drug Enforcement Task Forces (OCDETF), in the amount of \$5,000

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. [AB2023-688](#) Request approval for the County Executive to award Bid #23-71 for the purchase of five (5) automated sandbagging machines to The Bag Lady, Inc., located in Puyallup, Washington, in an amount not to exceed \$209,190.75

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

Nay: 0

12. [AB2023-689](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Remote Medical Training in the amount of \$53,675.16

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

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

3. [AB2023-669](#) Resolution approving the 2024 recommended convention center allocations for tourism-related facilities and activities as defined through RCW 67.28.1816

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

Elenbaas asked why Frazey voted no on this in committee and she stated it had to do with equity issues around not everyone knowing that the contingency amount of \$150,000 is available since it is given out at a different time than the rest of the allocations. She does not understand why they do it the way they do.

Councilmembers discussed ways to fix it, including giving all the money away at the time they call for submissions of applications so it is a one-time submission process, or having a submission process two times a year.

Tyler Schroeder, Director of Administrative Services, stated they could do it that way and prior to five years ago, that is how it was done. He spoke about why the process was changed. He respects the request for it to be a little bit more open, but there was interest in the Lodging Tax Advisory Committee (LTAC) in having more of a nimble ability with that contingency amount to contract during the year. He answered questions about the \$150,000 contingency amount, whether they have reports on how it has been spent, and when they report it. He answered a question about a scrivener's error on the amount of the Convention Center Fund revenue noted in the last Whereas statement. It reads "\$1,500.000", but the decimal should be a comma so that it shows the amount is \$1.5 million.

Frazey stated she wants to know how the recipients found out about the contingency money in 2022.

Councilmembers voted on the resolution (see below) and then continued to discuss the item.

Schroeder answered whether the Birch Bay Library would qualify as an expenditure since the plans for it are to be somewhat of an attraction on the bay, and stated there is the ability to fund capital expenditures for tourism-related facilities. He is not sure LTAC funds could be used for library purposes unless the facility had a tourism-related component. He stated that budget item was before the Council with American Rescue Plan Act (ARPA) for commitment to the Birch Bay Library and he thinks that would be an appropriate source.

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

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

Nay: 2 - Elenbaas, and Frazey

Enactment No: RES 2023-039

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2023-637](#) Ordinance Establishing a New Whatcom County Healthy Children's Fund

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

Councilmembers discussed what the ordinance is, and that the Healthy Children's Fund ordinance requires that the interest generated by the fund go back into the Healthy Children's Fund.

Kershner stated she would like to use that interest toward other pressing problems in the community, but the establishing ordinance does not allow it.

Tyler Schroeder, Director of Administrative Services, answered and Councilmembers discussed whether the fund will grow as a result of new property valuations since it is rate-based as opposed to budget-based, whether the Assessor can come and explain that more, and whether the rate can be evaluated by the Council every year

Karen Frakes, Prosecuting Attorney's Office, answered whether the Council can change the Healthy Children's Fund ordinance (Ord 2022-045)

regarding how the interest is handled after the voters have voted on it, and stated she believes that the Council can change that ordinance. The voters only voted on the levy lid lift and not everything in the ordinance.

Councilmembers discussed whether this ordinance could be amended so that the interest goes to the General Fund, and that the related ordinance would need to be amended.

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

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

Nay: 0

Enactment No: ORD 2023-059

2. [AB2023-651](#) Ordinance amending the project budget for the E. Smith/Hannegan Road Intersection Improvements Fund, Request No. 3

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 2023-060

3. [AB2023-652](#) Ordinance amending the project based budget for the North Lake Samish Road Bridge No. 107 Replacement Fund, request No. 3

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 2023-061

4. [AB2023-657](#) Ordinance amending the 2023 Whatcom County Budget, request no. 14, in the amount of \$13,162,440

Kershner reported for the Finance and Administrative Services Committee and stated the motion to recommend this to the full Council failed in committee with one in favor, one opposed, and one abstaining.

Donovan moved and Buchanan seconded that the Ordinance be ADOPTED.

Tyler Schroeder, Director of Administrative Services, stated the ordinance for consideration is a substitute.

Donovan spoke about what amendments were made in the substitute version of the documents after the committee discussion.

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

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

Nay: 0

Enactment No: ORD 2023-062

5. [AB2023-659](#) Ordinance Establishing a Community Priorities Fund and Establishing an Initial Budget for the Community Priorities Fund

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

Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager, answered when a mentioned American Rescue Plan Act (ARPA) memo will be coming to Council and stated later this week.

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

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

Nay: 0

Enactment No: ORD 2023-063

(From Council Public Works and Health Committee)

6. [AB2023-675](#) Resolution adopting Equipment Rental and Revolving (ER&R) Management Policy as required by the County Road Administration Board

Kershner reported for the Public Works and Health Committee and moved that the SUBSTITUTE Resolution be APPROVED. The motion carried by the following vote:

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

Nay: 0

Enactment No: RES 2023-040

7. [AB2023-699](#) Resolution supporting the Lummi Indian Business Council's (LIBC) state of

emergency declaration in response to the fentanyl crisis

Kershner reported for the Public Works and Health Committee and **moved** that the Resolution be APPROVED.

Councilmembers discussed the resolution with the following staff:

- Tyler Schroeder, Director of Administrative Services

They discussed whether the County should declare their own crisis, having a County resolution be collaborative and not political if they decided to draft one, whether that is something the Public Health Advisory Board (PHAB) has talked about or whether the Council could request that they work on a resolution declaring a county-wide emergency, whether there are funding opportunities that open up when you declare an emergency of this sort, being collaborative on and having actionable items as opposed to just making a statement, whether it would be a good discussion for the Multi-Agency Coordination (MAC) Group policy sub-committee, asking the Council's legislative analyst or intern to look at other resolutions they might be able to use as a model in parallel to making a request to the PHAB, and the possible need for the County to take bold action as this resolution has done, and the necessity for everyone to be part of that conversation.

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

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

Nay: 0

Enactment No: RES 2023-041

(From Council Planning and Development Committee)

8. [AB2023-701](#) Resolution amending Resolution 2023-033 to docket an additional Comprehensive Plan and zoning amendment related to County Code 20.68 and other relevant sections of Title 20 to define appropriate industrial uses and conditions for industrial uses in Heavy Impact Industrial (HII) Districts within a city's designated urban growth area

Elenbaas reported for the Planning and Development Committee and **moved** that the Resolution be APPROVED.

Donovan asked whether the resolution gives the Planning Department adequate direction about what the Council expects them to do in terms of re-examining the code for the compatibility of industrial uses in this one urban growth area (UGA) that has residential urban uses. He stated he talked

to Mark Personius, Planning and Development Services (PDS) Department Director, and Personius said that the proposed language does give PDS adequate direction to move forward.

Councilmembers discussed the motion.

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

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

Nay: 0

Enactment No: RES 2023-042

(From Council Committee of the Whole)

9. [AB2023-676](#) Request confirmation of the County Executive's appointment of Raylene Heutink-King as County Clerk of Superior Court effective November 6, 2023 pursuant to Whatcom County Charter Section 3.61

Buchanan reported for the Committee of the Whole and moved that the Executive Appointment be CONFIRMED. The motion was seconded by Elenbaas.

Buchanan stated Heutink-King will be missed on the Incarceration Prevention and Reduction Task Force.

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

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

Nay: 0

10. [AB2023-696](#) Resolution supporting the use of Economic Development Investment (EDI) funds for affordable housing

Buchanan reported for the Committee of the Whole and *moved* that the Resolution be APPROVED.

Councilmembers and Council staff discussed whether this should be noted as a substitute.

Clerk's note: A draft resolution (**AB2023-583**) was discussed in committee and changes were made to it before being formally presented to committee for consideration and recommendation to the Council, so this version is *not* considered a substitute as it is what was up for consideration as a "proposed" resolution for the first time by the committee today.

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

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

Nay: 0

Enactment No: RES 2023-043

(No Committee Assignment)

11. [AB2023-704](#) Letter of appreciation to the Executive and Health and Community Services staff for their efforts to establish a severe weather shelter

Kershner moved and Galloway seconded that the letter be APPROVED.

Frazey briefed the Councilmembers on why she brought this forward.

Kershner's motion that the letter be APPROVED carried by the following vote:

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

Nay: 0

12. [AB2023-694](#) Resolution requesting that the Whatcom County Executive and department staff propose amendments to the Whatcom County Code to support clean energy

Galloway moved and Frazey seconded that the Resolution be APPROVED.

Galloway briefed the Councilmembers and stated the point of the resolution is to get Council support for County staff to get the ball rolling. She stated there is a statement in the resolution at the very end that mentions getting this on the annual docket. If they are considering the docket early next year, these items should be on it at that time.

Councilmembers discussed whether these should be brought as three separate amendments to the docket since some will take longer than others, and why the plan is to wait for the annual docket process.

Kershner, stated she does not like the idea of land-based solar systems because it seems it would be chewing up land that they could be using for agriculture or something else.

Elenbaas stated when he built a house he put a geothermal heating system in it and it was allowed even if the code does not say it is specifically allowed, and asked whether they need to do this. But he stated he supports it.

Galloway stated this would be addressing primary uses of the land.

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

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

Nay: 0

Enactment No: RES 2023-044

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2023-690](#) Appointment of one councilmember to serve as liaison for the Climate Vulnerability Assessment (CVA) Project

Dana Brown-Davis, Clerk of the Council, stated this was a request from Health and Community Services.

Buchanan moved and Kershner seconded to nominate Councilmember Galloway.

Elenbaas stated said he would consider Councilmembers Donovan or Buchanan and Galloway stated if Councilmember Donovan is interested in the appointment she would be happy to defer.

Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager, answered whether anyone knows when they would be meeting and stated it sounds like they are conducting interviews with liaisons imminently.

Councilmembers and Council staff discussed whether it could be part of the annual Council appointments decided in January, whether they should come back to this after they have more information on the expectations and when the meetings would be, and whether it could be referred to the Climate Action and Natural Resources Committee on November 8 to hear more about the vulnerability assessment and this role.

Buchanan withdrew his motion.

Buchanan moved and Frazey seconded that the Council Appointment be HELD, REFERRED TO COMMITTEE, and brought back to Council on November 8. The motion carried by the following vote:

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

Nay: 0

ITEMS ADDED BY REVISION

1. [AB2023-702](#) Request authorization for the County Executive to enter into an agreement between

Whatcom County and State Street Creamery, LLC to lease commercial space for use as a winter weather shelter, in the amount of \$50,000

Byrd moved and Frazey seconded that the Contract be AUTHORIZED. The motion carried by the following vote:

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

Nay: 0

INTRODUCTION ITEMS

Galloway moved to introduce items one and two. The motion was seconded by Buchanan (see votes on individual items below).

1. [AB2023-679](#) Appointments to fill vacancies on the Whatcom County Ferry Advisory Committee - Applicants: Janice Catrell, Pamela Gould, David Hamiter, Diane Harper, Janice Holmes, Carol Landt, Fabian Mendoza, Thomas Philpot, Catherine Shornick, Merritt Scott, and Tess Winds-Johnsons

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

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

Nay: 0

2. [AB2023-686](#) Appointment to fill a vacancy on the Forest Advisory Committee, Applicant(s): Herbert Barker, Richard Donahue, Tracy Petroske, Tom Smith, Paul Stuart

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

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

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave Committee reports and gave other updates.

Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager, answered when the Council will potentially be hearing from the Department of Natural Resources (DNR) about county DNR lands going into potential state projects and stated it should be December fifth.

ADJOURN

The meeting adjourned at 10:51 p.m.

The County Council approved these minutes on November 8, 2023.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

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