

Whatcom County Council

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



Minutes - Final

Tuesday, March 22, 2022

6 PM

Virtual Meeting

**HYBRID MEETING (PARTICIPATE IN-PERSON OR 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 Vice Chair Barry Buchanan called the meeting to order at 6:01 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

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, updated on the following:

- County offices now being open to in-person business
- The November flood recovery assistance and repair work
- Funds and programs received by our county and a congratulations to the Legislators from the 40th and 42nd District for getting those during the recent State legislative session
- The hybrid model of Council meetings staying into the future
- Remembering those lost as a result of the pandemic and still taking precautions

MINUTES CONSENT

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

1. [MIN2022-020](#) Committee of the Whole for March 8, 2022

Donovan moved and Kershner 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

Absent: 0

2. [MIN2022-021](#) Regular County Council for March 8, 2022

Donovan moved and Kershner 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

Absent: 0

3. [MIN2022-022](#) Water Work Session for March 15, 2022

Donovan moved and Kershner 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

Absent: 0

PUBLIC HEARINGS

Buchanan described how the hearings will work for the hybrid meeting.

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

1. [AB2022-121](#) Resolution vacating a portion of Horton Road

Andrew Hester, Public Works Department, briefed the Councilmembers and answered whether this item and the next Public Hearing item (AB2022-122) are related, whether public access will be continued after this is transferred, whether these are areas Bellingham will potentially annex, how the County would be better served by giving this to the City of Bellingham and letting the City give some of it to private property owners as opposed to keeping these for our wetland mitigation purposes and keeping property with some public access, and whether Bellingham would be accepting it into their system and maintaining it if the road is vacated.

Scott Havill, City of Bellingham Mitigation Coordinator, addressed some of the questions.

Hester and Havill answered questions about the location of this portion of road, whether there is actual road there yet, and at what point the City of Bellingham will incorporate this as an Urban Growth Area (UGA) and actually roll it into the city limits.

Councilmembers discussed whether the Council would like to have further discussion on this and whether to forego the public hearing and put the item back in committee, have a hearing and leave it open, or have a hearing and then re-do it.

Kershner stated the County does not own the property. The City owns the property and the County just has a right-of-way for the road so this is not going to serve the County as a wetland mitigation bank.

Elenbaas stated he would like to hear from the public and then decide where they are going to go after that.

Buchanan opened the Public Hearing and, hearing no one, closed the Public Hearing for tonight but left the hearing open until such time they decide what they want to do.

Councilmembers and the speakers discussed why the City of Bellingham does not incorporate the whole area into the city limits at one time, whether there is one or two pieces of property, and whether this is time sensitive.

Matt Gossett, City of Bellingham, stated the property owners were not available to speak to this but they did, however, need to sign a petition to get this process started.

The following person spoke for the public hearing:

- Mary Gibb

Councilmembers discussed the map included in the packet.

Donovan moved and Galloway seconded that the Resolution be APPROVED.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

Nay: 1 - Byrd

Buchanan closed the public hearing on this agenda bill.

Clerk's note: This item was reconsidered below after AB2022-156.

PUBLIC HEARING HELD (file not final).

Enactment No: RES 2022-016

Action Summary: A public hearing was held and the Resolution was approved 6-1 with Byrd opposed. The item was later reconsidered below after AB2022-156.

2. [AB2022-122](#) Resolution vacating a portion of Boxwood Road

Andrew Hester, Public Works Department, stated he did not have anything else to add on this item.

Scott Havill, City of Bellingham Mitigation Coordinator, spoke about the fees for the transaction in terms of the cost of the appraised value of the land and a request that the language about the retained easement be removed.

Jon Hutchings, Public Works Department Director, stated these requests are new to him and he is curious whether they were part and parcel to the original application discussions.

Hester and Hutchings responded to the requests stated by Havill.

Frazey asked if this could come forward at a different time in a different resolution.

Buchanan stated they would not really be able to hold a hearing tonight on what they have in their packet if they want to make these substantial changes so they are going to have to make some decisions.

Donovan moved to hold it over. The motion was seconded by Frazey.

Havill answered whether the requests are only for this portion or whether they were for the last item (AB2022-121) as well.

Kershner asked if it would be beneficial to have the public hearing tonight to hear if there is anything else that they would want to have staff take a look at.

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

Hutchings stated they can shoot for bringing it back on April 12, 2022.

Councilmembers and staff discussed whether it will go to a committee or straight back to a public hearing.

Kershner stated it could be hosted in the Public Works and Health

Committee and asked if they need to have another public hearing.

Buchanan stated there might be substantial changes so they could have a work session on it that day and then, if they get through it, they can have the hearing that night. This is a motion to hold until April 12th with a public hearing but we will put it into the Public Works and Health Committee that afternoon.

Dana Brown-Davis, Clerk of the Council, clarified and Buchanan affirmed that the Council would also like to have the Public Hearing on April 12th as well.

Donovan's motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-017

3. [AB2022-136](#) Ordinance changing the name of Bear Trap Road to Bear Spirit Road

Jim Karcher, Public Works Department, answered where this request originated and whether there was anyone on the road that disagreed with it.

Buchanan opened the Public Hearing and the following people spoke:

- Robert Hoffman
- Misty Flowers
- Karla Rae

Hearing no one else, Buchanan closed the Public Hearing.

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

Jim Karcher, Public Works Department answered what the process is for changing a road name, whether the applicants pay the \$200 for the signage change, and how many people signed saying they were in favor of this change.

Councilmembers discussed the motion.

Frazey'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

Absent: 0

Enactment No: ORD 2022-022

4. [AB2022-137](#) Ordinance for temporary installation of a stop sign on Drayton Harbor Road
Jim Karcher, Public Works Department, briefed the Councilmembers and answered whether they expect the road to be fixed at some point.

Buchanan opened the Public Hearing and the following people spoke:

- Dennis Rensink
- Lyle Anderson

Hearing no one else, Buchanan closed the Public Hearing.

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-023

5. [AB2022-138](#) Ordinance for temporary installation of stop signs on South Pass Road
Jim Karcher, Public Works Department, briefed the Councilmembers.

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

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-024

6. [AB2022-156](#) Ordinance repealing Ordinance 2022-005, temporary closure of Gulf Road
Jim Karcher, Public Works Department, stated he was available to answer questions.

Buchanan opened the Public Hearing and the following people spoke:

- Dale McGuire
- Eleanor Hines
- Robert Hoffman
- Name not given
- Mary Wilson
- Name not given
- Lyle Anderson
- Eric Bowen
- Robert Kaye
- Jessica Spencer
- Tom Stone

Hearing no one else, Buchanan closed the Public Hearing.

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

Councilmembers discussed the motion, what is and what is not considered trespassing, the fact that the only public access is the road and the right-of-way and not the beach, that driving on the road is risking driving on a Native American heritage site, that there is more that the Council needs to consider, providing more clarity to the public on-site, Washington State laws regarding public access to beaches and tidelands, using this ordinance as a re-set button to look at it again and maybe adopt something different, looking at the planning code and how they can enhance public access to shorelines, whether all the information was given to the Council when they adopted the original ordinance, and working toward a solution that everyone can be happy with.

Jim Karcher, Public Works Department, answered a question about the condition of the road, whether it is a Native American heritage site, and how much it would cost to repair the road.

Byrd continued to discuss the motion.

Karen Frakes, Prosecuting Attorney's Office, answered questions about Revised Code of Washington (RCW) 9A.52.080 which addresses criminal trespass in the second degree and whether people are committing criminal trespass by being there without permission.

Councilmembers discussed the motion and whether most shoreline in Washington has public access, and Frakes answered at what point someone is not trespassing.

Kershner moved to amend the ordinance to add the four whereas statements as sent to the Council by Skip Sahlin on March 18, 2022 as follows:

WHEREAS, Council recognizes private property rights and repealing Ordinance 2022-005 only affects the County right-of-way and does not invite trespass on adjacent private lands; and

WHEREAS, Council will instruct Whatcom County Public Works to install accurate signage notifying the public that the property not directly on the County right-of-way is private and closed to the public stating as example (a) "End of County Right of Way, No Outlet" (b) "No Public Access", (c) "No Beach Fires Permitted", (d) "Day Use Parking Permitted on Whatcom County Right of Way Only."; and

WHEREAS, Council will request of Whatcom County Sheriff's Office increased patrols to the County owned right-of-way to address illegal activities and trespass; and

WHEREAS, Council acknowledges that Gulf Road is in significant disrepair and in repealing Ordinance 2022-005 it becomes necessary for Whatcom County Public Works to repair the road within its surveyed right-of-way to ensure safe passage; and

The motion was seconded by Elenbaas.

Councilmembers and the following people discussed the motion:

- Karen Frakes
- Jon Hutchings, Public Works Department Director
- Satpal Sidhu, County Executive

They discussed whether the Whatcom County Charter would allow the Council, in a whereas clause in an ordinance repealing another ordinance, to directly require Public Works to take a certain action; whether the ordinance can direct the Public Works Department to extend its authority to something that affects activities on private land; and whether the Council is willing to look at a long-term solution.

Kershner stated she could withdraw her motion to amend but Elenbaas stated the motion belongs to the body.

Kershner moved to call the question.

The motion to call the question carried by the following vote:

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

Nay: 0

The motion to amend failed by the following vote:

Aye: 3 - Kershner, Byrd, and Elenbaas

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

Kershner moved to amend the Ordinance to add the first of the suggested whereas statement as follows:

WHEREAS, Council recognizes private property rights and repealing Ordinance 2022-005 only affects the County right-of-way and does not invite trespass on adjacent private lands;

The motion was seconded by Elenbaas.

Councilmembers discussed the motion and Hutchings and Frakes answered whether the amendment would be problematic or would be a substantial change to the ordinance.

The motion to amend carried by the following vote:

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

Nay: 0

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

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

Enactment No: ORD 2022-025

1. [AB2022-121](#) Resolution vacating a portion of Horton Road

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

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

Nay: 0

Absent: 0

Enactment No: RES 2022-016

Donovan moved to hold the item until the next meeting. The motion was seconded by Byrd.

Buchanan clarified that the motion is to hold until April 12th and to have another public hearing as well.

Donovan's motion that the Resolution Requiring a Public Hearing be HELD until the next meeting carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-016

OPEN SESSION (20 MINUTES)

Clerk's note: Council took a 10-minute break.

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

The following people spoke:

- Lyle Sorenson
- Mary Gibb
- Ken Domorod
- Richard Tran
- Barbara Powers
- Cliff Langlely
- Robert Bystrom
- Nancy Bergman
- Helga DeLiban
- Enoch Mann

- Klaus Klix
- Hannah Ordos
- John Marshall
- Natalie Chavez
- Jessica Crump
- Dam Pham
- Shean Halley
- Name not given
- Dave (last name not audible)
- Misty Flowers

Hearing no one else, Buchanan closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Clerk's note: Councilmembers took a 10-minute break.

Byrd reported for the Finance and Administrative Services Committee and ***moved*** to approve Consent Agenda items one through twelve.

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

1. [AB2022-139](#) Request authorization for the County Executive to enter into an Interlocal Agreement modification between Whatcom County and the City of Bellingham for What-Comm Communications Center operations and providing for the option of supplemental services

Byrd 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

Absent: 0

2. [AB2022-158](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and MSNW Group, LLC to provide Isolation & Quarantine Facility cleaning services in the amount of \$15,000 for a total amended contract amount of \$70,000

Byrd 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

Absent: 0

3. [AB2022-161](#) Request authorization for the County Executive to enter into a lease agreement between Whatcom County and SpectraSite Communications to lease tower access at the Blaine-Harvey Road Water Tower Site for seven years for a total of \$189,559.07

Byrd 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

Absent: 0

4. [AB2022-168](#) Request authorization for the County Executive to enter into a Local Agency A&E Professional Services Agreement between Whatcom County and Trantech Engineering, LLC to provide on-call structural engineering support to the Whatcom County bridge program

Byrd 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

Absent: 0

5. [AB2022-169](#) Request authorization for the County Executive to enter into a Local Agency A&E Professional Services Agreement between Whatcom County and KPFF, Inc. to provide on-call professional structural engineering support for the Whatcom County bridge program in 2022

Byrd 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

Absent: 0

6. [AB2022-170](#) Request authorization for the County Executive to enter into Grant Amendment No. 7 between Whatcom County and the State of Washington Department of Ecology to

provide for continued implementation of the Swift Creek Sediment Management Action Plan

Byrd 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

Absent: 0

7. [AB2022-174](#) Request authorization for the County Executive to award bid #22-06 and enter into a contract between Whatcom County and Lake Union Drydock Company for the annual dockside and maintenance repair of the Whatcom Chief Ferry in the amount of \$462,515.00

Byrd 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

Absent: 0

8. [AB2022-181](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Felix Solomon to repair the Centennial Totem Pole, in the amount of \$56,500

Byrd 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

Absent: 0

9. [AB2022-182](#) Request approval for the County Executive to enter into an agreement with Whatcom Community Foundation in order to secure matching funds for the Jones Agricultural Conservation Easement through the Conservation Easement Program

Byrd 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

Absent: 0

10. [AB2022-185](#) Resolution amending Resolution 2021-048 for unrepresented Whatcom County employees

Byrd reported for the Finance and Administrative Services Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-012

11. [AB2022-186](#) Request authorization for the County Executive to enter into a Letter of Understanding between Whatcom County and General Teamsters' Local Union 231 to amend the Corrections Deputies and Sergeants Collective Bargaining Agreement for the period January 1, 2019 - December 31, 2022

Byrd 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

Absent: 0

12. [AB2022-187](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Veterans Affairs to provide Veteran Service Officer services to indigent veterans and their families, in the amount of \$48,825

Byrd 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

Absent: 0

OTHER ITEMS

(From Council Climate Action and Natural Resources Committee)

1. [AB2022-178](#) Resolution authorizing Whatcom County Executive Satpal Sidhu to act as the authorized representative on behalf of Whatcom County for Washington State Recreation and Conservation Office Farmland Preservation project grant

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

Councilmembers discussed the motion and how the County is preserving farmland.

Tyler Schroeder, Executive's Office, answered why they should “authorize Whatcom County Executive Satpal Sidhu as having full authority to bind Whatcom County regarding all matters related to the project listed above” as requested in the Staff Memo.

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

Absent: 0

Enactment No: RES 2022-013

(From Council Finance and Administrative Services Committee)

2. [AB2022-153](#) Ordinance amending the 2022 Whatcom County Budget, request no. 6, in the amount of \$1,393,462

Byrd 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

Absent: 0

Enactment No: ORD 2022-026

3. [AB2022-180](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Dispute Resolution Center to operate the Eviction Resolution Pilot Program, in the amount of \$74,800

Byrd reported for the Finance and Administrative Services Committee and

moved that the Contract be AUTHORIZED.

Councilmembers discussed the motion.

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

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

Nay: 0

Absent: 0

4. [AB2022-152](#) Resolution amending the Flood Control Zone District & Subzones 2022 budget, request no. 1, in the amount of \$1,421,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Byrd reported for the Finance and Administrative Services Committee and moved that the Resolution (FCZDBS) be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2022-014

(From Council Committee of the Whole)

5. [AB2021-594](#) Ordinance amending Whatcom County Code Chapter 2.02 (County Council) to define absence and temporary disability

Donovan reported for the Committee of the Whole and *moved* that the Ordinance be ADOPTED.

Councilmembers discussed whether there was an amended version of the Ordinance.

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-027

(No Committee Assignment)

6. [AB2022-188](#) Resolution affirming the County Council and County Executive Expectations for Boards and Commissions

Buchanan stated there was a substitute.

Frazey moved and Galloway seconded 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

Absent: 0

Enactment No: RES 2022-015

7. [AB2022-183](#) Appoint councilmember representative to serve on the Climate Impact Advisory Committee

Frazey moved to appoint Galloway to represent the Council on the Climate Impact Advisory Committee. The motion was seconded by Byrd.

Elenbaas moved to appoint himself to the Climate Impact Advisory Committee.

Councilmembers discussed the motions.

Jill Nixon, Council Office, answered whether both Councilmembers could serve on the advisory committee.

Galloway stated it would be an issue of quorum.

Galloway and Elenbaas spoke about why the Councilmembers should vote for them.

Galloway was appointed 5-2 as follows:

Kershner - Elenbaas

Buchanan - Galloway

Byrd - Galloway

Donovan - Galloway

Elenbaas - Elenbaas

Frazey - Galloway

Galloway - Galloway

Galloway was APPOINTED.

8. [AB2022-191](#) Request authorization for Karen N. Frakes, Whatcom County Chief Civil Deputy

Prosecuting Attorney, to sign the One Washington Memorandum of Understanding Between Washington Municipalities.

Karen Frakes, Prosecuting Attorney's Office, briefed the Councilmembers and answered whether she needs action from the Council if it is for the Executive to sign, whether this is different from the litigation that the State of Washington decided to not settle, and whether they should strike her name on the Ordinance and add the County Executive.

Donovan moved and Buchanan seconded that they authorize the County Executive to sign the agreement.

Frakes answered whether they need to make a motion to amend the Ordinance to replace her information with the Executive's.

The motion was seconded by Buchanan.

Donovan's motion that they authorize the County Executive to sign the agreement carried by the following vote:

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

Nay: 0

Absent: 0

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-146](#) Appointment to a vacancy on the Forestry Advisory Committee, Small Forest Landowner position, Applicant: Tracy Petroske

Byrd moved and Frazey seconded that the Council Appointment Requiring Introduction be APPOINTED by acclamation. The motion carried by the following vote:

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

Nay: 0

Absent: 0

2. [AB2022-179](#) Appointment to a vacancy on the Climate Impact Advisory Committee, applicants Ted Clifton and Charles Bailey

Donovan moved and Galloway seconded to nominate both applicants.

Applicant Charles Bailey spoke.

Councilmembers discussed the motion and Charles Bailey was appointed as follows:

Donovan - Bailey
Elenbaas - Bailey
Frazey - Bailey
Galloway - Bailey
Kershner - Clifton
Buchanan - Bailey
Byrd - Clifton

This agenda item was **APPOINTED**.

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-175](#) Request confirmation of the County Executive's appointment of Sean Hopps to the Whatcom County Food System Committee

Byrd moved and Frazey seconded that the Executive Appointment be **CONFIRMED**.

Councilmembers discussed the motion.

Kershner stated she would like to get a report from the Whatcom County Food System Committee.

Tyler Schroeder, Executive's Office, stated he could look into requesting someone from the committee to give them a report.

Byrd'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

Absent: 0

2. [AB2022-176](#) Request confirmation of the County Executive's appointment of Katie Plewa Olvera to the Bellingham-Whatcom County Commission on Sexual and Domestic Violence

Byrd moved and Frazey seconded that the Executive Appointment be **CONFIRMED**.

Councilmembers discussed why the Council confirms Executive appointments.

Jill Nixon, Council Office Staff, stated it is a Charter requirement.

Councilmembers voted on the item (see vote below) then continued to discuss this item.

Dana Brown-Davis, Clerk of the Council, answered a question about the previous agenda item's (AB2022-175) discussion and whether there has been any format in the past to allow for more of our boards, commissions, and committees to come and give updates on their work.

Byrd'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

Absent: 0

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

Buchanan stated there were substitute documents attached to Introduction item number seven (AB2022-177).

Donovan moved to introduce items one through seven. The motion was seconded by Frazey (see votes on individual items below).

1. [AB2022-190](#) Ordinance amending Whatcom County Code 2.21, Board of Equalization

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-034

2. [AB2022-162](#) Ordinance establishing movement restrictions on E. Hemmi Road at the intersection with Hannegan Road

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-029

3. [AB2022-163](#) Ordinance Removing a School Speed Zone on Hannegan Road

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-030

4. [AB2022-164](#) Ordinance establishing parking control on Eddie Lane within the Plat of Whisper Lake

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-031

5. [AB2022-165](#) Ordinance Establishing a Speed Limit within the Plat of Whisper Lake

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-032

6. [AB2022-166](#) Ordinance for installation of a stop sign within the plat of Whisper Lake

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-033

- 7. [AB2022-177](#) Ordinance amending Whatcom County Code Section 1.14, Electoral Precincts, adjusting boundary lines based on decennial census information in the Legislative, Congressional and County Council districts

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-028

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave committee reports.

Elenbaas stated he would like to be briefed at the next availability by the Health Department regarding a recent Facebook post and email to Council regarding COVID-19 vaccines.

ADJOURN

The meeting adjourned at 10:34 p.m.

The County Council approved these minutes on April 12, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Todd Donovan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE