

# **Whatcom County Council (Special)**

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



## **Minutes - Draft Minutes**

**Tuesday, March 17, 2020**

**1 PM**

**Council Chambers**

### **COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

**Call To Order**

Council Chair Barry Buchanan called the meeting to order at 2:15 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

**Roll Call**

**Present:** 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, Ben Elenbaas and Kathy Kershner

**Absent:** None

**Executive Appointment**

[AB2020-137](#) Request confirmation of the County Executive's appointment of Erika Lautenbach (formerly Nuereberg) as Health Director effective 3/18/2020 pursuant to Whatcom County Code Section 24.01.030

***Donovan moved*** to confirm the Executive's appointment of Erika Lautenbach as the Health Director. The motion was seconded.

Erika Lautenbach, Health Department, answered questions about her strategy for this emergency. She would like staff and the community to feel supported, to communicate clearly to the public and partners how we are moving forward and how we are implementing guidance from the State and Federal government. She answered a question about whether she has read Revised Code of Washington RCW 70.05 LOCAL HEALTH DEPARTMENTS, BOARDS, OFFICERS-REGULATIONS and Whatcom County Code 24.01 PURPOSE, LIMITATION ON LIABILITY AND DEPARTMENT ESTABLISHMENT.

**Erika Lautenbach was CONFIRMED.**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Byrd

Councilmembers discussed whether they should limit what they discuss over the next weeks and months to essential items.

***Elenbaas moved*** to only deal with issues that are essential government services and emergent to this situation.

*Clerk's note:* Browne left the meeting

Councilmembers, Tyler Schroeder, Executive's Office, and Satpal Sidhu, County Executive, discussed the motion, whether the Planning Commission should continue meeting and give the Council its recommendation, and who determines what is emergent.

**Elenbaas** restated his motion and **moved** to only deal with issues that are emergent to this situation and essential government services for one month. Health board will still operate. The motion was seconded. (11:42)

The Executive has discretion to bring budget and contract items as needed so the Finance and Administrative Services and Special Committee of the whole would still meet. Keep items to things that are top priority. Items from the departments will be first reviewed by the Executive's Office.

Councilmembers discussed how the Health Board is being used.

The motion carried by the following vote:

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

**Nay:** 1 - Byrd

**Absent:** 1 - Browne

**Kershner moved** that future meetings will be held remotely for the period that the governor has restrictions on bars, restaurants and entertainment. The motion was seconded.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Browne

**Byrd Moved** that any excess County computers be loaded with Linux (or other operating system) and provided to any families in Whatcom County that are currently in need of a computer at home. The motion was seconded.

Councilmembers discussed getting the input of the Information Technology Manager Perry Rice, holding the motion until next Tuesday (Regular Council meeting) or this Thursday (Special Health Board meeting) so they can hear from him first.

The motion carried by the following vote:

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

**Nay:** 0

**Absent:** 1 - Browne

Councilmembers discussed a motion that was made last week about Council staff members being able to work from home. They discussed feedback from County employees requesting that it be implemented in a fair manner, getting further information and clarification from Human Resources by this Thursday, at what point rules can be suspended in an emergency situation, having the Council Office staff coordinate with Human Resources and the Executive's Office to find out the rules and discuss what we are going to do, the Executive's directive about giving department heads discretion about telecommuting while still meeting H.R. policy.

**Byrd moved** that any County Council staff that would like to work from home starting tomorrow (Wednesday, March 18, 2020) should be allowed to do so, with full pay. The motion was seconded.

Councilmembers discussed how to deal with logistics such as a minimum level of staffing in an office.

Karen Frakes, Prosecuting Attorney's Office, joined the call and spoke about allowing staff to telecommute. The Charter does not allow the Council to interfere with the staff of the Executive. She advised them to wait before taking any action.

Byrd clarified with a question whether the Council can make those decisions for the staff of the Council Office.

Frakes stated to comply with the Open Public Meetings Act Council meetings have to have a public space available for the public to attend and Council staff have to be available to staff that location.

Councilmembers and Frakes discussed staff teleworking.

**Buchanan moved** to hold this discussion until Thursday. The motion to hold was seconded.

Frakes and Councilmembers continued to discuss both motions, the perspective of the Council Clerk, and the possibility of modifying Byrd's motion to add "at the discretion of the Council Office Department Head."

The motion to hold until Thursday carried by the following vote:

**Aye:** 4 - Buchanan, Donovan, Elenbaas, and Kershner  
**Nay:** 2 - Byrd and Frazey  
**Absent:** 1 - Browne

*Byrd moved* that the Council meet in person until the Council Staff are allowed to work from home. The motion was not discussed for lack of a second.

Buchanan suggested that Councilmembers send suggestions to the Clerk for things they would like to see on the upcoming agenda.

Frakes and Councilmembers discussed having agenda items that are more open-ended (such as “Strategies around the COVID-19 crisis”) to address what needs to be addressed, and whether a state of emergency gives them more flexibility with the agenda, and laws of special or emergency meetings.

Councilmembers requested to have a discussion about considering what things and actions we may have to take to be proactive about protecting the food pipeline to our community and add the food bank into that discussion.

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 3:31 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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Dana Brown-Davis, Council Clerk

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Barry Buchanan, Health Board Chair

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Kristi Felbinger, Minutes Transcription