

Whatcom County Council Committee of the Whole

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



Committee Minutes - Final

Tuesday, September 14, 2021

2 PM

Virtual Meeting

VIRTUAL MEETING - ADJOURNS BY 4:45 P.M./MAY BEGIN EARLY (TO PARTICIPATE, SEE INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010)

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 1:45 p.m. in a virtual meeting.

Roll Call

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

Absent: None

Announcements

Committee Discussion

1. [AB2021-415](#) Discussion of an ordinance granting Cascade Natural Gas Corporation a franchise for the transportation of natural gas in Whatcom County

Andrew Hester, Public Works Department, briefed the Councilmembers and stated the ordinance is scheduled for introduction tonight. He answered whether this is different than the previous lease, why the term is for 25 years, and whether 25 years is a standard lease term among other local governments in Washington.

Byrd moved to amend the term to ten years. The motion failed for lack of a second.

Councilmembers discussed with Hester whether this is a non-exclusive franchise and the renumbering of the document and why it says that a section was “intentionally omitted.”

Satpal Sidhu, County Executive, asked about leakage in natural gas distribution and whether there are plans for the natural gas industry to alleviate the issue. The following person answered:

- David Gutschmidt, Cascade Natural Gas

Councilmembers and Gutschmidt discussed the item and the issue of leaks.

This agenda item was DISCUSSED.

2. [AB2021-395](#) Discussion and periodic update of the Shoreline Management Program

Cliff Strong, Planning and Development Services Department, briefed the Councilmembers on the Comprehensive Plan amendments and answered questions about how the topic numbers in the memo line up to the exhibits being discussed, which exhibit would have climate change policies, whether

policies in the Comprehensive Plan have the same weight as those in the Shoreline Management Program (SMP), the motivation for the deletions in the strikethroughs of the Comprehensive Plan exhibits and what the colors of strikethrough mean (such as in Exhibit B on page 11-28, Policy 11y-2), and whether the Council will come back to the changes such as those mentioned in Topic# 8 - Habitat in the memo.

Ryan Ericson answered a question about his role in the process since he works elsewhere.

Strong described the next steps and answered whether the Shoreline Management Program Map is in the available attached documents. Donovan stated it is Exhibit G.

This agenda item was DISCUSSED.

3. [AB2021-525](#) Discussion and request for Council motion regarding request for proposals (RFP) for independent review of the response to the COVID-19 pandemic

Cathy Halka, Council Legislative Analyst, briefed the Councilmembers about proposed changes to the scope as represented in the agenda packet.

Browne suggested that they allow Halka and himself to clean up some language in the document and come back to the Council with an amended ordinance and a finished draft contract for the Council's consideration.

Halka stated that a final Request for Proposal (RFP) cannot be released until a budget is allocated for the project.

Browne moved to have a budget of \$100,000 for the scope of work. The motion was seconded by Byrd.

Councilmembers discussed what fund the money would come from, where the budget would be housed, and whether it would be administered through the Council Office.

The motion carried by the following vote:

Aye: 6 - Frazey, Kershner, Browne, Buchanan, Byrd, and Donovan

Nay: 1 - Elenbaas

Councilmembers discussed whether they should determine the outcomes.

Satpal Sidhu, County Executive, stated it is too early to do this study because we are still under an emergency and not out of the woods with the pandemic.

Councilmembers discussed Sidhu's comments, whether there should be an end date, and whether this will require any staff time, then they and Halka discussed whether there can be more printed copies of the complete final report with appendices than stated in the Draft Scope, whether a revised RFP and ordinance would be coming back to the Council in two weeks, and who should participate on the RFP selection committee.

Browne moved to appoint Browne, Kershner, a representative from the Sheriff's Office (preferably John Gargett), a representative from the Executive's Office, and one staff member from the Council Office (preferably Halka), to the RFP selection committee. The motion was seconded by Byrd.

Councilmembers discussed the motion, whether the selection committee should only be made up of elected officials, whether the small city Mayors should be represented, and whether the selection committee will bring a recommendation to the Council or actually make the decision.

Elenbaas suggested a friendly amendment to the motion to make it elected officials or their designee.

Browne accepted the friendly amendment and amended his motion. **He moved** to appoint Browne, Kershner, the Sheriff or his designee, the County Executive or his designee, a representative of the small cities and a representative from the Bellingham City Council or Mayor's Office or their designee.

Byrd suggested that the motion be amended to include two small city Mayors so that there is an odd number.

Elenbaas suggested that it be an elected official from the Small Cities Caucus.

Browne amended his motion to appoint Browne, Kershner, the Sheriff or his designee, The County Executive or his designee, an elected official from the Small Cities Caucus, the Mayor of Bellingham or his designee, and a City Councilmember from Bellingham or their designee.

Byrd suggested that there be two from the small cities and one from the City of Bellingham but **Browne did not amend** his motion. Byrd did not second Browne's amended motion.

Elenbaas seconded Browne's amended motion and discussed the motion.

The motion carried by the following vote:

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

Nay: 3 - Byrd, Donovan, and Elenbaas

Browne stated that he and Halka would come back to the Council in two weeks.

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

4. [AB2021-185](#) Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County
Dana Brown-Davis, Clerk of the Council, briefed the Councilmembers.

Browne moved to move forward with the version titled "Proposed Ordinance for June 15 Introduction" on the Legislative Information Center that creates a 1000-foot buffer around Drayton Harbor. The motion was seconded by Byrd.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

Nay: 3 - Buchanan, Donovan, and Frazey

Brown-Davis stated the ordinance will need to be introduced.

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

5. [AB2021-482](#) Presentation and discussion regarding Whatcom County's proposed American Rescue Plan Act funding priorities

Satpal Sidhu, County Executive, briefed the Councilmembers and requested a motion to allocate \$250,000 from the American Rescue Plan Act (ARPA) Fund to meet the needs of Point Roberts. It is just an allocation.

Byrd moved that they support the Executive's moving forward with building a plan to allocate special funding to support businesses in Point Roberts. The motion was seconded by Frazey.

Satpal Sidhu, County Executive, stated they might add to the motion an amount up to \$250,000

Byrd amended his motion and **moved** that the Council support the

Executive's Office moving forward to put together a plan to support businesses in Point Roberts with up to \$250,000 in Covid Relief funding.

Councilmembers and Sidhu discussed the motion and whether the money should help businesses other than the grocery store.

The motion carried by the following vote:

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

Nay: 0

Sidhu continued to discuss the ARPA funds, how the money was allocated into buckets, and specifically the infrastructure budget.

Councilmembers discussed Sidhu's comments and the following person also spoke:

- Tyler Schroeder, Executive's Office

Schroeder and Sidhu discussed with the Councilmembers how ARPA funds could be used and answered questions about the current fund balance of the Conservation Futures Fund and Economic Development Investment (EDI) fund, and whether all the ARPA funds have to be spent by 2024 or just have to be appropriated.

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

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:03 p.m.

The County Council approved these minutes on September 28, 2021.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

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