

# **Whatcom County Council**

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



## **Minutes - Final**

VIRTUAL MEETING - VIEW ONLINE; AGENDA REVISED 9.14.2020

**Tuesday, September 15, 2020**

**6 PM**

**Virtual Meeting**

### **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.

## COUNTY COUNCIL

### CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 6 p.m. in a virtual meeting.

### ROLL CALL

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

**Absent:** None

### ANNOUNCEMENT

### FLAG SALUTE

### COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive stated it is his 41st wedding anniversary.

He reported to the Council about the following:

- A recent listening series with Mayor Seth Fleetwood in which was discussed creating some kind of racial equity commission and some kind of civilian oversight of law enforcement and justice
- An overview of positive COVID-19 cases in Whatcom County and how our county compares to others of the same size
- A new allotment to the Health Department of \$4.5 million of CARES Act money and the intention to request an extension of the deadline for using the funds
- Two Community Block Grants received by the County (a \$250,000 micro enterprise grant and a \$400,000 grant directed toward housing issues) and a \$450,000 grant which the County will receive in the next few days
- A ferry for Point Roberts
- A recent social marketing campaign for the management of COVID-19

Tyler Schroeder, Executive's Office, updated the Councilmembers on the biennial budget including where the County is with revenue and expenditures, and how they will be moving forward for the development of the budget.

He and Sidhu answered whether the projected 7% reduction to the budget

will be for 2021 and 2022, how much the County is forecasting to draw down its reserves, what assumption the Administration is building the 2022 budget around, whether projections are just for the General Fund, whether there have been updates sent out for July and August, how they are figuring the percent of revenue decrease and what that will be for 2021, whether the budget includes the possibility that the County may have to take on COVID-19 related expenses if CARES Act dollars do not continue, how the County will address the increased need for housing over and above the current deficit, and having the model of revenue rate assumptions published somewhere so that it can be referenced as things change and new calculations can be made.

### MINUTES CONSENT

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

1. MIN2020-084 Special Council for July 28, 2020

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

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

**Nay:** 0

**Absent:** 0

2. MIN2020-085 Special Council for July 22, 2020

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

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

**Nay:** 0

**Absent:** 0

3. MIN2020-086 Committee of the Whole for August 5, 2020

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

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

**Nay:** 0

**Absent:** 0

4. MIN2020-087 Committee of the Whole - Executive Session for August 5, 2020

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

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

**Nay:** 0

**Absent:** 0

5. MIN2020-088 Regular County Council for August 5, 2020

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

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

**Nay:** 0

**Absent:** 0

### **PUBLIC HEARINGS**

1. AB2020-086 Ordinance granting Cellco Partnership d/b/a Verizon Wireless, a non-exclusive franchise for the provision of wireless telecommunications services

Buchanan asked if there was a staff report but there was not.

Council staff played a short video about how to participate in a virtual public hearing.

Buchanan opened the public hearing and the following person spoke:

- Valerie Rupp Hauer spoke but not about this agenda item, so Buchanan requested that she wait to give her comments during open session.

Hearing no one else, Buchanan closed the public hearing.

**Byrd moved** that the Ordinance be adopted. The motion was seconded by Donovan.

Chris Quinn, Prosecuting Attorney's Office, answered whether the Ordinance was delayed (the memo is dated back to February) because of COVID-19 or if it was delayed so that Councilmembers could get more information.

**Byrd's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2020-043

### **OPEN SESSION (20 MINUTES)**

Buchanan opened the open session and the following people spoke:

- Valerie Rupp Hauer spoke about concerns about COVID-19 during the ferry dry dock, and vacation rentals.
- Andrew Gamble spoke about proposed Cherry Point amendments
- Adam Lambe spoke about proposed Cherry Point amendments
- Trevor Smith spoke about proposed Cherry Point amendments
- Miguel Perry spoke about proposed Cherry Point amendments
- Barney Smith spoke about proposed Cherry Point amendments

Hearing no one else, Buchanan closed the open session.

### **CONSENT AGENDA**

*Byrd* reported for the Finance and Administrative Services Committee and *moved* that the following agenda items be authorized by consent:

AB2020-335, AB2020-336, AB2020-337, AB2020-338, AB2020-339, AB2020-342, AB2020-343, AB2020-349, AB2020-378, AB2020-341, AB2020-346, AB2020-353, and AB2020-356.

Dana Brown-Davis, Clerk of the Council, clarified that AB2020-356 was moved from Consent to Other Items on the agenda and which other agenda items were held or moved.

Byrd removed AB2020-356 from his motion.

Councilmembers voted and the motion carried 6-1 with Elenbaas opposed (see motion and votes on each individual item below).

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

1. AB2020-335 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Skagit County Sheriff's Office for use of the Plantation Rifle Range to train personnel, in the amount of \$15,134.81

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

**Nay:** 1 - Elenbaas

**Absent:** 0

2. AB2020-336 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Marysville Police Department for use of the Plantation Rifle Range to train personnel, in the amount of \$12,716.30

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

**Nay:** 1 - Elenbaas

**Absent:** 0

3. AB2020-337 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Bellingham Police Department for use of the Plantation Rifle Range to train personnel, in the amount of \$26,476.80

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

**Nay:** 1 - Elenbaas

**Absent:** 0

4. AB2020-338 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Anacortes Police Department for use of the Plantation Rifle Range to train personnel, in the amount of \$6,422.23

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

**Nay:** 1 - Elenbaas

**Absent:** 0

5. AB2020-339 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Sedro-Woolley Police Department for use of the

Plantation Rifle Range to train personnel, in the amount of \$7,414.23

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

**Nay:** 1 - Elenbaas

**Absent:** 0

6. AB2020-342 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Mount Vernon Police Department for use of the Plantation Rifle Range to train personnel, in the amount of \$6,783.04

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

**Nay:** 1 - Elenbaas

**Absent:** 0

7. AB2020-343 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Skagit Valley College for use of the Plantation Rifle Range to train personnel, in the amount of \$22,498.85

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

**Nay:** 1 - Elenbaas

**Absent:** 0

8. AB2020-349 Request authorization for the County Executive to enter into an interlocal lease agreement between Whatcom County and the City of Bellingham for use of a County owned road and right-of-way at Boulevard Park to build a restroom building

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

**Nay:** 1 - Elenbaas

**Absent:** 0

10. AB2020-378 Request authorization for the County Executive to enter into an agreement between Whatcom County and the Washington State Department of Commerce for a grant in the amount of \$60,461.00 for provision of victim-witness advocacy services in District Court matters

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

11. AB2020-341 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Elliot Bay Design Group, LLC to provide engineering services for the annual dry dock for the Whatcom Chief ferry along with the other on-call services, as needed, for the Lummi Island Ferry system during the year, in the amount of \$10,000 for a total amended contract amount of \$170,000

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

**Nay:** 1 - Elenbaas

**Absent:** 0

12. AB2020-346 Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Youth Services to provide outreach and engagement of youth and young adults designed to reduce risk of opioid use disorder, in the amount of \$160,000

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

**Nay:** 1 - Elenbaas

**Absent:** 0

13. AB2020-353 Request authorization for the County Executive to enter into a contract between Whatcom County and Lake Whatcom Residential & Treatment Center to provide reimbursement for COVID-19 related operations expenditures, in the amount of



\$100,000

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

**Nay:** 1 - Elenbaas

**Absent:** 0

9. AB2020-357 Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Ecology 2020-2021 Washington Conservation Corps Crew Agreement (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Byrd reported for the Finance and Administrative Committee and stated that this agenda item was HELD IN COMMITTEE.**

15. AB2020-364 Request authorization for the County Executive to enter into a five-year lease agreement, using the National Association of State Procurement Officials ValuePoint Master Agreement #ADSPO16-00006328 and State of Washington Participating Addendum #05515, between Whatcom County and Pitney Bowes for a replacement Pitney Bowes Connect+ SendPro mail machine, in the amount of \$50,887.25

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

**Nay:** 1 - Elenbaas

**Absent:** 0

16. AB2020-365 Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Family YMCA for operational losses incurred at their child care facilities as a result of COVID-19 impacts, in the amount of \$292,221

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Contract be authorized by consent. He **then withdrew** his motion and stated he would like to discuss it later in the agenda. See motion and vote under Other Items.

Tyler Schroeder, Executive's Office, stated the Administration is fine with them waiting to vote on this item.

17. AB2020-367 Request authorization for the County Executive to enter into a contract between Whatcom County and MORE Smiles Learning Center to provide funding to cover

operational losses incurred at their child care facilities as a result of COVID-19 impacts, in the amount of \$50,000

Byrd stated he would like to wait to vote on this item. See motion and vote under Other Items.

- 18. AB2020-361 Request authorization for the County Executive to award bid #20-48 and enter into a contract between Whatcom County and Henifin Construction LLC for the Leeward Way Drainage Improvement Project CRP 920015 in the amount of \$229,270

Dana Brown-Davis, Clerk of the Council, clarified the numbering of this item on the agenda.

**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 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

- 14. AB2020-359 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Tetra Tech Inc to amend Whatcom County Contract 2019-06008-2 in the amount of \$23,268 for a total amended contract amount of \$61,553

*Clerk's note:* Byrd started to report on AB2020-316 under Other Items, but Browne stated a point of order that AB2020-359 had been skipped so they moved to AB2020-359.

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Contract be authorized by consent.

Kraig Olason, Public Works Department, answered why the projects are not grouped together.

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

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

**Nay:** 0

**Absent:** 0

**OTHER ITEMS**

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

1. AB2020-316 Ordinance amending the 2020 Whatcom County Budget, request no. 16, in the amount of \$987,509

*Byrd* reported for the Finance and Administrative Services Committee and *moved* that the Ordinance be adopted.

Councilmembers discussed the motion.

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

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

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

**Absent:** 0

Enactment No: ORD 2020-044

2. AB2020-374 Report and request for a motion of support from the Whatcom County Council in acknowledgement and support of distributing these CARES Act dollars to our very valuable childcare businesses as recommended by the countywide Childcare review team comprised of representatives from Whatcom County, City of Bellingham, Opportunity Council, Health Department, United Way, and Mt. Baker Foundation

*Byrd* reported for the Finance and Administrative Services Committee and *moved* to approve the businesses on the list.

*Frazey* stated her concern that The Firs Bible After School Adventure (The Firs) practiced discriminatory hiring and *moved* to amend the motion to allocate all the funds to the childcare facilities listed with the exception of The Firs. The motion was seconded by Browne.

Karen Frakes, Prosecuting Attorney's Office, stated she sent an email to Frazey that pertains to this topic that Councilmembers might want to look at before making a decision.

Councilmembers discussed the motion to amend.

*Browne suggested* a friendly amendment to Frazey's motion to require that The Firs provide confirmation that they will not discriminate on any basis in order to get the money.

*Frazey accepted* the friendly amendment.

Frakes stated The Firs has not signed the contract and at most that contract requires that they not discriminate in the use of that \$15,000. We do not

have the ability to control their practices beyond that.

Satpal Sidhu, County Executive, stated he agrees with Ms. Frakes. The Firs can choose to sign the contract with its provisions or not.

Browne suggested that every recipient be given a cover letter that draws their attention to the discrimination clause as a requirement for receiving the funds.

*Frazey withdrew* her motion to amend as long as such a cover letter is included.

Councilmembers discussed the main motion to approve the allocations.

The motion carried by the following vote:

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

**Nay:** 1 - Elenbaas

**This agenda item was DISCUSSED AND MOTION(S) APPROVED to approve the allocations.**

3. AB2020-376 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce for funding to develop and expand shelter programs, in the amount of \$1,194,211

*Byrd* reported for the Finance and Administrative Services Committee and *moved* that the Interlocal be authorized.

Councilmembers discussed the motion and Satpal Sidhu, County Executive, clarified that the item is a grant to the County.

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

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

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

**Absent:** 0

5. AB2020-389 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Fire Protection District #7 to provide COVID-19 testing

*Byrd* reported for the Finance and Administrative Services Committee and *moved* that the Interlocal be authorized. The motion was seconded by Browne.

Satpal Sidhu, County Executive, answered whether Point Roberts requested or received funding for a similar effort, whether any metrics would be included so Councilmembers know how many people are being tested per dollar spent.

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

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

**Nay:** 0

**Absent:** 0

- 4. AB2020-385 Report and request for a motion of support from the Whatcom County Council in acknowledgement and support of distributing these CARES Act dollars to our very valuable businesses as recommended by the countywide business review team comprised of representatives from Whatcom County, City of Bellingham, and Small Cities, Port of Bellingham Regional Economic Partnership, WWU small Business Development Center, Whatcom Community Foundation and Bellingham Regional Chamber of Commerce

**Byrd** reported for the Finance and Administrative Services Committee and **moved** to approve the applicants listed under the Whatcom County column, noting the amendment of the removal of the Spice Hut from the City of Bellingham’s list.

Satpal Sidhu, County Executive, stated the dollars for the Spice Hut were City of Bellingham dollars and not County dollars. However, the Spice Hut sent an email withdrawing their application.

Tyler Schroeder, Executive's Office, answered whether the Administration needs a motion covering the entire amount or just the unincorporated portion.

Councilmembers discussed the motion.

Schroeder answered whether the same process with these applicants will be used that they are using with the child care business applicants.

**The Report was DISCUSSED AND MOTION(S) APPROVED. Byrd's motion to approve the applicants listed under the Whatcom County column, noting the amendment of the removal of the Spice Hut from the City of Bellingham’s list carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 2 - Donovan, and Elenbaas

16. AB2020-365 Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Family YMCA for operational losses incurred at their child care facilities as a result of COVID-19 impacts, in the amount of \$292,221

**Byrd reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion was seconded by Donovan. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

17. AB2020-367 Request authorization for the County Executive to enter into a contract between Whatcom County and MORE Smiles Learning Center to provide funding to cover operational losses incurred at their child care facilities as a result of COVID-19 impacts, in the amount of \$50,000

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Contract be authorized by consent. The motion was seconded by Donovan.

Satpal Sidhu, County Executive, answered which childcare business is running the preschools in the schools that are closed because of COVID-19 and whether they are renting the buildings from the schools.

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

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

**Nay:** 0

**Absent:** 0

6. AB2020-356 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Conservation District to amend the 2019 Interlocal and Subrecipient Agreement for the Pollution Identification and Correction Program Non-Dairy Agricultural Technical Assistance in the amount of \$223,932.00 for a total amended contract amount of \$530,182.00 (Council acting as the Flood Control Zone District Board of Supervisors)

Dana Brown-Davis, Clerk of the Council, stated this item was on the Consent Agenda but moved to Other Items because it is a Flood Control Zone District Board of Supervisors item.

Councilmembers, Brown-Davis, and Satpal Sidhu, County Executive, discussed whether the Council had voted on this already.

Tyler Schroeder, Executive's Office, said AB2020-271 was discussed in July but that the Administration can confirm the difference between the two items.

Elenbaas suggested that the item be held for two weeks to get more clarity.

**Browne moved and Buchanan seconded that the Contract be held and REFERRED TO COMMITTEE. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**(From Committee of the Whole Executive Session)**

Buchanan reported for Committee of the Whole Executive Session.

**Browne moved** to approve defense and indemnification of Whatcom County employee defendants Bill Elfo, Wendy Jones, Caleb Erickson, Adam Miller, Cheryl Cardinal, Matt Turner, Jason McDonald, Matthew Charroin, Tim Kiele, Krista Robinson, Jeffrey Hindman, Violet Ignashova, Miriah Brown, Joshua Farmer and contractor Stuart Andrews, named in Cooper as personal representative of the Estate of Paula Jefferson, et al. v. Whatcom County, et al. US District Court Western District of WA No. 2:20-cv-01196. The motion was seconded by Donovan.

The motion carried by the following vote:

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

**Nay:** 0

Buchanan read into the record the following corrected version of the title of the second item and stated that no action was taken: Discussion of potential litigation with Civil Deputy Prosecuting Attorney George Roche: ordinance to revise WCC 2.09 Public Defender's Office, to take place in executive session pursuant to RCW 42.30.110(1)(i)

**INTRODUCTION ITEMS**

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

1. AB2020-368 Ordinance amending the 2020 Whatcom County Budget, request no. 17, in the

amount of \$871,548

Tyler Schroeder, Executive's Office, responded to a request that the specific items included in AB2020-368 be included in a different way so the Councilmembers can vote separately on individual items.

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: ORD 2020-047

2. AB2020-371 Ordinance amending Whatcom County Code 2.09, Public Defender, to reflect current standards of practice outlined under RCW 10.101.030 and the ethical standards relating to conflicts of interest outlined by Washington court rules of professional conduct

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: ORD 2020-048

3. AB2020-377 Ordinance amending the 2020 Whatcom County Budget, request no. 18, in the amount of \$220,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: ORD 2020-049

4. AB2020-360 Ordinance to amend Whatcom County Code 12.60.040, appointment and responsibilities of the Citizen Address and Road Name Appeals Committee

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



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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: ORD 2020-046

5. AB2020-340 Appointment to the Drayton Harbor Shellfish Protection District Advisory Committee, Applicant(s): Patricia Erin Lulu

**Donovan moved and Byrd seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

6. AB2020-362 Appointment to the Climate Impact Advisory Committee, Applicant(s): Stevan Harrel, Sue Gunn, Hunter Hassig, Alec Howard

**Donovan moved and Byrd seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

7. AB2020-363 Resolution in the matter of the Whatcom County Six-Year Transportation Improvement Program (STIP) for the years of 2021 through 2026

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2020-034

8. AB2020-366 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for FY2020 Byrne Justice Assistance Grant Program Award, in the amount of \$12,832.00

**Donovan moved and Byrd seconded that the Agreement Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried**

**by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

- 9. AB2020-358 Resolution adopting the Six-Year Water Resources Improvement Program (WRIP) 2021-2026 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Donovan moved and Byrd seconded that the Resolution (FCZDBS) Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2020-033

- 10. AB2020-352 Ordinance adopting various amendments to WCC Titles 12 (Roads & Bridges), 16 (Environment), 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures)

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: ORD 2020-045

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

- 1. AB2020-351 Confirmation/appointment of councilmembers to serve on two subcommittees of a five-county regional cooperation group (Skagit, Whatcom, Island, San Juan, and Snohomish)

**Byrd moved** to confirm and appoint Councilmembers. The motion was seconded by Browne.

Dana Brown-Davis, Clerk of the Council, clarified that a motion is needed to confirm the discussion that took place at the meeting on the 20th of August, 2020 to appoint Browne to the Policy Committee and to appoint

another Councilmembers to serve on the Framework Committee.

Councilmembers and Satpal Sidhu, County Executive, discussed the item.

***Donovan moved*** to nominate Buchanan to serve on the Framework Committee. The motion was seconded by Frazey.

***Donovan amended*** his motion and ***moved*** to nominate and appoint Browne to the Policy Committee and Buchanan to the Framework Committee. The motion was seconded by Frazey.

**Donovan's motion that Browne and Buchanan be NOMINATED AND APPOINTED to the Policy Committee and the Framework Committee respectively carried by the following vote:**

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

**Nay:** 1 - Kershner

**Absent:** 0

**Temp Absent:** 1 - Browne

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

1. AB2020-369 Information only: the County Executive concurrently appoints William Szabo, City appointment, to the Bellingham-Whatcom County Housing Authorities Board of Commissioners

***Donovan moved*** that William Szabo's appointment be confirmed. The motion was seconded by Byrd.

Satpal Sidhu, County Executive, answered whether there was more than one applicant.

**Donovan's motion that William Szabo be CONFIRMED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

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

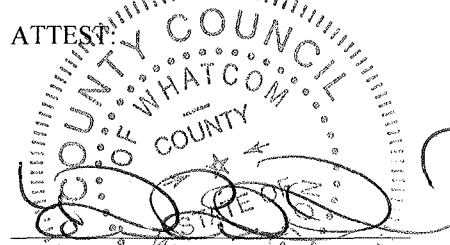
Councilmembers gave committee reports and updates on recent activities and upcoming events.

**ADJOURN**

The meeting adjourned at 9:23 p.m.

The County Council approved these minutes on September 29, 2020.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

A handwritten signature in black ink, appearing to read "Barry Buchanan".

Barry Buchanan, Council Chair

A handwritten signature in black ink, appearing to read "Kristi Felbinger".

Kristi Felbinger, Minutes Transcription