

Whatcom County Council

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



Minutes - Final

ENCOURAGED TO VIEW ONLINE; AGENDA REVISED 3.23.2020 (SEE REVISION N

Tuesday, March 24, 2020

2 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.

COUNTY COUNCIL

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 2 p.m. on a virtual meeting and played in the Council Conference Room 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

ANNOUNCEMENTS

EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, reported on the following:

(COVID RELATED)

- He thanked the Unified Command, the Health Department and volunteers; gave a summary of the steps the County has taken up to this point; and spoke about the groups and individuals in the command structure.
- The count of positive cases in Whatcom County is as expected and we should brace for things to get worse before they get better.
- Follow-up when someone tests positive.
- Work with the border to allow for essential travel and services.
- A limited supply of personal protective equipment (PPE) and test kits at the Unified Command and the work to keep the supplies flowing from Federal, State, FEMA, and private sources.
- Improvement in test result turn-around time.
- The need for trained front line medical professionals, nurses, skilled nursing facility workers, first responders, and care givers.

(NON-COVID RELATED)

- Economic impacts which will be the biggest issue after the medical emergency is over.
- Suspension of the Needs Assessment efforts for the Public Safety Health and Justice Facility contract.
- The Green Apple project, housing crisis and construction, and land use policy,

- Taking advantage of stimulus package programs by preparing a list of shovel-ready projects and requesting Council approval of funds to get current projects to shovel-ready status.
- Getting Whatcom County employees set up with County computers as they are asked to telecommute. Several employees can be reassigned to the Health Department or the Unified Command.

He answered questions about whether his statement about things getting worse is a general statement or whether it refers to something specific in Whatcom County, and whether he knows where today's new positive COVID-19 cases came from or whether they were concentrated in one spot.

PUBLIC HEARINGS

1. [AB2020-121](#) Resolution regarding support for a Community Development Block Grant funding application and review of current CDBG funding opportunities

Tyler Schroeder, Executive's Office, briefed the Council on the agenda item. Sidhu spoke about what the grant can be used for and the fact that it could get pulled and used by the governor for different purposes since money is currently being shuffled during the health crisis. He will keep up on that.

Donovan moved that the Resolution be approved. The motion was seconded.

Sidhu answered questions about the criteria for deciding how the money is allocated.

Donovan withdrew his motion in order to receive public hearing comments.

Buchanan opened the public hearing.

Dana Brown-Davis, Clerk of the Council, read the names of those who submitted comments for both this item and AB2020-154 into the record. The following people provided testimony before the meeting via email:

- Suzanne Mildner
- The Opportunity Council
- Satpal Sidhu
- The Department of Commerce
- Wendy Harris

Donovan moved that the Resolution be approved. The motion was seconded.

Councilmembers and Sidhu discussed the Resolution, whether the County qualifies for the grant, how applicants should be aware of the implications of accepting the grant in light of this health crisis, whether the County pays for the upfront application process, and how this item and AB2020-154 are related to each other.

Donovan's motion that the Resolution Requiring a Public Hearing be APPROVED carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: RES 2020-011

2. [AB2020-154](#) Resolution supporting a Community Development Block Grant (CDBG) Economic Opportunities grant application

See public commenters for this item under AB2020-121.

**Donovan moved and Browne seconded that the Resolution be APPROVED.
The motion carried by the following vote:**

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: RES 2020-012

OPEN SESSION

The following people submitted comments via email for Open Session:

- Allison Calder
- Louise Cassidy
- John Lesow

OTHER ITEMS

1. [AB2020-110](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Freedom 2000, LLC dba Cando Recycling and Disposal to lease the Johnson Road Transfer Station Facility in Point Roberts, in the amount of \$750 per month

Browne moved and Donovan seconded that the Contract be authorized.

Byrd moved to hold in Council. The motion was seconded by Kershner.

Sidhu and Schroeder answered questions about whether the contract is time

sensitive, whether a contract has already been signed, and whether the contract is for the land.

Byrd's motion that the Contract be HELD IN COUNCIL carried by the following vote:

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

Nay: 2 - Browne, and Frazey

Absent: 0

2. [AB2020-118](#) Ordinance amending the 2020 Whatcom County Budget, request no. 6, in the amount of \$339,615

Frazey moved and Donovan seconded that the Ordinance be adopted.

Councilmembers, Sidhu and Schroeder discussed how budget requests are presented to the Council as a group of items as opposed to each item individually, an explanation about the swift creek request, having information on how each request in the ordinance would impact the budget, whether any of the requests have a timeline and need to be approved today, and getting a future update on how much the Humane Society costs the County.

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

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

Nay: 1 - Elenbaas

Absent: 0

Abstain: 1 - Byrd

Enactment No: ORD 2020-009

3. [AB2020-119](#) Ordinance establishing the Swift Creek Capital Projects Fund and establishing a project based budget for Swift Creek Capital Projects

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-010

4. [AB2020-120](#) Ordinance authorizing an interfund loan to finance cash flow for the Swift Creek

Capital Projects Fund

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-011

5. [AB2020-140](#) Request approval for the Council Chair to sign on behalf of the Council the 2020 PIC (Pollution Identification and Correction) Program introductory letter

Erika Douglas, Public Works Department, answered questions about who gets this letter and whether it's only for those suspected of polluting. It typically goes out to all landowners in the area unless there are only a few landowners they would like to reach about a particular hotspot.

Donovan's motion that the REQUEST be APPROVED carried by the following vote:

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

Nay: 0

Absent: 0

6. [AB2020-127](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Lynden to remove Yakima County Jail and add Kittitas County Jail as a Correctional Facility utilized by Whatcom County

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

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

Nay: 0

Absent: 0

7. [AB2020-128](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the Whatcom Humane Society to extend the term of the agreement an additional eight months through December 31, 2020

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

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

Nay: 1 - Elenbaas

Absent: 0

8. [AB2020-133](#) Request authorization for the County Executive to amend a contract between Whatcom County and Washington State Military for the FY2017 Operation Stonegarden Program grant extending the expiration date, revising Key Personnel, and adjusting grant timeline dates

Sidhu answered a question about getting further information to the Council on this item.

**Kershner moved and Byrd seconded that the Interlocal be AUTHORIZED.
The motion carried by the following vote:**

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

Nay: 0

Absent: 0

9. [AB2020-134](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the City of Bellingham to provide administrative oversight of the Domestic Violence Perpetrator Opportunity for Treatment Services in the amount \$100,000

**Frazey moved and Donovan seconded that the Interlocal be AUTHORIZED.
The motion carried by the following vote:**

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

Nay: 0

Absent: 0

10. [AB2020-152](#) Discussion regarding rental eviction proceedings associated with COVID-19 public health emergency

Anne Deacon, Health Department, briefed the Council on what she knew. Councilmembers discussed the item and working with homeowners and renters going forward.

This agenda item was DISCUSSED.

11. [AB2020-149](#) Emergency ordinance amending the 2020 Whatcom County Budget, request no. 8, in the amount of \$1,155,821

The following people spoke:
Satpal Sidhu, County Executive
Anne Deacon, Health Department

They and Councilmembers discussed an explanation of the ordinance which

addresses \$250,000 approved at the last regular Council meeting and a grant through FEMA, the focus and eligible costs for the grant money, and what the money has been used for so far. Deacon stated they have relocated the Lighthouse Mission's drop-in center to Bellingham High School, there is contract in process with the school district to help reimburse some of their costs, there is a contract with the Lighthouse Mission to help support the addition of more staff to provide oversight, and working through Unified Command on these issues and for quarantine and isolation space.

She and Sidhu answered questions about where that quarantine space will be, the total capacity of the new high school shelter, whether they have given any consideration to a suggestion to use trailers for housing people, whether the funds can be used just for those who are homeless or for anyone in quarantine or isolation, why the plan for the Shuksan care facility is to continue to care for patients who are well in the same facility as people who are sick and whether those who are not confirmed can be removed and placed in isolation in a hotel until it's determined whether they are positive for the virus or not, whether the funds can be used for that purpose, whether the Medical Reserve Corps could be activated to help with the care facility, whether it is the Unified Command that is handling what happens to the individuals of the care facility or the Health Department, how this ordinance relates to two upcoming proposed emergency ordinances (AB2020-161 and AB2020-162), and how the use of the money will be directed.

Kershner moved that the Emergency Ordinance be adopted. The motion was seconded by Donovan.

Discussion continued on the authority for transferring and using the funds, and getting more information in the future on Whatcom County's financial system and how it works.

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-012

12. [AB2020-153](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce for emergency housing funding necessary to immediately respond to the COVID-19

outbreak, in the amount of \$905,821

Kershner moved and Donovan seconded that the Interlocal be AUTHORIZED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

13. [AB2020-155](#) Discussion regarding property tax law as it related to COVID-19
- Steve Oliver, County Treasurer, submitted a handout (on file) and briefed the Councilmembers on a Draft Whatcom County 2020 First Half Property Tax Collection Plan.

The following people were also a part of the discussion:

Karen Frakes, Prosecuting Attorney's Office
Brad Bennett, Administrative Services Department
Satpal Sidhu, County Executive

They and Oliver answered questions about and Councilmembers discussed the authority of the Treasurer and whether decisions will need Council authorization, being clear that suspension of property tax foreclosure proceedings refers to property tax non-payment as opposed to mortgage non-payment, whether they can come to an agreement with businesses on how they pay taxes, what percentage of our property taxes not getting paid would we have to hit before we have to think about tightening the belt on the budget and whether that percentage would be covered by the 30% of tax payments which are paid automatically by mortgage companies, whether the Treasurer has had to deal with any changes like these before, how small businesses will be helped, protecting the government infrastructure, looking at the budget to see what is not necessary for government functions, and the possibility that the County will have to borrow money from commercial sources or from other County funds.

Kershner moved to ask the administration to start looking at their budget and figuring out what things are non-essential to continuing our government in a functioning manner and looking for any possible reductions. The motion was seconded.

Byrd suggested a friendly amendment that this could be done as soon as possible and asked how much could be cut from the budget.

Bennett stated a lot of money is restricted for a particular purpose and there is maybe less flexibility than it appears.

Councilmembers continued to discuss the motion.

Kershner restated her motion and Buchanan read into the record to ask the Administration to begin looking at where reductions in costs could be made as we navigate this crisis and anticipate reduced tax revenue.

Councilmembers discussed when this should be done and whether Finance could bring some ideas within two weeks.

Sidhu stated that 70% of the money the County spends is on personnel and 30% on on services and things that they buy. They will come back in a couple weeks and share ideas of what can be done in the short and long term. Input from the Council will be important as they develop the 2021-2022 budget.

Councilmembers concurred that getting ideas from the Administration in two weeks would be good but they would leave some flexibility in that.

The motion to carried by the following vote:

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

Nay: 0

Councilmembers and Oliver discussed waiting for a week or more so the Treasurer can work with the Executive's Office and craft a plan that is responsive and more meaningful to the people, how the Whatcom Transit Authority (WTA) no longer charging fees is affecting revenue, and how the WTA is being managed.

This agenda item was DISCUSSED AND A MOTION WAS APPROVED.

14. [AB2020-156](#) Discussion with PDS regarding ideas received from the BIAWC related to health order essential function

Kershner briefed the Councilmembers on a request received by the Building Industry Association of Whatcom County (BIAWC) and the Whatcom County Association of Realtors asking that the Planning Department consider their industries during this crisis.

Mark Personius, Planning and Development Services Department Director, spoke about recent communication with the BIAWC and the Relators, described how his department is still operating and available for processing permits, how they are adapting during the crisis, the fact that the current

code already addresses building and land use permit extensions, expedited review of repeat designs, a point of contact in the Planning Department, the progress of the new online permit system, and inspection protocols in place that meet Health Department recommendations.

He answered questions and Councilmembers discussed whether construction companies and mortgage finance title companies are on the essential list, what kind of construction may continue at this time, whether an ordinance should be crafted that would give a blanket statement that any deadline that was due in March or April will be extended by 60 days, the fact that Hearing Examiner hearings have been canceled which will delay land use and shoreline permits which then will delay permit reviews.

This agenda item was DISCUSSED.

15. [AB2020-160](#) Presentation from Lummi Nation related to COVID-19

The following Lummi Indian Business Council members joined the call:

Celina Phair
Nickolaus Lewis
Travis Brockie, Vice Chair

They, Councilmembers, and Satpal Sidhu, County Executive, discussed an update on what the Lummi Nation has done to deal with the COVID-19 crisis, how they compare with the rest of the County in their efforts and their need for supplies, their pursuit of building an alternate site for treating low acuity patients, acknowledgement for their aggressive and swift action, whether there is a possibility of using the casino as a field hospital, facilitating conversations between governments, the fact that Lummi is not on the hospital network so they are not able to get medications and supplies from vendors who won't take them as new clients, low medical supplies despite a request made through the county Emergency Operations Center (EOC), whether their relationship with the State of Washington as a sovereign nation means their requests go directly to the State instead of to the County, the viability of expired personal protective equipment, the governments working together cooperatively, ways they are handling their elder care facility that the County could learn from, offering hazard pay for health care workers, how many positive COVID-19 cases they have, whether they are using the County Health Department to get tests and whether they will test everyone, and whether their testing statistics have been included with the County's statistics.

This agenda item was PRESENTED AND DISCUSSED.

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers discussed scheduling the next special meeting. They agreed to meet on Thursday, March 26, 2020 at 1 p.m. and to cancel the regularly scheduled Health Board meeting on March 31 and schedule a special meeting on that day at 1 p.m.

Byrd asked about the plan for the people who are still in the Shuksan care facility and **moved** to request that the Health Department give an update about their plans for handling people who are either sick or not sick in the Shuksan facility. The motion was seconded.

Browne suggested a friendly amendment to get information on all county care facilities.

Byrd accepted the friendly amendment.

Councilmembers agreed to make a list of questions and email them to Council Office staff for the next meeting.

The amended motion carried by the following vote:

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

Nay: 0

Byrd moved that the Health Department provide location information for any confirmed or suspected positive COVID-19 cases to first responders so they know about it when they respond to a call. The motion was seconded.

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 5 - Buchanan, Byrd, Elenbaas, Frazey, and Kershner

Nay: 0

Abstain: 2 - Donovan, and Browne

Sidhu stated that first responders should just assume they are going to a positive call unless they hear otherwise.

ADJOURN

The meeting adjourned at 6:04 p.m.

The County Council approved these minutes on June 16, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE