

Whatcom County Council

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



Minutes - Final

Tuesday, March 8, 2022

6 PM

Virtual Meeting

**VIRTUAL MEETING (TO PARTICIPATE, SEE 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 Chair Todd Donovan called the meeting to order at 6:01 p.m. in a virtual 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

Tyler Schroeder, Executive's Office, stated there was not a report.

MINUTES CONSENT

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

1. [MIN2022-016](#) Committee of the Whole Executive Session for February 22, 2022

Buchanan moved and Frazey 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. [MIN2022-017](#) Committee of the Whole for February 22, 2022

Buchanan moved and Frazey 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. [MIN2022-018](#) Regular County Council for February 22, 2022

Buchanan moved and Frazey 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

OPEN SESSION (20 MINUTES)

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

The following people spoke:

- John Worthington
- Eleanor Hines
- Rebecca Cayen
- Misty Flowers
- Lyle Anderson
- Sara Rose
- Susan Prosser
- Klaus Klix
- Robert Bystrom
- Melissa Wisener
- Helga DeLiban
- (Name not given)
- Natalie Chavez
- Enoch Mann
- Richard Tran
- Markis Dee
- Dam Pham
- Jen Durant
- Cliff (last name not given)
- Hannah Ordos
- Karla (last name not given)
- Skip Hamilton
- Fallon Richardson

Hearing no one else, Donovan closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

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

Councilmembers discussed whether AB2022-155 should be removed from the Consent Agenda.

Byrd reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items one through five. Councilmembers voted on those items (see votes on individual items below).

1. [AB2022-106](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bellingham Whatcom County Tourism for support of a tourism economic recovery plan in the amount of \$95,000

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

2. [AB2022-127](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice for Organized Crime Drug Enforcement Task Force (OCDETF), in the amount of \$2,500.00

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

3. [AB2022-129](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Parks and Recreation Commission for Recreational Boating Safety Federal Financial Assistance Grant, in the amount of \$13,979.19

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

4. [AB2022-133](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Quest Diagnostics Clinical Laboratories, Inc. for laboratory services in the amount of \$70,000.00

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. [AB2022-155](#) Resolution updating the appendix of the 2022 Comprehensive Economic Development Strategy (CEDS)

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 2022-010

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2022-130](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to build a health, resource, and service navigation system that will provide timely connection of parents and children, pre-natal to five years, to a range of protective and supportive services, in the amount of \$77,797

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

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

Nay: 0

Absent: 0

(From Council Planning and Development Committee)

2. [AB2022-145](#) Resolution docketing Comprehensive Plan and Development Regulation amendments
Elenbaas reported for the Planning and Development Committee and *moved* that the SUBSTITUTE Resolution be APPROVED.

Councilmembers discussed whether they need to vote on the amendments discussed in committee or just on the substitute resolution as amended in committee.

Mark Personius, Planning and Development Services Department Director, answered where the added items could be found on the revised document.

Elenbaas's motion that the SUBSTITUTE 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 2022-011

(From Council Committee of the Whole)

3. [AB2022-087](#) Ordinance amending Whatcom County Code 2.02.075, Standing Committees, to rename Natural Resources Committee

Donovan reported for the Committee of the Whole and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2022-020

4. [AB2022-131](#) Ordinance amending Whatcom County Code 2.126 (Whatcom County Climate Impact Advisory Committee)

Donovan reported for the Committee of the Whole and *moved* that the SUBSTITUTE Ordinance be ADOPTED as amended in Committee.

Chris Elder, Public Works Department, spoke about Whatcom County Code Section 2.126.030 and Section 2.126.040 Subsection B which both refer to the Office of Climate Action which does not yet exist.

Tyler Schroeder, Executive's Office, answered whether it is advisable they

take that language out of the Ordinance until the office is in place.

Kershner moved and Byrd seconded to amend Whatcom County Code 2.126.030 to read “support the County's climate action efforts” as follows:

To advise the county council and the executive, support the County's climate action efforts ~~Office of Climate Action~~, and work with County staff for related activities as follows:

Schroeder suggested possible language for Whatcom County Code 2.126.040 Subsection B but Councilmembers dispensed with this motion first.

Councilmembers discussed the motion and Schroeder answered whether the funding was already passed for the Climate Action Manager position.

The motion to amend carried by the following vote:

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

Nay: 2 - Galloway and Buchanan

Councilmembers and staff discussed the next section that mentions the Office of Climate Action.

Kershner moved to amend Whatcom County Code 2.126.040 Subsection B as follows:

B. The county council shall appoint the committee members and consult with ~~the Office of Climate Action~~ County staff to identify the expertise required to address current climate mitigation and adaptation needs.

Byrd seconded the motion and ***suggested*** that it say “County staff and various offices” as follows:

B. The county council shall appoint the committee members and consult with ~~the Office of Climate Action~~ County staff and various offices to identify the expertise required to address current climate mitigation and adaptation needs.

Kershner accepted the friendly amendment.

Councilmembers discussed the motion.

The motion to amend carried by the following vote:

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

Nay: 0

Frazey moved and Galloway seconded that the SUBSTITUTE Ordinance be ADOPTED AS AMENDED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2022-021

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-109](#) Appointment to a vacancy on the Business and Commerce Advisory Committee, Manufacturing position, applicant(s): Chris Trout

Buchanan moved and Byrd seconded that the Council Appointment Requiring Introduction be APPOINTED.

Elenbaas asked if the applicant was available but he was not.

Buchanan's motion that the Council Appointment Requiring Introduction be APPOINTED carried by the following vote:

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

Nay: 0

Absent: 0

2. [AB2022-113](#) Appointment to a vacancy on the Climate Impact Advisory Committee, applicants Ray Kamada, Ted Clifton, and Charles Bailey

Byrd moved and Buchanan seconded that they nominate all the applicants.

Jill Nixon, Council Office Staff, answered a question about the breakdown of the available positions.

Ray Kamada, applicant, addressed the Councilmembers.

Councilmembers discussed the motion and voted as follows:

Frazey - **Kamada**

Galloway - **Bailey**

Kershner - **Kamada**

Buchanan - **Kamada**
Byrd - **Kamada**
Donovan - **Bailey**
Elenbaas - **Kamada**

Ray Kamada was appointed with five votes.

This agenda item was APPOINTED.

3. [AB2022-147](#) Appointment to the Flood Control Zone District Advisory Committee, alternate position, applicant(s): Alexandra Williams (Council acting as the Flood Control Zone District Board of Supervisors)

Byrd moved and Kershner seconded that the Council Appointment 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

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2022-140](#) Request confirmation of the County Executive's appointment of Walter Hudsick to the Whatcom County Bicycle/Pedestrian Advisory Committee

Byrd moved and Galloway seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

2. [AB2022-151](#) Request confirmation of Executive Sidhu's appointment of Dawna Morse to the Whatcom County Housing Advisory Committee

Buchanan moved and Byrd seconded that the Executive Appointment be CONFIRMED. The motion 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

Byrd moved to introduce items one through seven. The motion was seconded by Frazey.

Dana Brown-Davis, Clerk of the Council, answered whether AB2021-156 will get its own dedicated public hearing.

Jill Nixon, Council Office staff, answered whether a Council appointment is usually introduced.

See motion and votes on individual items below.

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

Byrd 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 2022-026

2. [AB2022-156](#) Ordinance repealing Ordinance 2022-005, temporary closure of Gulf Road

Byrd 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 2022-025

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

Byrd 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 2022-022

4. [AB2022-137](#) Ordinance for temporary installation of a stop sign on Drayton Harbor Road

Byrd 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 2022-023

5. [AB2022-138](#) Ordinance for temporary installation of stop signs on South Pass Road

Byrd 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 2022-024

6. [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 INTRODUCED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

7. [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 moved and Frazey seconded that the Resolution (FCZDBS) 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: RES 2022-014

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave committee reports and gave updates about the following:

- iLegislate
- International Women's Day
- State Legislative updates
- The hybrid committee meetings today
- Business and Commerce Advisory Committee positions
- Recent tours of the jail, jail work center, and Crisis Stabilization Center taken by some Councilmembers

ADJOURN

The meeting adjourned at 8:20 p.m.

The County Council approved these minutes on March 22, 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