

Whatcom County Council (Special)

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



Minutes - Final

VIRTUAL MEETING - SPECIAL COUNCIL/HEALTH BOARD MEETING

Tuesday, March 31, 2020

1 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.

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1 p.m. on the virtual meeting.

ROLL CALL

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

Absent: None

ANNOUNCEMENTS**COUNTY EXECUTIVE'S REPORT**

There was no Executive Report.

SPECIAL UPDATES AND DISCUSSION/ACTION ITEMS

1. [AB2020-116](#) Update on COVID-19

Erika Lautenbach, Health Department Director, updated the Councilmembers on the following:

- The Whatcom Unified Command has changed their operational from seven days to four days (Monday through Thursday).
- The overarching goals of Whatcom Unified Command
- The objectives of the Unified Command sections for this operational period, including
 - OPERATION - monitoring the spread of disease at the Shuksan and other nursing facilities; supporting the drop-in center at Bellingham High School; supporting the food banks, providing testing and follow-up on those that have tested positive; providing technical assistance to primary care providers; ensuring continuity of operations for police, fire, and emergency medical services resources; developing and acting on plans for an isolation and quarantine facility for those at the drop-in center that show COVID-19-like symptoms; working to identify economic impacts and advise on strategies to mitigate impacts; and advising businesses on the Governor's stay-home order.
 - LOGISTICS - securing personal protection equipment (PPE) for all health care providers; working on coordinating and securing long term staffing for Emergency Operations Center (EOC) positions; and working to secure equipment and facilities to support all operations.
 - FINANCE AND ADMINISTRATION - working on

coordinating contracts for all of the above and keeping track of expenses related to Unified Command so we can be reimbursed appropriately.

- PLANNING - identifying facilities for expansion of hospital services; identifying facilities for treatment centers out in the county; identifying facilities for isolation and quarantine in communities outside of Bellingham; identifying personnel needed to staff and operate these surge facilities; and using data to model what the anticipated growth and spread timelines are in order to stay ahead of the game on getting these facilities operational.

- A decision made by the incident commanders to report to dispatchers confirmed cases of COVID-19 for first responders. A plan for how this will happen will be formed in the next couple days.
- A location has been identified for quarantine and isolation for those at the drop-in center that are showing symptoms and should be up and running by the end of this operational period.
- NW Laboratories is now able to take COVID-19 tests which will reduce the turn-around time of testing to about 24-48 hours. The Health Department is ramping up drive-through testing and Peace Health is also working on this. Peace Health has had staff onsite at the EOC every day and working with Unified Command on all the issues from a health care perspective.
- Filming public service announcements featuring City Mayors, the County Executive and City Councilmembers.
- Work by the Planning Section, the epidemiology team, partners from Western Washington University and others on local forecasting and modeling to identify what to expect. It is in draft form but the model shows a significant change if we lose momentum on social and physical distancing.

She answered questions about whether a recommendation will come from the Health Department to use the fastest testing method that they can, the need for personnel to staff surge facilities, community interest in widespread testing to figure out if there are people who have recovered and have antibodies so they could go back to work, addressing contracts with labs that might keep us from getting test results quickly, whether protocols around who gets tested will be loosened up, communicating with the public about the Planning Section's models for timelines and strategies to show the community what to expect and why choices are being made, and whether case data will be released to those creating the models.

Steve Oliver, County Treasurer, spoke about concerted efforts of various

counties to craft a policy about property tax due date extensions. He answered questions and spoke about his previous forecast for budget constraints; the County's cash flow; how the general fund now compares to the fund during the last economic downturn; and being careful how much they allow the general fund balance to drop.

Tyler Schroeder, Executive's Office, stated that he, Oliver and Brad Bennett, Administrative Services, have been discussing these issues and would like an opportunity for more thorough dialogue about it at the next Council meeting in the Executive Report.

Councilmembers continued to discuss the agenda item.

This agenda item was DISCUSSED.

2. [AB2020-117](#) Discussion of strategies related to COVID-19

Councilmembers discussed ways for people to interact such as setting up drive-in movies, the importance of wearing masks and whether people should be encouraged to wear them when they go out, setting up hand washing stations at grocery stores, and whether grocery clerks should wear masks, and whether the motions made at the March 24, 2020 Council meeting have been addressed by the Health Department.

This agenda item was DISCUSSED.

OTHER ITEMS

1. [AB2020-161](#) Emergency Ordinance establishing the COVID-19 Emergency Response Fund and establishing a budget for the COVID-19 Emergency Response Fund

The following people discussed this item with the Councilmembers:

Tyler Schroeder, Executive's Office

Brad Bennett, Administrative Services Department

Karen Frakes, Prosecuting Attorney's Office

Dana Brown-Davis, Clerk of the Council

Schroeder briefed the Councilmembers on the Ordinance and its purpose and he, Frakes, and Bennett answered questions about whether this is an emergency or standard ordinance, whether we are expecting to be reimbursed for this from Federal and State funds, whether the local match amount of 1.25 million dollars would come just from Whatcom County or also Bellingham, whether the ordinance contains more than one subject, whether expenditures and contracts from the four million dollar fund will still require Council approval, which fund the interfund loan would be authorized to come from, whether loaning Economic Development Investment (EDI) fund money is consistent with the Revised Code of

Washington (RCW) concerning the EDI fund, which version of the ordinances in the packet is most current since both list different funds, why they are not proposing to put the money into the Emergency Management Fund which is already established, what authority the Executive's Office is using, and whether the Council has ceded their legislative and budgeting authority to the Executive.

Councilmembers and staff continued to discuss the role for the Council and the Sheriff as listed in the Whatcom County Comprehensive Emergency Management Plan (CEMP), how much the City of Bellingham will contribute, not knowing what the projected balances will be and how the loan will impact the County budget, not knowing what the burn rate has been so far and what approved funds have been spent on up to this point, whether the Unified Command is run by the Sheriff's department, whether the Sheriff or his designee is putting together the budget and making decisions on how to respond to this emergency or whether it is in coordination with the Administration, the need for more information on the Unified Command spending protocols before adopting the ordinance, what would happen if the Council does not adopt the ordinance, the need to expedite some purchases, whether the decisions about spending come from the Unified Command or the Health Department, and a request to have more information and a plan for the money that's being allocated.

Buchanan moved that the Ordinance be adopted. The motion was seconded.

Schroeder, Bennett, and Steve Oliver, County Treasurer, answered questions and discussion continued about concerns that the money is coming out of the EDI Fund and will have to be paid back to that fund, the time frame in which the loan has to be paid back, whether Bennett is on the section of the Unified Command that determines what money will be used and where if it is over \$40,000, the difference between this interfund loan process and the regular EDI fund loan process, how the ordinance could be amended so that everyone could agree on it, and what things would be delayed if adoption of the Ordinance is delayed.

Donovan moved to call the question. The motion was seconded.

The motion to call the question carried by the following vote:

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

Nay: 3 - Byrd, Elenbaas, and Kershner

The motion to adopt the Ordinance failed (due to the lack of a 2/3 majority) by the following vote:

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Councilmembers and staff discussed what amount they would be willing to approve, having information about how long this event will be go on based on the models, whether the Administration could get the data that has been requested by tomorrow, and what data the Councilmembers are interested in.

Byrd asked about the burn down rate for the money that has already been allocated for the project, and Schroeder answered his question, listed projects the money has been used for and explained why the request in today's ordinance is an interfund loan through the EDI Fund. The dollars are going to the Unified Command and not the Health Department.

Councilmembers spoke about the need to have as much information as possible to make an informed decision, not cutting off debate before everyone gets questions answered, approving a lesser amount of money now and then increasing it as expenses go up, approving smaller amounts so the Council knows where the money is going, having a routine check-in point in order to understand how money is being spent up to that point in time, understanding the strategy that's moving forward, seeing the projected epidemiology model so they know how long the crisis is going to go on which will inform them how far approved money will go, knowing the general buckets into which the funds will go, comprehending why decisions are being made and understanding them, having an understanding of what the impact will be to the County financials, having a communications plan or a dedicated professional communications officer hired and put in charge of the Joint Information Center (JIC) to run all communications and talk the community routinely, understanding decision making and who has veto authority, how veto authority is being used, understanding the protocol that is going to be used once this budgeting process moves out of the Council's hands, what has already been spent, the projections for the future and the models they are based on, and the protocol that will be in place for directing those funds.

Byrd moved to amend the ordinance to change the amount from \$4,000,000 to \$500,000.

Oliver spoke about his observations of Bennett and Schroeder working hard to get the expenditure process at Unified Command under control so that we can see what the cash burn really looks like. This is not a regular purchasing circumstance. The best process will protect the general fund in

the end.

Byrd restated his motion. The motion was seconded.

Councilmembers discussed the requests stated today, and the motion.

Browne moved to amend Byrd's motion to change the amended amount to \$1,000,000 instead of \$500,000. The motion was seconded.

Councilmembers, Schroeder, and Brown-Davis discussed giving the Council more understanding of how the money will be spent; keeping the people and the Council informed; the possibility of the Administration coming back in two days with a protocol for the expenditure decisions, what has been spent to date, and an approximation of what we plan to spend it on; getting the epidemiology model; and what process the Emergency Ordinance needs to follow.

Browne withdrew his motion and proposed it as a friendly amendment.

Byrd accepted the friendly amendment.

Councilmembers and Schroeder spoke about emergency management language in the Whatcom County Code, and the intent of Byrd's motion to only change the interfund loan payable amount and the Contractual Services amount.

Byrd's amended motion carried by the following vote:

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

Nay: 0

****The motion to adopt the Ordinance as amended carried by the following vote:**

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

Nay: 1 - Elenbaas

*****Due to procedural oversight, this ordinance was not officially adopted by the council; a replacement ordinance will be considered at a later date.***

The Ordinance was ADOPTED AS AMENDED (see note) by the following vote:**

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2020-013

**Due to procedural oversight, this ordinance was not officially adopted by the council; a replacement ordinance will be considered at a later date. See Ord2020-166.

2. [AB2020-162](#) Emergency Ordinance authorizing an interfund loan to finance cash flow for COVID-19 Emergency Response

Tyler Schroeder, Executive's Office, explained how this ordinance would need to be amended to match what was adopted for AB2020-161.

Browne moved that the Ordinance be adopted.

Browne moved to amend the Ordinance to change the stated loan amount from \$4,000,000 to \$1,000,000. The motion was seconded.

Karen Frakes, Prosecuting Attorney's Office, answered questions about the process for amending an emergency ordinance.

Elenbaas moved the hold the ordinance. The motion failed for lack of a second.

The motion to amend the ordinance carried by the following vote:

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

Nay: 0

**The motion to adopt the Ordinance (see note) as amended carried by the following vote:

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

Nay: 1 - Elenbaas

Councilmembers and staff discussed getting information to the Council at the next Special Council meeting; not being able to make commitments about spending until the funds have been approved and are available; talking about protocols for expenditure decisions, what has been spent to date, and what things they plan to spend money on when the Administration believes there are additional needs for funds and brings them forward for consideration.

***Due to procedural oversight, this ordinance was not officially adopted*

by the council; a replacement ordinance will be considered at a later date.

Browne's motion that the Ordinance be ADOPTED AS AMENDED (see note) carried by the following vote:**

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2020-014

**Due to procedural oversight, this ordinance was not officially adopted by the council; a replacement ordinance will be considered at a later date. See Ord2010-165.

ADJOURNMENT

The meeting adjourned at 3:34 p.m.

The County Council approved these minutes on July 7, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

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