

Whatcom County Council

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



Minutes - Final

VIRTUAL MEETING - VIEW ONLINE

Tuesday, July 7, 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: 6 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Ben Elenbaas

Absent: 1 - Kathy Kershner

FLAG SALUTE

ANNOUNCEMENTS

Satpal Sidhu, County Executive

1. [AB2020-279](#) Reading (as required) of Public Employment Relations Commission (PERC) notice
Nan Kallunki, Administrative Services Department, briefed the Councilmembers and read a notice into the record (notice attached to these minutes).

Satpal Sidhu, County Executive, reported to the Council about the Whatcom Unified Command (WUC) and stated that they would remain active until the end of this year but that they would have a reduced function with the flexibility to expand on an as-needed basis. He also spoke about the role of the Health Department, the distribution of masks, and the status of the Byron Avenue isolation center.

This reading of the notice was ACCEPTED and appended to the minutes.

MINUTES CONSENT

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

1. [MIN2020-048](#) Special Council for March 26, 2020

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

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

Nay: 0

Absent: 1 - Kershner

2. [MIN2020-049](#) Special Council for March 31, 2020

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

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

Nay: 0

Absent: 1 - Kershner

3. [MIN2020-050](#) Special Council for April 3, 2020

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

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

Nay: 0

Absent: 1 - Kershner

4. [MIN2020-051](#) Regular County Council for April 7, 2020

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

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

Nay: 0

Absent: 1 - Kershner

5. [MIN2020-052](#) Special Council for April 9, 2020

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

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

Nay: 0

Absent: 1 - Kershner

6. [MIN2020-053](#) Committee of the Whole - Executive Session for April 21, 2020

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

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

Nay: 0

Absent: 1 - Kershner

7. [MIN2020-054](#) Regular County Council for April 21, 2020

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

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

Nay: 0

Absent: 1 - Kershner

8. [MIN2020-055](#) Regular County Council for May 5, 2020

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

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

Nay: 0

Absent: 1 - Kershner

9. [MIN2020-056](#) Committee of the Whole - Executive Session for May 5, 2020

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

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

Nay: 0

Absent: 1 - Kershner

10. [MIN2020-059](#) Committee of the Whole - Executive Session for May 19, 2020

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

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

Nay: 0

Absent: 1 - Kershner

PUBLIC HEARINGS

1. [AB2020-064](#) Ordinance finalizing a revised system of assessment for Drainage Improvement District No. 5

Paula Harris, Public Works Department, briefed the Councilmembers on the agenda item and answered questions about whether the Ordinance has to list every address of people in the district and whether the rate has been changed.

Clerk's note: Council staff played an instructional video on how to join

the meeting to speak.

Buchanan opened the public hearing and the following people spoke:

- Richard Pylilo

Hearing no one else, Buchanan closed the public hearing.

Byrd moved and Donovan seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

Enactment No: ORD 2020-037

2. [AB2020-213](#) Ordinance authorizing installation of stop signs on Truck Road

Jim Karcher, Public Works, stated he was available for questions but there were none.

Buchanan opened the public hearing and hearing no one, closed the public hearing.

Byrd moved and Donovan seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

Enactment No: ORD 2020-038

OPEN SESSION (20 MINUTES)

Clerk's note: Council staff played an instructional video on how to join the meeting to speak.

The following people spoke:

Doug Gustafson
Kathy Sabel
Mary McIntosh
Markis Dee

OTHER ITEMS

(From Council Natural Resources Committee)

1. [AB2020-256](#) Resolution adopting the Lake Whatcom Management Program 2020-2024 Work Plan

Donovan reported for the Natural Resources Committee and *moved* that the Resolution be approved.

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

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

Nay: 0

Absent: 1 - Kershner

Enactment No: RES 2020-023

(From Council Finance and Administrative Services Committee)

2. [AB2020-255](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Skagit County for participation in the Youth Marijuana Prevention and Education Program, in the amount of \$26,000

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

Councilmembers discussed the motion.

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

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

Nay: 1 - Byrd

Absent: 1 - Kershner
3. [AB2020-258](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and San Juan County for participation in the Youth Marijuana Prevention and Education Program, in the amount of \$26,000

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

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

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

Nay: 1 - Byrd

Absent: 1 - Kershner

4. [AB2020-260](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office to develop an outdoor sports court at the East Whatcom Regional Resource Center

Byrd reported for the Finance and Administrative Services Committee and *moved* that the Resolution be approved.

Byrd's motion that the Resolution be APPROVED carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

Enactment No: RES 2020-024

5. [AB2020-267](#) Request permission for the County Executive and the County Council to enter into an agreement for funding support and implementation of the Duffner Ditch Culvert and Flood Gate Replacement Project (Council acting as the Flood Control Zone District Board of Supervisors)

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

Byrd's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

6. [AB2020-268](#) Request permission for the County Executive and the County Council to enter into an agreement between the Ag Water Board of Whatcom County and the Whatcom County Flood Control Zone District relating to Funding Support for Participation in the Flood Integrated Planning Process (FLIP) (Council acting as the Flood Control Zone District Board of Supervisors)

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

Byrd's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

7. [AB2020-269](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department, in the amount of \$400,725.

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

Frazey read the following statement from a memo from the Whatcom County Sheriff: "Participating agencies will not enforce Title Eight" which is concerning United States Immigration Law.

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

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

Nay: 0

Absent: 1 - Kershner

Abstain: 1 - Donovan

8. [AB2020-270](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the U.S. Department of Justice in the amount of \$10,000.

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

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

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

Nay: 0

Absent: 1 - Kershner

9. [AB2020-271](#) Request authorization for the County Executive to enter into an Interagency Agreement amendment between Whatcom County Flood Control Zone District and Washington State Department of Health for support of the Pollution Identification and Correction (PIC) program in the amount of \$447,732 for a total amended contract amount of \$1,047,732

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

Byrd's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

10. [AB2020-273](#) Request authorization for the County Executive to award bid #20-33 and enter into a contract between Whatcom County and Boss Construction, Inc. for the Swift Creek Channel Excavation and Oat Coles North Repository Development project in the amount of \$644,554.61

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

Byrd's motion that the Bid Award be AUTHORIZED carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

11. [AB2020-275](#) Resolution amending Resolution 2019-061 (Amendment #1) relating to the salary schedule and policies for unrepresented Whatcom County employees

Byrd reported for the Finance and Administrative Services Committee and *moved* that the Resolution be approved.

Byrd's motion that the Resolution be APPROVED carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

Enactment No: RES 2020-025

(From Council Committee of the Whole)

12. [AB2020-263](#) Request authorization for the County Executive to sign a proposed interlocal agreement between Whatcom County and the cities relating to interim procedures for amending the Countywide Planning Policies

Mark Personius, Planning and Development Services Department Director, briefed the Councilmembers.

Donovan moved and Frazey seconded that the Interlocal be AUTHORIZED.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

(No Committee Assignment)

15. [AB2020-294](#) Resolution supporting the Executive's Budget Goals for 2021-2022

Buchanan reported for the Committee of the Whole Committee and stated this item was recommended to the full Council.

Donovan spoke about corrected scrivener's errors and *moved* that the Resolution be approved as it was amended in Committee of the Whole. The motion was seconded by Frazey.

Donovan's motion that the Resolution be APPROVED AS AMENDED carried by the following vote:

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

Nay: 2 - Byrd, and Elenbaas

Absent: 1 - Kershner

Enactment No: RES 2020-026

13. [AB2020-106](#) Resolution docketing comprehensive plan and development regulation amendments

Mark Personius, Planning and Development Services Department Director, briefed the Councilmembers. He stated that there would need to be a motion to not waive the fees.

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

Councilmembers and Personius discussed the Resolution.

The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 1 - Kershner

Donovan moved to waive the fees for the privately proposed items.

Councilmembers and Personius discussed the motion and how it should be stated.

Donovan withdrew his motion and *moved* to deny the request for a fee waiver for applications PLN2020-00003 and PLN2020-00004. The motion was seconded by Browne.

Councilmembers and Personius discussed the motion, the amount of the fees, how much of the Planning Department budget comes from fees, whether moving forward with a development proposal would increase the tax revenue for the County in the long term, and whether someone could make an argument that a mistake was made with how the zoning is right now.

The motion to deny the request for a fee waiver carried by the following vote:

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

Nay: 1 - Byrd

Absent: 1 - Kershner

As noted above, Byrd's motion that the Resolution be APPROVED carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 1 - Kershner

Enactment No: RES 2020-027

14. [AB2020-259](#) Resolution amending the Homeless Strategies Workgroup to establish two-year terms for Council-appointed members

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

Cathy Halka, Council Office, answered questions about how the Resolution affects the membership.

Clerk's note: The Council voted later in the meeting (see notes on AB2020-138) to amend the Resolution to include two positions instead of one. The amended Resolution was approved and signed.

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

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

Nay: 0

Absent: 1 - Kershner

Enactment No: RES 2020-028

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2020-138](#) Appointment to the Homeless Strategies Workgroup, Homeless Children and Families position, applicant(s): Joel Kennedy and Emily O'Connor
- Cathy Halka, Council Office, answered a question about whether this appointment is for one position or two.
- Byrd moved*** to nominate and appoint Joel Kennedy. The motion was seconded by Elenbaas.
- Frazey moved*** to nominate and appoint Emily O'Connor. The motion was seconded by Browne.
- Councilmembers discussed the applicants. Donovan suggested that they amend the Resolution (AB2020-259) to allow for both applicants. Councilmembers discussed Donovan's suggestion to amend the Resolution and the requirements for the position.
- Frazey withdrew*** her motion to nominate and appoint O'Connor.
- Byrd withdrew*** his motion to nominate and appoint Kennedy.
- Buchanan moved*** to amend the Resolution to expand the position to two seats. The motion was seconded by Donovan.
- Clerk's note: This amended the Resolution approved earlier in the meeting (AB2020-259).*
- The motion to amend Resolution 2020-028 carried by the following vote:
- Aye:** 5 - Buchanan, Byrd, Donovan, Frazey, and Browne
Nay: 1 - Elenbaas
Absent: 1 - Kershner
- Buchanan moved and Byrd seconded that both applicants be NOMINATED AND APPOINTED. The motion carried by the following vote:**
- Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Elenbaas
Nay: 0
Absent: 1 - Kershner
2. [AB2020-248](#) Appointment to the Noxious Weed Board, District 3, applicant(s): George Kaas
- Frazey moved and Byrd seconded that the applicant be APPOINTED. The motion carried by the following vote:**

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

Nay: 0

Absent: 1 - Kershner

3. [AB2020-249](#) Appointment to Drainage District 3, commissioner position 3, applicant(s): Paul Sangha

Donovan moved and Elenbaas seconded that the applicant be APPOINTED.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

4. [AB2020-250](#) Appointment to the Homeless Strategies Workgroup, Schools position, applicant(s): Lisa Marx

Elenbaas moved and Byrd seconded that the applicant be APPOINTED. The

motion carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2020-264](#) Request confirmation of the County Executive's reappointments of Jodi Sipes and Jana Finkbonner to the Northwest Senior Services Board

Donovan moved and Browne seconded that the applicants be CONFIRMED.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

2. [AB2020-265](#) Request confirmation of County Executive's appointment of Nicholas Evans and Mullane Harrington to the Behavioral Health Advisory Committee

Byrd moved and Frazey seconded that the applicants be CONFIRMED. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

3. [AB2020-266](#) Request confirmation of County Executive's appointment of Peter Coy to the Parks and Recreation Commission

Frazezy moved and Donovan seconded that the applicant be CONFIRMED.

The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 1 - Kershner

4. [AB2020-272](#) Request confirmation of County Executive's appointment of Emily O'Connor and Krista Touros to the Commission on Sexual and Domestic Violence

Frazezy moved and Browne seconded that the applicants be CONFIRMED.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

INTRODUCTION ITEMS

Donovan moved to introduce items one through seven. The motion was seconded (see votes on individual items below).

1. [AB2020-276](#) Ordinance amending the 2020 Whatcom County Budget, request no. 14, in the amount of \$1,810,500

Donovan moved and Frazey seconded that the Ordinance be INTRODUCED.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

Enactment No: ORD 2020-039

2. [AB2020-277](#) Ordinance establishing the Silver Beach Creek Fund and establishing a project based budget for the Silver Beach Creek Stormwater Improvements Fund

Donovan moved and Frazey seconded that the Ordinance be INTRODUCED.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

Enactment No: ORD 2020-040

3. [AB2020-281](#) Appointment to the Wildlife Advisory Committee, member with technical expertise, applicant(s): Barry Wenger

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

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

Nay: 0

Absent: 1 - Kershner

4. [AB2020-282](#) Appointment to the Homeless Strategies Workgroup, Homeless Advocate position, applicant(s): Markis (Dee) Stidham

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

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

Nay: 0

Absent: 1 - Kershner

5. [AB2020-283](#) Appointment to Consolidated Drainage Improvement District 1, supervisor position 3, applicant(s): James Bouma

that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Kershner

6. [AB2020-253](#) Resolution authorizing Whatcom County to enter into a twenty-year communication tower lease agreement with Verizon Wireless for an existing tower site located at the Lookout Mountain Forest Reserve

Donovan moved and Frazey 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 Elenbaas**Nay:** 0**Absent:** 1 - Kershner

Enactment No: RES 2020-031

7. [AB2020-254](#) Resolution authorizing Whatcom County to enter into a twenty-year communication lease agreement with PI Tower Development LLC for an existing tower site located at the Lookout Mountain Forest Reserve

Donovan moved and Frazey 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 Elenbaas**Nay:** 0**Absent:** 1 - Kershner

Enactment No: RES 2020-029

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers discussed fee waivers for docketed applications (see discussion on AB2020-106).

Councilmembers and Satpal Sidhu, County Executive, discussed the comments and email by Richard Pylilo regarding Legislation concerning safe visitation of spouses and family members to patients in care facilities during the COVID-19 crisis and possible solutions.

ADJOURN

The meeting adjourned at 8:09 p.m.

The County Council approved these minutes on August 5, 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

NOTICE TO EMPLOYEES OF UNFAIR LABOR PRACTICE

CASE: 131286-U-19

DECISION: 13082-A

STATE LAW GIVES YOU THE RIGHT TO

- self-organize, join, or assist labor or employee organizations.
- bargain collectively through a representative of your choice.
- refuse to pay dues to a union unless you have affirmatively agreed to make such payments.

THE WASHINGTON STATE PUBLIC EMPLOYMENT RELATIONS COMMISSION (PERC) CONDUCTED A LEGAL PROCEEDING, ISSUED A RULING THAT WHATCOM COUNTY COMMITTED AN UNFAIR LABOR PRACTICE, AND ORDERED THAT THIS NOTICE BE POSTED TO EMPLOYEES:

WE UNLAWFULLY DEDUCTED THE EMPLOYEE SHARE OF THE PAID FAMILY AND MEDICAL LEAVE PREMIUMS FROM EMPLOYEES' PAYCHECKS.

WE UNLAWFULLY FAILED OR REFUSED TO BARGAIN IN GOOD FAITH WITH THE WHATCOM COUNTY DEPUTY SHERIFF'S GUILD OVER THE DECISION TO DEDUCT THE EMPLOYEE SHARE AND THE AMOUNT OF EMPLOYEE PREMIUMS FOR THE PAID FAMILY AND MEDICAL LEAVE PREMIUM.

TO REMEDY OUR UNFAIR LABOR PRACTICE(S):

WE WILL GIVE NOTICE TO AND, UPON REQUEST, NEGOTIATE IN GOOD FAITH WITH THE WHATCOM COUNTY DEPUTY SHERIFF'S GUILD, INCLUDING MEDIATING AND PURSUING INTEREST ARBITRATION IF NECESSARY, BEFORE IMPLEMENTING THE EMPLOYEE PAID FAMILY AND MEDICAL LEAVE PREMIUM.

WE WILL MAKE EMPLOYEES WHOLE BY REIMBURSING EMPLOYEES FOR ANY EMPLOYEE PFML PREMIUMS DEDUCTED FROM THEIR WAGES BEGINNING JANUARY 4, 2019. BACK PAY SHALL BE COMPUTED IN CONFORMITY WITH WAC 391-45-410.

WE WILL RESTORE THE STATUS QUO ANTE BY REINSTATING THE WAGES, HOURS, AND WORKING CONDITIONS THAT EXISTED FOR THE EMPLOYEES IN THE AFFECTED BARGAINING UNIT PRIOR TO THE UNILATERAL CHANGE THAT OCCURRED WHEN THE EMPLOYER BEGAN DEDUCTING THE MAXIMUM EMPLOYEE CONTRIBUTION TO THE PAID FAMILY AND MEDICAL LEAVE PREMIUM FOUND UNLAWFUL IN THIS ORDER.

WE WILL NOT IN ANY OTHER MANNER INTERFERE WITH, RESTRAIN, OR COERCING EMPLOYEES IN THE EXERCISE OF THEIR COLLECTIVE BARGAINING RIGHTS UNDER THE LAWS OF THE STATE OF WASHINGTON.

WHATCOM COUNTY

BY:  DATE: 6/11/2020
Name and Title of Authorized Representative

The decision relating to this violation can be found on the PERC website at <https://decisions.perc.wa.gov>.

THIS NOTICE MUST BE POSTED FOR 60 CONSECUTIVE DAYS
AND MAY NOT BE ALTERED, DEFACED, OR COVERED.



Questions? Visit perc.wa.gov or contact a PERC unfair labor practice administrator:

Dario de la Rosa
dario.delarosa@perc.wa.gov
360.570.7328

Emily Whitney
emily.whitney@perc.wa.gov
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