

Whatcom County Council Committee of the Whole

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



Committee Minutes - Draft Minutes

Tuesday, February 20, 2024

2:30 PM

Hybrid Meeting

**HYBRID MEETING - ADJOURNS BY 4:30 P.M., MAY BEGIN EARLY
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010)**

COUNCILMEMBERS

Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Kaylee Galloway
Jon Scanlon
Mark Stremler

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Council Chair Barry Buchanan called the meeting to order at 2:31 p.m. in a hybrid meeting.

Roll Call

Present: 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Kaylee Galloway, Jon Scanlon, and Mark Stremler

Announcements

Special Presentation

1. [AB2024-146](#) Update on Severe Weather Shelter

Ann Beck, Health and Community Services, briefed the Councilmembers on a history of shelter operations in Whatcom County, the fact that every season is different, and the fact that in two years, they have had two respondents to requests for severe weather shelter providers (Road2Home, who said they would run a nightly shelter not based on temperature, and Ferndale Community Services who said they would like to operate a severe weather shelter). She spoke about what the County's participation looks like and stated it includes about \$250,000 of the County's American Rescue Plan Act (ARPA) funds going toward the nightly shelter, and a \$75,000 contract with Ferndale Community Services. The Health and Community Services Department is also providing the service, oversight, and funding for a severe weather shelter and she gave statistics about how much that needed to be opened so far this year.

Mark Raaka, Health and Community Services, spoke about how many people have been served in the severe weather shelter so far this season, what the shelter space looks like, and how it has been staffed.

Erika Lautenbach, Health and Community Services Director, stated the building they have been using is going to be demolished so their last night of operations is February 29th, and then they need to have the building completely empty by the time the lease ends. They are meeting with the Public Health Advisory Board (PHAB) in March (in response to the Council's interest in forming some sort of homelessness or housing workgroup) to think about role and responsibility goals of the group and to get some recommendations from other related advisory groups. They will provide the Council with an after-action report in May and discuss recommendations for next year, as well as policies around service level, cost, operations, and temperature threshold.

Donovan asked whether we want to start talking about having a permanent facility that other government entities can run, whether we have any public buildings that might be used, how we are going to replace the ARPA money, and where funds are going to come from.

Scanlon asked whether this provides an opportunity to also be well-prepared for heat and smoke season.

Kayla Schott-Bresler, Executive's Office, stated this is guidance they would like to have from Council. When they talk about smoke and heat, she stated she thinks about more of a traditional emergency activation response because it affects the broader population differently than the cold does. There will be a report to Council, potentially in late spring, and it would be a good idea to schedule a work session if Council would like to talk through the human services side of climate impacts for the summer.

The speakers answered whether Health and Community Services taps into the weather service which the County pays for.

Galloway stated she appreciates the work that went into this season and would like to explore partnerships with other departments and offices within the County so this does not land solely on Health and Community Services, and what offering training might look like to County staff year-round.

This agenda item was PRESENTED.

Committee Discussion

1. [AB2024-124](#) Discussion of an ordinance granting the Port of Bellingham a franchise for the provision of telecommunications services in Whatcom County

Councilmembers and staff discussed this and the next agenda item (**AB2024-125**) together.

Andrew Hester, Public Works Department, briefed the Councilmembers. He stated they spoke to the Council about these two items in December and asked for Council's feedback on some special requests from the applicants. The Council was fine with the requests to use a 25-year term, and that there be no franchise fees. There was also commentary about making sure that these franchises had language that says if someone was to take them over, the Council would have the right to require the new franchise holder to go through a franchise process and get a new franchise. These ordinances will be introduced tonight.

Donovan moved to approve, but a motion was not needed.

Hester answered questions about the areas covered and stated they are proposed to be county-wide franchises.

Donovan pointed out a scrivener's error on page two, line two of the proposed ordinance for the Public Utility District (PUD) (**AB2024-125**):

District No. 1 to extend Telecommunication Facilities **top** (should be "to") underserved areas in Whatcom...

Satpal Sidhu, County Executive, asked whether the franchise agreements are technologically agnostic, not specifying the type of technology to be used in case a new technology comes along in the course of the franchise. Hester stated he believes the franchise agreements say they are for telecommunication purposes and it would be up to the Port or PUD to determine how to construct them.

This agenda item was DISCUSSED.

2. [AB2024-125](#) Discussion of an ordinance granting the Public Utility District No. 1 of Whatcom County a franchise for the provision of telecommunication services in Whatcom County

Councilmembers and staff discussed this item under **AB2024-124** above.

This agenda item was DISCUSSED.

3. [AB2024-138](#) Discussion of PLN2022-00006 regarding proposed amendments to WCC Title 20 (Zoning), Chapter 20.51 (Lake Whatcom Watershed Overlay District), to exempt trail maintenance, reconstruction, and construction from the seasonal clearing activity limitations in WCC 20.51.410

Cliff Strong, Planning and Development Services Department, briefed the Councilmembers on where they are on this project, and read from a presentation (on file). He stated they are giving the Council two options:

1. They continue processing this, taking it through the Planning Commission, and holding hearings with the Planning Commission and Council.
2. Council removes this from the docket.

Mike Kershner, Planning and Development Services Department, answered whether one of the biggest contributors to phosphorus going into the lake is mountain biking because of the way it tears up the soil. He stated water quality is linked to development but there is no specific data regarding mountain bike trails.

Strong answered what “certain circumstances” have been allowed up to this point and stated the applicants have gotten a programmatic land disturbance permit. He described how much soil can be disturbed and when.

Kershner answered what the current square footage area is on which someone can disturb land during the seasonal window where there is not supposed to be activity, and stated it is 500 square feet.

Stremmler stated this seems counterproductive to the overall goal.

Strong stated Council asked for this but all of the partners are saying not to do it, and answered how Council could procedurally un-docket something.

Donovan moved to recommend that they start the process to remove PLN2022-00006 from the docket. The motion was seconded by Byrd.

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 6 - Buchanan, Byrd, Donovan, Galloway, Scanlon, and Stremmler
Nay: 1 - Elenbaas

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

Items Added by Revision

There were no agenda items added by revision.

Other Business (Items discussed)

Ferry

Satpal Sidhu, County Executive, spoke about an almost half million-dollar deficit for the ferry caused by a decrease in reimbursements and tax provisions in 2023 (compared to what they normally receive), and a \$200,000 deficit on the fare collection itself. He spoke about discussions going on in the Whatcom County Ferry Advisory Committee regarding ferry accounting and code language, and stated the Administration recommends that they increase the ferry fare while all the rest of the things are going on. He would also request that the Council allocate the \$358,000 in American Rescue Plan Act (ARPA) funds to the fare box, which is something they discussed in 2023. He spoke about the timeline of Council consideration of a fare increase and stated if we delay an increase, it will not be good for the County purse. It normally takes 90 days to increase a fare after the increase has been approved and the Ferry Advisory Committee

would also need time to rebalance the fares.

Buchanan allowed speakers to address the Council.

Pam Gould, Whatcom County Ferry Advisory Committee Chair, spoke about the advisory committee's process and timeline for rewriting the code language which did not get finished last year. That proposed language will be presented to the advisory committee on February 22 and they will vote on it on March 14. After that, they will work on rebalancing the fares and getting a new fare proposal to the Council as fast as they can. She discussed the timeline with Councilmembers.

Bob Anderson, Lummi Island community member, spoke about the advisory committee's proposed code revisions and asked for time for the community to review and comment on them. He requested that an ordinance be introduced on March 19 instead of on the fifth.

Sidhu answered whether the code changes have to go into effect before they can apply the ARPA funds and stated ARPA money can be applied with the current code as well, and that code changes will not affect the application of those funds. He answered whether he is suggesting a fare change right now and spoke about the timeline to get Council approval and actually change the fares. He stated this fare increase may be needed in multiple years, so it is not just one fare increase, and can be adjusted the next time. Waiting till the whole process is done to figure out the percent is a higher risk financially. He stated the executive also has the ability to shorten the 90-day window to 30 days.

The previous speakers and the following additional speakers answered questions about and discussed with Councilmembers the timeline on the Council agenda:

- Royce Buckingham, Prosecuting Attorney's Office
- Dana Brown-Davis, Clerk of the Council

They discussed that the Ferry Advisory Committee cannot introduce code language and vote on it the same day, that the community will not have had a chance to weigh in on the suggested code amendments until February 22nd, whether there is enough time between the advisory committee's meeting on March 14 and the Council's meeting on the 19th to get something on the Council's agenda, the fact that the Council can introduce something and then postpone it for further discussion if they want to, that the Administration would like to introduce something about using ARPA

money and also a fare schedule, that it is hard to figure the fares if the code language has not been settled, and how they will get to a point where they are making up for all the deficit.

Executive's Office Reorganization

Sidhu spoke about a proposed reorganization in the Executive's Office. He stated they are transitioning for Tyler Schroeder to leave his position at the County and stated he would like to replace his position with two deputy executives. He spoke about big issues and projects that are coming up and stated that Schroeder was doing two jobs.

Executive Session

Buchanan stated they have an item to discuss in executive session regarding potential changes to our open public session policy.

Donovan moved to enter into executive session to discuss potential changes to our open public session policy [pursuant to RCW 42.30.110(1)(i)(iii)]. The motion was seconded by Byrd.

Council staff answered what meeting link Councilmembers should use for the meeting.

Buchanan stated they are going to enter executive session in accordance with RCW 42.30.110(1)(i)(iii).

The motion carried by the following vote:

Aye: 7 - Byrd, Donovan, Elenbaas, Galloway, Scanlon, Stremmer, and Buchanan

Nay: 0

Buchanan stated they will be in executive session for 25 minutes (concluding at 4:30 p.m.) and if the meeting extends beyond the stated conclusion time, staff will make a public announcement.

The Committee of the Whole meeting adjourned and Councilmembers went into executive session at 4:05 p.m.

The attorney present was Royce Buckingham.

Adjournment

The meeting adjourned at 4:27 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription