

Whatcom County Council

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



Minutes - Draft Minutes

Tuesday, December 3, 2019

7 PM

Council Chambers

COUNCILMEMBERS

Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

Council Chair Rud Browne called the meeting to order at 7 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: 7 - Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

Councilmembers recognized the following people for their service, all of whom are leaving their positions in the coming year:

Satpal Sidhu - for his service as a councilmember and his new position as the County Executive

Debbie Adelstein - for her service as the County Auditor

Jack Louws - for his service as the County Executive for the last eight years

Keith Willnauer - for his service as the County Assessor

Dave McEachran - for his service as the Whatcom County Prosecuting Attorney for 46 years and his work on a recent high profile case that began during his time at the County

Barbara Brenner - for her 28 years of service as a Whatcom County Councilmember

Brenner was presented with a print of a painting she created that will be permanently hung on the Chambers wall.

People, including former Council Chair, Carl Weimer, Current Councilmembers, Brenner's son Wes, and citizen Bob VanWeerdhuizen honored Brenner and spoke about her time as a public servant.

MINUTES CONSENT

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

1. [MIN2019-118](#) Committee of the Whole AM for November 6, 2019

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [MIN2019-119](#) Committee of the Whole PM for November 6, 2019

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [MIN2019-120](#) Special Committee of the Whole for November 6, 2019

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [MIN2019-121](#) Regular County Council for November 6, 2019

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

5. [MIN2019-122](#) Surface Water Work Session for November 12, 2019

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

6. [MIN2019-123](#) Special Council Meeting (Kendall) for October 29, 2019

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

7. [MIN2019-126](#) Committee of the Whole - Executive Session for November 19, 2019

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2019-583](#) Resolution to sell tax-title property by public auction

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

Brenner moved and Buchanan seconded that the Resolution Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-062

2. [AB2019-597](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point UGA, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

Browne opened the public hearing, and the following people spoke in favor of the Ordinance:

Jacob Pederson

Mike Sennett

Alex Ramel

Abe Jacobson

Catherine Dexter

Michael Chiavario

David Kershner

Eddy Ury

Ron Colson

Warren Sheay

Paula Rotundi

Jean Carmean submitted a handout (on file)

Nick Engelfried
Marian Beddill
Rainbow Medicine-Walker
Rena Priest
Candice Wilson

The following people spoke in opposition to the Ordinance:

Andrew Gamble
Pam Brady
Greg Erickson
Jeff Ten Pas
Hannah Holt
Trevor Smith
Charles Bailey
Luis Aragon
Joseph Marriott
Miguel Edmondson
Lance Calloway
Jamie Reilly
Chet Dow
Fidencio Velasco
Larry Rupcich
Jacquelyn Styra
Miguel Perry
Max Perry
Scott Ostlund
Carole Perry
Lane McElvoy
Rick Stumph
Andronetta Douglass

Patrick Alesse spoke about the moratorium and thanked Barbara Brenner for her service.

Hearing no one else, Browne closed the public hearing.

Donovan moved and Buchanan seconded that the ordinance be ADOPTED.

Councilmembers discussed keeping the refining in Whatcom County, addressing fears about jobs leaving the County, understanding the messages that both sides of the issue are trying to convey, how long the Planning Commission and the Council have been working on the ordinance, and why the process has taken a long time.

Donovan's motion that the Ordinance be ADOPTED carried by the following

vote:**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Sidhu**Nay:** 2 - Brenner, and Byrd**Absent:** 0

Enactment No: ORD 2019-083

3. [AB2019-606](#) Ordinance limiting 2020 property tax levy

Councilmembers discussed the fact that if this ordinance were to be considered, **AB2019-547 Ordinance authorizing the levy of taxes for County and State purposes in Whatcom County Washington for the year of 2020**, would need to be repealed and reintroduced in another special meeting in December.

Tyler Schroeder, Executive's Office, gave a staff report and explained the process for considering this ordinance. **AB2019-607 Ordinance limiting the 2020 General Fund tax levy** is the ordinance that is consistent with the passage of **AB2019-547** because **AB2019-547** refers to a zero percent (0%) tax increase. Thus **AB2019-606** (this ordinance which refers to a one percent [1%] tax increase) can not be considered without rescinding **AB2019-547** first.

Schroeder and Brad Bennett, Administrative Services Department, discussed the implications of adopting **AB2019-607** which would bank the one percent (1%) according to Washington State law which recognizes that if a jurisdiction does not take a one percent (1%) property tax increase the ability to do so in the future is added to its banked capacity. Since Whatcom County has not taken a tax increase in several years there is a build-up of banked capacity and the County therefore has the right to levy a tax up to a maximum of six percent (6%) in the future if it so considers.

Bennett answered questions about the highest allowable banked levy amount, the advantages of banking capacity, and whether the County can use property tax money from the general fund for a capital project in the future.

The following people answered questions about the process of rescinding the motion to adopt **AB2019-547** (Ordinance 2019-078).

Karen Frakes, Prosecuting Attorney's Office
Dana Brown-Davis, Clerk of the Council

Browne opened the public hearing, and the following people spoke:

Max Perry spoke against the ordinance

Bob VanWeerdhuizen spoke against the ordinance

Carole Perry asked about the public perception of passing the ordinance

Greg Erickson spoke against the ordinance

Eric McHenry asked how much is banked and what is the maximum tax that can be taken

Hearing no one else, Browne closed the public hearing.

Bennett answered whether there is a deadline for how long a levy can be banked and how it can be accessed.

Donovan moved that the ordinance be adopted. The motion was seconded.

Councilmembers and Bennett discussed the implications of taking a one percent (1%) property tax, current property assessments, the fact that **AB2019-607** (the next item on the agenda) will bank the capacity for the future, whether the state can raise the limit of the maximum of six percent (6%), the requirement to pass another ordinance with a specifically stated reason to use the banked capacity,

Donovan withdrew his motion to adopt and stated he will **withdraw** the ordinance from consideration.

This agenda item was WITHDRAWN.

4. [AB2019-607](#) Ordinance limiting the 2020 General Fund tax levy

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

Councilmembers discussed whether voting to adopt this ordinance would increase the County's net banked capacity to levy a property tax increase since the County has already reached the limit, the impact on the County if this was not adopted, learning more about the laws surrounding this ordinance by reading the State's revenue guide, and having future discussion about the ordinance and the County's banked capacity.

Tyler Schroeder, Executive's Office, answered a question about whether the Administration recommends that this ordinance be adopted.

Browne moved and Buchanan seconded that the Ordinance be ADOPTED.

The motion carried by the following vote:

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

Nay: 2 - Brenner, and Byrd

Absent: 0

Abstain: 1 - Donovan

Enactment No: ORD 2019-084

OPEN SESSION (20 MINUTES)

The following people spoke about **AB2019-472 Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County:**

Matt Berry

Lyle Galloway submitted a handout (on file)

Bob Harriman

Andrew Gamble

Andrew Scoular

Patrick Alesse

Rick Holt

Michael Jones

Tim Schermetzler

Tino Villaluz

Frank Bob

Shael Wilder submitted a handout (on file)

Rodney Vandersypen

The following people spoke about **AB2019-480 Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation:**

Micah Ping

Greg Erickson

Tom Aliotti

Becky O'Brien-Wilson

Mark Walker

Rich Deveau

Bruce Brown submitted a handout (on file)

Janet Monks

Eric McHenry

Mary Walker

Paul Joostens

The following people spoke about other issues:

Heidi Baxter spoke about garbage collection in Point Roberts

Kait Whiteside spoke about a supplemental budget request for health and human services

Browne closed the Open Session.

CONSENT AGENDA

Sidhu reported for the Finance and Administrative Services Committee and *moved*

to approve Consent Agenda items one through nine. Brenner stated she would like to consider item nine separately. Councilmembers discussed and voted on those items (see votes on individual items below).

(From Council Finance and Administrative Services Committee)

1. [AB2019-598](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide case management and support services to individuals experiencing homelessness, in the amount of \$32,860 for a total amended contract amount of \$213,770

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-599](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bellingham Whatcom County Tourism, in the amount of \$290,000, for the purposes of tourism marketing and operations

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [AB2019-602](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Status Electrical Automation Systems to provide Security Electronics and DVMS System Support & Maintenance, in the amount of \$43,314.53

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [AB2019-613](#) Request authorization for the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and General Teamsters' Local Union 231 Corrections Deputies and Sergeants for the period January 1, 2019 through

December 31, 2020

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

5. [AB2019-617](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Summit Food Service to furnish food to inmates at the Whatcom County Jail in the amount of \$540,750.00

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

6. [AB2019-618](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Summit Food Service for Commissary Services to inmates at the Whatcom County Jail

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

7. [AB2019-620](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Birch Bay Chamber of Commerce in support of the Birch Bay Visitor Center operations and promotion of annual multi-day events designed to encourage tourism in the amount of \$100,000

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

8. [AB2019-621](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker Foothills Chamber of Commerce in support of

the Visitor Center operations in the amount of \$100,000

Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

9. [AB2019-629](#) Request approval for the County Executive to enter into a contract for the purchase, delivery, and installation of a modular building for the Point Roberts Transfer Station, in the amount of \$65,179.75

Brenner stated she is not convinced that the provider is paying their fair share and that when the County is subsidizing a lessee on County property they need to review and make sure that the charges to the public are fair and equitable.

Councilmembers discussed whether the County is getting the cost of the building back in the lease, whether this is a maintenance issue, whether a commercial business should build their own building, and the reasonable lifespan of a building.

Sidhu moved that the Bid Award be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 2 - Brenner, and Byrd

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2019-611](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Trantech Engineering, in the amount of \$45,000

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-612](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Sargent Engineers, Inc., in the amount of \$45,000

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

3. [AB2019-625](#) Request authorization for the County Executive to sign an attorney engagement and contingency fee agreement between Whatcom County and Keller Rohrback L.L.P.

Brenner stated the County would not bear the cost if the County does not win the class action.

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

4. [AB2019-601](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County Flood Control Zone District and Whatcom Conservation District to provide outreach and cost-share to support the Pollution Identification and Correction Program (PIC), in the amount of \$55,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

5. [AB2019-590](#) Ordinance amending the 2019 Whatcom County Budget, request no. 15, in the amount of \$49,400

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-085

6. [AB2019-592](#) Ordinance establishing the Prox Lock Control Panel Replacement Fund and establishing a project based budget for the Prox Lock Control Panel Replacement Project

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-086

7. [AB2019-619](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and Kittitas County for the Housing of Inmates

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

8. [AB2019-622](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden and Sumas for the purpose of implementing a countywide wayfinding and gateway feature placement program

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

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 1 - Byrd

Absent: 0

9. [AB2019-623](#) Request approval of the Economic Development Investment (EDI) Board's recommendation for additional funding in the amount of \$500,000 and establishment of a \$2.2-million revolving loan fund for the Housing Affordability Through the Workforce Program (HATWF)

Sidhu reported for the Finance and Administrative Services Committee and moved that the REQUEST be APPROVED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

11. [AB2019-626](#) Request authorization for the County Executive to enter into a contract between Whatcom County and North West Regional Council to provide Nursing Services at the Whatcom County Jail and Juvenile Detention in the amount of \$1,456,501.11

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

12. [AB2019-591](#) Ordinance amending the 2020 Whatcom County Budget, request no. 2, in the amount of \$343,000

Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-087

10. [AB2019-616](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Michael Bobbink for hearing examiner services

Sidhu reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion was seconded.

Councilmembers discussed amending the contract to be for a shorter period of time and requiring that the Hearing Examiner's time be tracked.

Byrd moved to amend the contract to make the term three months and request that a clause be added to require time reporting.

Browne suggested a friendly amendment to make the term six months and ask for time reporting but not add that to the contract.

The following people spoke and answered questions:

Karen Frakes, Prosecuting Attorney's Office

Cathy Halka, Legislative Analyst

Dana Brown-Davis, Clerk of the Council

Frakes stated that there have been fewer appeals than in the past because Whatcom County Code Title 22 was changed so that appeals now go directly to Superior Court instead of the Council, but there were very few even before the law was changed.

Byrd's motion was not seconded.

Councilmembers continued to discuss with staff about knowing how much time the position requires and the number of cases that the Hearing Examiner hears in a year, whether there would be a conflict of interest since he is contracted in multiple jurisdictions, and what credentials are required for the position.

Sidhu's motion that the Contract be AUTHORIZED carried by the following vote:

Aye: 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

Nay: 1 - Byrd

Absent: 0

(From Council Criminal Justice and Public Safety Committee)

13. [AB2019-530](#) Resolution establishing a Stakeholder Advisory Committee for the Public Health, Safety, and Justice Facility Needs Assessment

Buchanan reported for the Criminal Justice and Public Safety Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: RES 2019-063

- [AB2019-633](#) Discussion regarding potential loss of childcare spaces in Whatcom County

Buchanan reported for the Criminal Justice and Public Safety Committee and **moved** to recommend to the full Council to request that the administration pursue options to work with the City of Bellingham and the City of Ferndale to maintain

licensed childcare slots currently operating in Whatcom County and that the effort includes a budget supplemental proposal.

Councilmembers discussed whether Ferndale should be included in the request, whether slots should only go to families with financial need, the need for childcare for all income levels, addressing the roots of the problem with the State, and why the Council didn't know about it until now.

Buchanan's MOTION WAS APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Abstain: 2 - Brenner, and Byrd

(No Committee Assignment)

14. [AB2019-565](#) Ordinance amending the 2020 Whatcom County Budget, Request No. 1, in the amount of \$19,206,192

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

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

Enactment No: ORD 2019-088

15. [AB2019-472](#) Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County

Donovan moved that the Ordinance be ADOPTED. The motion was seconded.

Dana Brown-Davis clarified that the incorrect version was printed in the agenda packet. The Ordinance should have a final section in the Ordinance that reads: BE IT FINALLY ORDAINED that Tribal members exercising treaty rights to hunt on traditional hunting grounds that are open and unclaimed are not subject to this ordinance.

Karen Frakes, Prosecuting Attorney's Office, stated she does not see a problem with this section in the Ordinance because it is just stating the law.

Browne moved to hold the Ordinance. The motion was seconded. He stated that he

had requested discussions with the Lummi Tribe and the Chief of Police in Blaine about a proposal for changing the boundaries to 1000 feet from the shoreline but has not heard feedback from them yet. He would like that discussion to occur before proceeding.

Councilmembers discussed the motion.

Tyler Schroeder, Executive's Office, stated that Michael Jones, Blaine City Manager, is available to speak and the County does not have the ability to change the No-Shooting Zone that's currently in the Blaine City limits.

Frazey moved that they hear from the attorney. The motion was seconded.

The motion failed.

Councilmembers continued to discuss Browne's motion, when it would take effect, viewing the zone on a map, and the current no-shooting zone in the Blaine City limits and how this proposal would include that.

Browne's motion that the Ordinance be HELD IN COUNCIL carried by the following vote:

Aye: 5 - Brenner, Browne, Buchanan, Byrd, and Sidhu

Nay: 2 - Donovan, and Frazey

Absent: 0

16. [AB2019-634](#) Resolution respectfully requesting that the Whatcom County Prosecutor ask the Washington State Attorney General for an update on Opinion Docket No. 19-04-03
- Councilmembers discussed responses to inquiries about this issue since February and the purpose of this resolution.

Donovan moved and Browne seconded that the Resolution be APPROVED.

The motion carried by the following vote:

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

Nay: 2 - Brenner, and Byrd

Absent: 0

Enactment No: RES 2019-064

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2019-624](#) Request confirmation of the County Executive's appointment of Jon Maberry and Kendall Whitney to the Whatcom County Food System Committee

The appointment of Jon Maberry and Kendall Whitney was CONFIRMED.

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

(From Committee of the Whole - Executive Session)

[AB2019-603](#) Discussion regarding a potential property acquisition for the Flood Control Zone District [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(b)]

Donovan moved and Frazey seconded To authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District Board of Supervisors, to exercise option agreements and move forward with and complete acquisition of the property as discussed in Executive Session. The motion was seconded.

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

[AB2019-628](#) Update on negotiations and planning strategy discussion regarding collective bargaining [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.140(4)(a)]

Buchanan moved and Frazey seconded to authorize the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and the Whatcom County Deputy Sheriff's Guild effective January 1, 2020 through December 31, 2021 following ratification of the Agreement by the Whatcom County Deputy Sheriff's Guild.

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

INTRODUCTION ITEMS

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

1. [AB2019-480](#) Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation

Brenner moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

2. [AB2019-614](#) Ordinance amending Whatcom County Code, 16.30, Lake Whatcom Stormwater Utility Funding Mechanism, changing the date for collection of Capital Facility Charges from January 1, 2020 to January 1, 2021

Brenner moved and Buchanan seconded that the Ordinance Requiring a Public Hearing be INTRODUCED. The motion carried by the following vote:

Aye: 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

Nay: 0

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Brenner moved to initiate a review of the charges at the Point Roberts solid waste facility. Byrd Seconded the motion.

The motion failed by the following vote:

Aye: 4 - Browne, Buchanan, Donovan, Frazey

Nay: 2 - Brenner, Byrd

Abstain: 1 - Sidhu

Councilmembers gave committee reports and updates on recent activities and upcoming events and discussed the process for changing the order of items on the agenda.

ADJOURN

The meeting adjourned at 1:15 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

Kristi Felbinger, Minutes Transcription