

# **Whatcom County Council**

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



## **Minutes - Final**

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010)**

**Tuesday, June 1, 2021**

**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 6:02 p.m. in a virtual meeting.

### ROLL CALL

**Present:** 6 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, and Carol Frazey

**Absent:** 1 - Kathy Kershner

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, reported on an allocation of \$44,528,542 of the Coronavirus State and Local Fiscal Recovery Funds authorized under the America Rescue Plan Act (ARPA). The first 50% installment has been deposited and the second is expected in approximately 12 months.

### MINUTES CONSENT

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

1. [MIN2021-044](#) Committee of the Whole Executive Session for May 18, 2021

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

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

**Nay:** 0

**Absent:** 1 - Kershner

2. [MIN2021-045](#) Committee of the Whole for May 18, 2021

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

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

**Nay:** 0

**Absent:** 1 - Kershner

3. [MIN2021-046](#) Regular County Council for May 18, 2021

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

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

**Nay:** 0

**Absent:** 1 - Kershner

## **PUBLIC HEARINGS**

1. [AB2021-261](#) Ordinance granting Cellco Partnership d/b/a Verizon Wireless, a non-exclusive franchise for the provision of wireless telecommunications services

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

Buchanan opened the Public Hearing and, hearing no one, closed the Public Hearing.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2021-031

2. [AB2021-278](#) Ordinance submitting to the qualified voters of Whatcom County a proposal to amend Whatcom County Charter Sections 5.40 and 5.41 to align signature requirements for citizen initiatives with Washington State norms

Buchanan opened the Public Hearing and the following people spoke:

- Cindy Madigan
- Nancy Sheng
- Andrew Hansen

Hearing no one else, Buchanan closed the Public Hearing.

**Donovan moved** and Byrd seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Buchanan stated that this item requires a supermajority vote.

Councilmembers discussed when the item was introduced, whether it was

intended that the Council should be able to take action on the Charter, the difference between this item and AB2021-279, whether people have tried to put initiatives to change the Charter on the ballot in the past, the role of the Charter Review Commission, and what this Ordinance would accomplish if adopted in regards to proposing Charter amendments.

The following people also spoke:

- Satpal Sidhu, County Executive
- Karen Frakes, Prosecuting Attorney's Office

**Donovan's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Kershner

Enactment No: ORD 2021-032

3. [AB2021-279](#) Ordinance submitting to the qualified voters of Whatcom County a proposal to amend Whatcom County Charter Section 8.22 to align requirements for amending the Charter by citizen initiative with Washington State norms

**Browne moved** and Frazey seconded that the Ordinance be adopted, but they had not yet done the public hearing so the ***motion was withdrawn***.

Buchanan opened the Public Hearing and the following people spoke:

- Cindy Madigan
- Andrew Hansen
- Nancy Sheng
- Dan Johnson

Hearing no one else, Buchanan closed the Public Hearing.

**Buchanan moved** and Frazey seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion was seconded by Frazey.

Councilmembers discussed the motion and whether there should be a high bar to be able to change the Charter outside of the Charter Review Commission process.

**Buchanan moved** and Frazey seconded that the Ordinance Requiring a

Public Hearing be held for two weeks and be REFERRED TO COMMITTEE. The motion was seconded by Frazey.

Councilmembers continued to discuss the item and the motion to hold.

Karen Frakes, Prosecuting Attorney's Office, stated the beginning of August would be the date by which this proposed Ordinance would need to get to the Auditor in order to be on the ballot.

Councilmembers continued to discuss the Ordinance and how the Charter has been and should be amended.

Dana Brown-Davis, Clerk of the Council, stated they would not need to hold a public hearing again if they choose to hold this item tonight.

Councilmembers concurred that Elenbaas and Byrd would work together to answer Byrd's questions about amendments proposed by the Charter Review Commission in the past and that holding the item would not keep the proposal from going on the ballot this year.

**Buchanan's motion that the Ordinance Requiring a Public Hearing be held for two weeks and be REFERRED TO COMMITTEE carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

### **OPEN SESSION (20 MINUTES)**

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

The following people spoke:

- Misty Flowers
- Richard Tran
- Dan Johnson
- Natalie Chavez

Hearing no one else, Buchanan closed the Open Session.

### **OTHER ITEMS**

**(From Council Finance and Administrative Services Committee)**

1. [AB2021-289](#) Ordinance amending the 2021 Whatcom County Budget, request No. 8, in the amount of \$1,250,000  
  
**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED.  
  
Councilmembers commented on the project and discussed the motion.  
  
Alex Jeffers, Whatcom Land Trust, answered what the County is gaining by acquiring the property and whether the owners of the property approached the County about it or whether the County sought the property owners out.  
  
**Browne's motion that the Ordinance be ADOPTED carried by the following vote:**  
  
**Aye:** 5 - Browne, Buchanan, Byrd, Donovan, and Frazey  
**Nay:** 1 - Elenbaas  
**Absent:** 1 - Kershner  
  
Enactment No: ORD 2021-033
2. [AB2021-291](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for logistical and administrative support services to Whatcom Unified Command, in the amount of \$60,000  
  
**Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:**  
  
**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, and Frazey  
**Nay:** 0  
**Absent:** 1 - Kershner
3. [AB2021-292](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to support a single point of entry, to connect families and professionals concerned about a child's development to resources and services in the amount of \$9,081 for a total amended contract amount of \$89,230  
  
**Browne reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED. The motion carried by the following vote:**  
  
**Aye:** 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, and Frazey

**Nay:** 0

**Absent:** 1 - Kershner

4. [AB2021-298](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Workforce Council to provide reimbursement of wages and benefits for eligible temporary employees working in various COVID-related positions, in the estimated amount of \$94,000 for a total estimated contract amount of \$220,000

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

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

**Nay:** 0

**Absent:** 1 - Kershner

5. [AB2021-299](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Pacific Security to provide COVID-related security services, in the amount of \$71,736

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Contract be AUTHORIZED.

Councilmembers discussed the motion and whether security services are still needed.

Satpal Sidhu, County Executive, also spoke.

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

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

**Nay:** 2 - Byrd, and Elenbaas

**Absent:** 1 - Kershner

6. [AB2021-301](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide funding for an outreach worker and consulting services to the Homeless Outreach Team, in the amount of \$120,776

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Contract be AUTHORIZED.

Tyler Schroeder, Executive's Office, answered whether it is a one-year contract or if it will be reoccurring and whether they anticipate it will

continue beyond the one-year time frame.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

7. [AB2021-302](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the County Road Administrative Board (CRAB) in order to receive Rural Arterial Preservation grant funding for the Birch Bay/Lynden Road Pavement Rehabilitation project in the amount of \$510,000

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Contract be AUTHORIZED.

Councilmembers and Satpal Sidhu, County Executive, discussed the item.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

8. [AB2021-313](#) Request authorization for the County Executive to enter into a contract between Whatcom County and West Publishing for online database subscriptions in the amount of \$151,680.00

**Browne** reported for the Finance and Administrative Services Committee and **moved** that the Contract be AUTHORIZED.

Karen Frakes, Prosecuting Attorney's Office, answered what the online database is and whether a subscription to it is needed, and Councilmembers and Frakes discussed the vendor, whether the information should be available for everyone and what would happen if the funding is not approved.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

9. [AB2021-315](#) Request authorization for the County Executive to purchase a Conservation Easement



from the City of Lynden for Glenning Park, in the amount of \$250,000

**Browne reported** for the Finance and Administrative Services Committee and **moved** that the Agreement be AUTHORIZED.

Councilmembers discussed the motion and earlier comments about whether the County should be paying for this.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

10. [AB2021-316](#) Request authorization for the County Executive to purchase a Conservation and Public Access Easement from the Whatcom Land Trust for the Upper Skookum Creek property, in the amount of \$1,250,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Kershner

(From Council Committee of the Whole)

11. [AB2021-185](#) 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
- Dana Brown-Davis, Clerk of the Council, answered questions about the process for this Ordinance.

Buchanan reported for Committee of the Whole and stated that it was recommended in Committee of the Whole to go with Councilmember Browne's proposed amendments then move it to Introduction tonight.

**Browne moved** that the Ordinance be amended by adding the following Whereas statements:

**WHEREAS**, on July 23, 2019, the Council approved Resolution 2019-035, declaring its intent to conduct a public hearing to consider creating a no shooting zone in the Drayton Harbor area of Whatcom County, as proposed by the City of Blaine; and

WHEREAS, our local Native American tribal members have a limited number of sources to hunt wildlife they have used as an integral part of their cultural traditions since time immemorial; and

WHEREAS, previous laws restricting Non-Native American's from hunting and fishing in areas where Native American's have retained their rights under the 1855 Treaty of Point Elliot have resulted in tribal members becoming the target of protests, discrimination and in some case violence; and

WHEREAS, where possible Whatcom County seeks to harmonize County laws with Tribal treaties rights so as to reduce the potential for misunderstandings, conflict and discrimination; and

WHEREAS, the Lummi restrict tribal members from using firearms within a 1,000 of a occupied house; and

WHEREAS, pursuant to Whatcom County Code 9.32.020 and RCW 36.32.120 the County Council has the authority and power to establish no shooting zones; and

The motion was seconded by Elenbaas.

Councilmembers discussed whether the Ordinance should be held and referred to committee.

***Donovan moved*** and Byrd seconded that the Ordinance Requiring a Public Hearing be held and REFERRED TO COMMITTEE and sent to Council Committee of the Whole.

Councilmembers discussed the motion and a request to send an invitation to the City of Blaine and the tribal members to attend the committee discussion in two weeks.

***Browne suggested*** a friendly amendment to Donovan's motion to add a request to staff to update the map.

***Donovan accepted*** the friendly amendment.

**Donovan's motion that the Ordinance Requiring a Public Hearing be held and REFERRED TO COMMITTEE and sent to Council Committee of the Whole and that they request staff to update the map carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

12. [AB2021-186](#) Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone to be known as the Dearborn No Shooting Zone

**Buchanan reported for the Committee of the Whole and moved that the Ordinance Requiring a Public Hearing be ADOPTED. The motion was seconded by Browne. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Kershner

Enactment No: ORD 2021-034

### **EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. [AB2021-308](#) Request confirmation of the County Executive's appointment of Sandy Phillips and Jeannine Heidenreich to the Bicycle Pedestrian Advisory Committee

**Donovan moved and Frazey seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

2. [AB2021-309](#) Request confirmation of the County Executive's reappointment of Mark McDonald to the North Sound Behavioral Health Administrative Services Organization (ASO) Advisory Board

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

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

**Nay:** 0

**Absent:** 1 - Kershner

### **ITEMS ADDED BY REVISION**

1. [AB2021-185](#) 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

See note on AB2021-185 above. The revised version of this Ordinance was referred to Committee. The item was stricken from this section.

## **INTRODUCTION ITEMS**

*Byrd moved* to introduce items one through three. The motion was seconded by Donovan (see votes on individual items below).

Dana Brown-Davis, Clerk of the Council stated that AB2021-310 is a substitute version.

1. [AB2021-307](#) Ordinance amending the 2021 Whatcom County Budget, request no. 9, in the amount of \$1,138,322

**Byrd moved and Donovan seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2021-035

2. [AB2021-310](#) Ordinance establishing the American Rescue Plan Act Fund and establishing a budget for the American Rescue Plan Act Fund

**Byrd moved and Donovan seconded that the SUBSTITUTE Ordinance be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2021-036

3. [AB2021-296](#) Ordinance adopting amendments to the Purchase of Development Rights Program

*Clerk's note:* This Item was introduced for Public Hearing but then later referred to committee in two weeks. See motion below in Committee Reports.

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

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: ORD 2021-037

## **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

Councilmembers gave committee reports.

*Donovan* reported for the Natural Resources Committee and *moved* that AB2021-296 be introduced. He suggested that it be scheduled for a hearing on June 29, 2021 so they have time to discuss it in committee. The motion was seconded by Frazey.

Councilmembers discussed the timing for having more discussion and a hearing.

Dana Brown-Davis, Clerk of the Council, stated the Ordinance was already introduced tonight and Councilmembers just need to talk about the timing of scheduling it, such as scheduling it for Committee of the Whole in two weeks and then a public hearing in four weeks.

Councilmembers discussed the schedule and looking at statistics pertinent to protecting Whatcom County agriculture.

*Donovan amended* his motion to refer AB2021-296 (introduced tonight) to Committee of the Whole in two weeks and then schedule it for a public hearing for two weeks after that. The motion was seconded by Buchanan.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Kershner

Councilmembers continued committee reports.

Satpal Sidhu, County Executive, answered whether there is a plan for moving forward with soliciting a replacement for the Medical Examiner.

## **ADJOURN**

The meeting adjourned at 9:21 p.m.

The County Council approved these minutes on June 15, 2021.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription

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