

Whatcom County Council Committee of the Whole

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



Committee Minutes - Final

**VIRTUAL MEETING - ENDS NO LATER THAN 5 P.M. (TO
PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010)
Tuesday, April 20, 2021**

1:40 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 1:41 p.m. in a virtual meeting.

Roll Call

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

Absent: None

Committee Discussion

1. [AB2020-219](#) Discussion and update on strategies and other items related to COVID-19 (Council and Health Board)

Staff was not yet available to speak about this item so Councilmembers went to the next item. See action and discussion on this item below after AB2021-209.

Committee Discussion and Recommendation to Council

1. [AB2021-209](#) Resolution regarding permanent affordability of childcare in Whatcom County
Browne moved to recommend approval of the letter to the full Council then he and Frazey briefed the Councilmembers.

Kershner suggested reordering the questions and stated she would work with Frazey before the evening meeting.

Browne suggested that they change the word “would” to “could” in question number one.

Browne moved that they amend the letter to follow Kershner's recommendation for the sequence of the questions and to amend question #1 as follows:

1. If this resolution was enacted, how ~~would~~ **could** it negatively impact child care in Whatcom County?

The motion was seconded by Kershner.

Councilmembers discussed the wording of the letter, other ideas, and who the letter would be sent to.

Browne restated his motion to amend the order of the questions at the end of the letter per Kershner's recommendations and to amend question #1 as

follows:

1. If this resolution was enacted, how ~~would~~ could it negatively impact child care in Whatcom County?

The motion to amend carried by the following vote:

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

Nay: 0

Councilmembers continued to discuss the letter.

The motion to recommend approval of the letter as amended carried by the following vote:

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

Nay: 0

Clerk's note: There was not a recommendation forwarded to the Council for the Resolution.

This agenda item was FORWARDED TO COUNCIL WITH RECOMMENDED MOTION(S).

Committee Discussion

1. [AB2020-219](#) Discussion and update on strategies and other items related to COVID-19 (Council and Health Board)

Cindy Hollinsworth, Health Department, updated the Councilmembers on the average daily case rate and hospitalization rate of COVID-19, the level of case rates per age group, the rate of vaccination in the county, and the community vaccination center.

She answered questions about whether the county is experiencing a significant number of COVID-19 variant viruses, whether there are incidences of breakthrough cases in people who have been fully vaccinated, whether there is any evidence of the Brazilian variant showing up in Washington state, how the supply and allocation of vaccine types has been changed as a result of questions in the media about adverse reactions, whether there is a difference in the vaccine between the first and second doses, whether excess doses could be shared with Canada, and whether there are any vaccine doses that are going unused in the community.

This agenda item was DISCUSSED.

Committee Discussion

1. [AB2020-345](#) Discussion of proposed Cherry Point amendments

Approximate Timestamp: 00:55:35

Brad Brown, Philips 66, briefed the Councilmembers on adjustments to language in 20.68.068 (21). He presented two options as stated in an email to Council:

Original (April 12th proposal):

(21) Inter-refinery shipments of refined products and Intermediate Materials such as unfinished oils and blendstocks;

Option 1: Adjust language as follows:

(21) Inter-refinery shipments of refined products and Intermediate Materials such as unfinished oils and blendstocks, **excluding transshipment of such materials by a Fossil Fuel Refinery**

Option 2:

Move language without changes to be an Accessory Use under 20.68.100 (reference page 17 in the April 12th proposal).

The following people spoke and answered questions:

- Matt Aamot, Planning and Development Services Department
- Brad Brown, Philips 66

Elenbaas moved approval of Option 2 Accessory Use. The motion was seconded by Kershner.

The following people discussed the motion with Councilmembers:

- Matt Aamot, Planning and Development Services Department
- Karen Frakes, Prosecuting Attorney's Office
- Brad Brown, Philips 66

The motion carried by the following vote:

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

Nay: 0

Approximate Timestamp: 01:13:22

The following people discussed with Councilmembers a question posed in an email by Planning and Development Services Department (PDS) about whether the County will take the stakeholder group's draft affidavit at face value or will require review by a third-party engineer working on behalf of the County to verify the information provided by industry:

- Matt Aamot, Planning and Development Services Department
- Brad Brown, Phillips 66
- Karen Frakes, Prosecuting Attorney's Office
- Satpal Sidhu, County Executive

Donovan moved that they accept the stakeholder's proposal to have an affidavit. The motion was seconded by Byrd.

Councilmembers and the speakers discussed the motion.

The motion carried by the following vote:

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

Nay: 0

Approximate Timestamp: 01:44:04

Donovan moved to amend Whatcom County Code 20.68.060 as follows:

.060 Stationary thermal power plants with generating capacity of less than 250,000 kilowatts, floating thermal power plants with generating capacity of less than 50,000 kilowatts, and other power plants utilizing renewable resources from solar, wind (Chapter 20.14 WCC) or water sources, ~~except that coal-~~ **fossil fuel-fired power plants are-prohibited.**

And Whatcom County Code 20.68.207 as follows

~~Coal-~~ **fossil fuel** fired power plants.

The motion was seconded by Frazey.

Councilmembers discussed the motion.

The motion failed by the following vote:

Aye: 3 - Donovan, Frazey, and Buchanan

Nay: 4 - Elenbaas, Kershner, Browne, and Byrd

Approximate Timestamp: 01:57:04

Karen Frakes, Prosecuting Attorney's Office, spoke about next steps and working with Cascadia Law.

Dana Brown-Davis, Clerk of the Council, asked how the Council would like to move forward with the interim ordinance and whether a new moratorium should be introduced tonight.

Elenbaas moved that they not have Cascadia law not weigh in on the current version and that the County's in-house legal team be the legal yea or nay on it. The motion failed for lack of a second.

Frazey moved to move forward on introducing a moratorium tonight. The motion was seconded by Browne.

The motion carried by the following vote:

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

Nay: 2 - Elenbaas and Kershner

Councilmembers and Frakes discussed what the scope of work will be for Cascadia Law.

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

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 3:45 p.m.

The County Council approved these minutes on May 4, 2021.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE