

# **Whatcom County Council**

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



## **Action Summary**

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

**Tuesday, May 18, 2021  
6 PM**

### **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

### ROLL CALL

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

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

### MINUTES CONSENT

1. [MIN2021-041](#) Committee of the Whole Executive Session for May 4, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

2. [MIN2021-042](#) Committee of the Whole for May 4, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

3. [MIN2021-043](#) Regular County Council for May 4, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 0

### PUBLIC HEARINGS

1. [AB2021-258](#) Ordinance amending the Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities (2021-2026)

**ADOPTED**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-028

2. [AB2021-227](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

**ADOPTED**

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

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

**Absent:** 0

Enactment No: ORD 2021-029

3. [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

**HELD IN COUNCIL**

**Aye:** 5 - Browne, Buchanan, Byrd, Elenbaas, and Kershner

**Nay:** 2 - Donovan, and Frazey

**Absent:** 0

4. [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

**HELD IN COUNCIL**

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

**Nay:** 1 - Frazey

**Absent:** 0

**OPEN SESSION (20 MINUTES)**

**CONSENT AGENDA**

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

1. [AB2021-277](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and State of Washington, Secretary of State, for publication and distribution of a combined local voters' pamphlet, in the amount of

\$15,000 (average annual costs vary depending on size of election)

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2021-280](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and South Fork Community Association for operation of the Van Zandt Community Hall located at Josh VanderYacht Memorial Park, in the amount of \$1,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

3. [AB2021-285](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Snohomish County to utilize State Homeland Security Program (SHSP) funding to sustain and enhance Division of Emergency Management programs, in the amount of \$82,781

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

4. [AB2021-288](#) Request approval for the County Executive to award Bid #21-25 Rental Rates for Maintenance and Construction Equipment Without Operator to all bidders with the award for each vendor not to exceed \$100,000.00

**AUTHORIZED BY CONSENT**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

**OTHER ITEMS**

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

1. [AB2021-264](#) Ordinance amending the Whatcom County Budget, request no. 7, in the amount of \$5,156,985

**ADOPTED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: ORD 2021-030

2. [AB2021-286](#) Joint Resolution of the County Council of Whatcom County, Washington, the City Council of the City of Bellingham, Washington, and the Board of the Whatcom County Transportation Authority regarding the creation of a Whatcom Public Radio System

**APPROVED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2021-019

**(From Council Public Works and Health Committee)**

3. [AB2021-209](#) Resolution regarding permanent affordability of childcare in Whatcom County

**REFERRED TO COMMITTEE**

Motion approved 7-0 that this item be held in Committee, that it be passed along to the Child and Family Well-being Task Force for a recommendation for permanent solutions, and that the feedback be presented to the Council by September 30, 2021.

**(From Council Planning and Development Committee)**

4. [AB2021-252](#) Resolution approving recommendations on eight applications for Open Space Current Use Assessment

**APPROVED AS AMENDED**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2021-020

**COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. [AB2021-273](#) Request Council to change Solid Waste Advisory Committee Member Rodd Pemble's representation from Business/Industry to Waste Collection Industry

**APPOINTED**

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

**Nay:** 0

**Absent:** 0

**ITEMS ADDED BY REVISION****INTRODUCTION ITEMS**

1. [AB2021-289](#) Ordinance amending the 2021 Whatcom County Budget, request No. 8, in the amount of \$1,250,000

**INTRODUCED**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

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

The following motion was read and approved 7-0:

The County Council met in executive session concerning the lawsuit Geneva Langworthy, Plaintiff, v. Anthony Parise, David Freeman, and Jeffrey Lustick, Defendants, Skagit County Superior Court Cause No. 21-2-00236-29.

Pursuant to Whatcom County Code 2.56, the Council hereby finds the following:

- A. Anthony Parise, David Freeman, and Jeffrey Lustick were acting in a matter in which the county had an interest;
- B. Anthony Parise, David Freeman, and Jeffrey Lustick were acting in the discharge of a duty imposed or authorized by law;
- C. Anthony Parise, David Freeman, and Jeffrey Lustick acted in good faith.

The officers, officials, agents or employees will be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

**ADJOURN**