

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 OR CALL 360.778.5010)**

Tuesday, May 18, 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 p.m. in a virtual meeting.

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

Satpal Sidhu, County Executive, reported on the COVID-19 vaccine.

MINUTES CONSENT

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

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

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

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

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

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

Nay: 0

Absent: 0

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

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

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

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

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

Rob Ney, Administrative Services Department, stated he was available for questions.

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

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

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

Buchanan opened the Public Hearing and the following people spoke:

- Brent Jones
- Lance Calloway
- Christopher Watrobka
- Trevor Smith
- Barney Smith

Hearing no one else, Buchanan closed the Public Hearing.

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

Councilmembers discussed the item.

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: 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

Doug Chadwick, Undersheriff, stated he was available for questions.

Buchanan opened the Public Hearing and the following people spoke:

- Mary Lou Steward
- Bonnie Onyon
- Cliff Langley
- Lyle Galloway
- Tino Villaluz
- Frank Bob
- Andrew Scoular
- Tyler Bahrenburg
- Ryan Valentine
- Bob Harriman

Hearing no one else, Buchanan closed the Public Hearing.

Karen Frakes, Prosecuting Attorney's Office, answered a question about the most current ordinance.

Frazey moved and Browne seconded that the Ordinance be ADOPTED.

Councilmembers discussed the Ordinance and Frakes also spoke.

Byrd moved and Browne seconded that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL until the next meeting to give an opportunity for the groups to come back and accept a thousand-foot buffer.

Councilmembers discussed the motion and the following people also spoke:

- Satpal Sidhu, County Executive
- Michael Jones, City of Blaine
- Bonnie Onyon, City of Blaine

Byrd's motion that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL carried by the following vote:

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

Donovan moved and Byrd seconded that the Ordinance Requiring a Public Hearing be HELD IN COUNCIL.

Dana Brown-Davis, Clerk of the Council, asked about holding the public hearing first.

Donovan withdrew his motion.

Buchanan opened the Public Hearing and the following people spoke:

- Frank Bob
- Andrew Scoular
- Tino Villaluz
- Bob Harriman
- Tyler Bahrenburg

Hearing no one else, Buchanan closed the Public Hearing.

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

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

Nay: 1 - Frazey

Absent: 0

Enactment No: ORD 2021-034

OPEN SESSION (20 MINUTES)

The following people spoke:

- Doug Gustafson
- Markis Dee Stidham
- Misty Flowers
- Kevin Bates
- Gail Adderley
- Jack (last name not given)
- Desiree Espericueta
- Mary Stidham
- Frank Bob
- Jeff (last name not given)
- Cliff Langley
- Natalie Chavez
- Shannon Mejia
- Melissa Wisener
- Dan Johnson
- Eve Smason-Marcus
- Heather Katahdin

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Browne reported for the Finance and Administrative Services Committee and **moved** to approve Consent Agenda items one through four. Councilmembers voted on those items (see votes on individual items below).

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)

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

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

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

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

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

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

Browne reported for the Finance and Administrative Services Committee and moved that the Bid Award be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Browne reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED

Councilmembers discussed the request to fund an offsite buffer mitigation program feasibility study.

Tyler Schroeder, Executive's Office, answered questions about the request to fund staffing for vaccination support activities from DOH vaccination/immunization grant proceeds and the request to fund additional Emergency Solution Grant program activities.

Councilmembers continued to discuss the ordinance and the approval process.

Browne's motion that the Ordinance be ADOPTED carried by the following vote:

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

Browne reported for the Finance and Administrative Services Committee and **moved** that the Resolution be APPROVED.

Councilmembers discussed the resolution and the following person spoke:

- Satpal Sidhu, County Executive

Browne's motion that the Resolution be APPROVED carried by the following vote:

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

Frazey reported for the Public Works and Health Committee and **moved** 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 for childcare, and that the feedback be presented to the Council by September 30, 2021.

Councilmembers discussed the motion.

Dana Brown-Davis, Clerk of the Council, read the motion as approved by Committee and Councilmembers continued to discuss it.

Frazey's motion 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 for childcare, and that the feedback be presented to the Council by September 30, 2021 carried by the following vote:

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

Nay: 0

Absent: 0

(From Council Planning and Development Committee)

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

Elenbaas reported for the Planning and Development Committee.

Dana Brown-Davis, Clerk of the Council, clarified the process for approving the resolution with the amendment that was recommended in committee.

Donovan moved and Elenbaas seconded that the Resolution be APPROVED.

Donovan moved and Buchanan seconded that the Resolution be amended as follows:

NOW, THEREFORE, BE IT RESOLVED BY THE WHATCOM COUNTY COUNCIL: 1. The recommendations on the applications for open space current use assessment listed below are hereby approved, with the exceptions of OSP2019-00002, OSP2019-00003, and OSP2019-00006:

The motion to amend carried by the following vote:

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

Nay: 0

Donovan moved and Elenbaas seconded that the Resolution be APPROVED AS AMENDED. The motion carried by the following vote:

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

Kershner moved and Byrd seconded to reappoint Rodd Pemble to a new position on the Solid Waste Advisory Committee. The motion carried by the following vote:

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

There were no agenda 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

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

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2021-033

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Browne read the following motion from Committee of the Whole Executive Session:

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 therefore be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

The motion was seconded by Donovan.

The motion carried by the following vote:

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

Nay: 0

Councilmembers continued committee reports and they and Satpal Sidhu, County Executive, spoke about other topics including homelessness, a comment made about people with COVID-19 receiving no treatment at the hospital, vaccinations, and the plans for meeting in person.

ADJOURN

The meeting adjourned at 10:04 p.m.

The County Council approved these minutes on June 1, 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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