

Whatcom County Council

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



Minutes - Final

Tuesday, October 12, 2021

6 PM

Virtual Meeting

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

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 6:01 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

The Council is accepting applications to fill vacancies on the Stakeholder Advisory Committee for the Justice Project from citizens and criminal justice advocates. If you are interested and meet the qualifications, please let us know at 360-778-5010 or email the council at Council@co.whatcom.wa.us.

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, stated he would like to discuss a resolution regarding opening the border at Point Roberts.

The Councilmembers concurred to add it under the Committee Reports, Other Items, And Councilmember Updates section of the Agenda.

MINUTES CONSENT

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

1. [MIN2021-076](#) Committee of the Whole Executive Session for September 28, 2021

Frazey moved and Donovan 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. [MIN2021-077](#) Committee of the Whole for September 28, 2021

Frazey moved and Donovan 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. [MIN2021-078](#) Regular County Council for September 28, 2021

Frazey moved and Donovan 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. [AB2021-539](#) Ordinance adopting amendments to the Six-Year Capital Improvement Program for Whatcom County Facilities (2021-2026)

Mark Personius, Planning and Development Services Department Director, briefed the Councilmembers.

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

Byrd moved and Donovan 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 2021-058

2. [AB2021-543](#) Ordinance adopting Zoning amendments relating to density credits in the UR4 zone in the Birch Bay UGA, density credits for accessory dwelling units, and modifying the minimum lot size, width, depth and other requirements in the Urban Residential zone

Mark Personius, Planning and Development Services Department Director, briefed the Councilmembers.

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.

Personius answered whether this can be applied to other jurisdictions other than the area noted in Birch Bay, how to create a county Urban Growth Area (UGA) as opposed to one a city would put in place, whether this includes the expanded size on the Accessory Dwelling Units (ADUs), and whether it would extend to any of the rural zones where ADUs are allowed.

Satpal Sidhu, County Executive, urged Council to take up this matter next year and stated we need these kinds of policies throughout the county, including the cities.

Councilmembers discussed the item and Sidhu's suggestion.

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-059

3. [AB2021-544](#) Ordinance adopting amendments to the Unified Fee Schedule relating to density credit fees for increasing the size of accessory dwelling units

Mark Personius, Planning and Development Services Department Director, briefed the Councilmembers and answered a question about what the fee was before.

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

Byrd moved and Donovan 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 2021-060

4. [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

Buchanan opened the Public Hearing and the following person spoke:

- Tino Villaluz

Byrd moved for the right to ask a question of the speaker.

Councilmembers discussed the motion and whether the rules allow for questions of the speakers during public hearings.

The following people answered a question about being able to ask questions of speakers:

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

Byrd stated his request does not require a vote and was permitted by the Chair to ask a question. He proceeded with asking Villaluz about the version of the ordinance which is being considered.

Councilmembers discussed the rules again then continued the public hearing and the following people spoke:

- Frank Bob
- Ken Domorod

Hearing no one else, Buchanan closed the Public Hearing.

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

Councilmembers discussed the motion.

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

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

Nay: 3 - Buchanan, Donovan, and Frazey

Absent: 0

Enactment No: ORD 2021-061

5. [AB2021-414](#) Ordinance granting Cascade Natural Gas Corporation a franchise for the transportation of natural gas in Whatcom County

Buchanan opened the Public Hearing and the following people spoke:

- David Gutschmidt
- Simon Bakke

Hearing no one else, Buchanan closed the Public Hearing.

Donovan moved that this item be tabled in order for Whatcom County Public Works Department to continue negotiating the franchise agreement with Cascade Natural Gas in order to reconsider the terms of the agreement including but not limited to the length of the agreement. And note that Council requests that Public Works consult with members of the Climate Impact Advisory Committee during this process. The motion was seconded by Frazey.

Councilmembers discussed the motion and Satpal Sidhu, County Executive, spoke.

The motion carried by the following vote:

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

Nay: 3 - Elenbaas, Kershner, and Byrd

Byrd made a point of order that a motion to table requires a supermajority to pass.

Donovan moved that they *hold* this in order for Whatcom County Public Works Department to continue negotiating the franchise agreement with Cascade Natural Gas in order to reconsider the terms of the agreement including but not limited to the length of the agreement. And note that Council requests that Public Works consult with members of the Climate Impact Advisory Committee during this process.

Councilmembers discussed the motion and how much time is needed for the request.

Andrew Hester, Public Works Department, answered the question about time needed.

Donovan amended his motion to hold the item until the second meeting in January. They can change it if more time is needed.

Councilmembers discussed the motion and Hester answered questions.

Christopher Quinn, Prosecuting Attorney's Office, suggested that they hold

a committee work session to provide guidance on changes they would like to see such as term and franchise fees.

Byrd suggested a friendly amendment to hold this until the next Planning and Development or Natural Resources Committee meeting so that Mr. Quinn and the rest of the staff can ask the questions he just expressed.

Donovan did not accept the friendly amendment.

Donovan's motion carried by the following vote:

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

Nay: 1 - Elenbaas

Final action for this agenda item was: HEARD PUBLIC TESTIMONY AND HELD (see full motion above).

OPEN SESSION (20 MINUTES)

The following people spoke:

- Robert Bystrom
- Melissa Wisener
- David Spring
- Janet Migaki
- Ray Deck III
- Ken Domorod
- Megan Wiseman
- Shannon Wallace
- Skip Hamilton
- Kelley Bouma
- Misty Flowers
- Jacqueline Soler
- Richard Tran
- Cynthia Thompson
- Christie Duque
- Rebecca Wilson
- Jim (no last name given)
- Nancy Bergman
- Jean Purcell
- Sarah Rose
- Natalie Chavez
- Helga Deliban

- Clayton Duke
- Megan Jones
- Nancy Hill
- Renee Norton
- Hannah Ordos
- Enoch Mann
- Gail Adderley

Hearing no one else, Buchanan closed the Open Session.

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 eight. Councilmembers voted on those items (see votes on individual items below).

1. [AB2021-563](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Blaine for FY2020 Operation Stonegarden (OPSG), in the amount of \$31,923.00

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal 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. [AB2021-564](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Everson for FY2020 Operation Stonegarden (OPSG), in the amount of \$43,500.00

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal 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. [AB2021-565](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Ferndale for FY2020 Operation

Stonegarden (OPSG), in the amount of \$63,732.50

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal 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. [AB2021-566](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Lynden for FY2020 Operation Stonegarden (OPSG), in the amount of \$65,000.00

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal 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

5. [AB2021-567](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Sumas for FY2020 Operation Stonegarden (OPSG), in the amount of \$44,927.50

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal 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

6. [AB2021-568](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Washington Department of Fish and Wildlife for FY2020 Operation Stonegarden (OPSG), in the amount of \$27,335.00

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal 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

7. [AB2021-558](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Bennett Engineering to perform environmental monitoring and sampling of closed landfills, in the amount of \$62,683 for a total amended contract amount of \$168,517

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

8. [AB2021-589](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to provide housing case management services in the amount of \$33,977 for a total amended contract amount of \$212,748

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

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2021-527](#) Request approval for the County Executive to enter into an agreement with Cascadia Policy Solutions, LLC, for the purpose of developing and implementing a collaborative water solutions table in the amount of \$190,000 (Council acting as the Flood Control Zone District Board of Supervisors)

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

Councilmembers discussed the item.

Browne's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

2. [AB2021-547](#) Ordinance amending the 2021 Whatcom County Budget, request no. 15, in the amount of \$859,440

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

Councilmembers discussed the motion.

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 2021-062

3. [AB2021-549](#) Ordinance establishing the Central Plaza Tenant Improvements Fund and establishing a project based budget for the Central Plaza Tenant Improvements Project

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

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2021-063

4. [AB2021-579](#) Request approval for the County Executive to enter into an interagency agreement between Whatcom County Flood Control Zone District and the State of Washington Department of Ecology for Whatcom Marine Resources Committee (MRC) Operations and Projects (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Browne 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 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner

Nay: 0

Absent: 0

5. [AB2021-580](#) Request permission for the County Executive to enter into a Joint Funding Agreement between the Whatcom County Flood Control Zone District (FCZD) and the United States Geological Survey (USGS) (Council acting as the Flood Control Zone District Board of Supervisors)

Browne 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 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner

Nay: 0

Absent: 0

6. [AB2021-581](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the State of Washington Department of Health to provide funding to implement the Whatcom County Enhanced Pollution Identification and Correction Program in the amount of \$580,000 for a total amended contract amount of \$1,627,732 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

Councilmembers voted (see votes below).

After the vote Councilmembers discussed the goals and measurables in the contract.

Browne's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:

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

Nay: 0

Absent: 0

7. [AB2021-587](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham, in the amount of \$250,000 for Whatcom County's share of this reimbursement for the design of West Horton Road extension

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 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner

Nay: 0

Absent: 0

Abstain: 1 - Browne

(From Council Committee of the Whole)

8. [AB2021-561](#) Ordinance amending Ordinance No. 2021-045 (Review of Response to COVID-19 Pandemic)

Browne reported for the Committee of the Whole.

Browne moved and Donovan seconded that the Ordinance be ADOPTED.

The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2021-064

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

Buchanan reported for the Committee of the Whole.

Councilmembers discussed the item, whether it should be held in Council and what additional information they would like to get including:

- Getting more concrete examples of costs
- Sources of sustainable funding going forward after using the American Rescue Plan Act (ARPA) funds
- Looking at the median wage in Whatcom County to determine how much the cost of childcare should be and whether the proposed items will have an impact on driving the cost down

Councilmembers discussed first determining what is viable under law and then letting the task force know, working on solutions that will stick when the money runs out, and a concern about creating a short-term benefit to the current players but a long-term detriment to the community.

Satpal Sidhu, County Executive, stated they are not spending the money now, just making allocations. Affordable housing also needs attention and is more permanent and sustainable. Balance the expectations in the community for both of these needs.

Councilmembers continued to discuss the item.

Byrd moved to reach out to Western Washington University's (WWU) Economics Department and ask that they review the suggestions and come back with a report on what would have the biggest impact and what might not have a good impact at all so we can figure out what the best options are. The motion was seconded by Elenbaas.

Councilmembers discussed the motion.

Byrd restated his motion **and moved** to request Western Washington University's Economic development team to the review the options in the industry and provide feedback on which items or action would have the biggest impact.

Councilmembers continued to discuss the motion and which department he intended in his motion.

Donovan stated it is the Center for Economic and Business Research.

Satpal Sidhu, County Executive, suggested they give it back to the task force to find a source and firm up their numbers.

After more discussion, **Byrd withdrew** his motion and referred it to the task force.

Buchanan stated he would like to do another work session with the task force. One could be scheduled for the next meeting.

Councilmembers discussed getting feedback from Health Department staff and ways to create more childcare capacity.

Councilmembers concurred to refer this item to an October 26 work session.

This agenda item was REFERRED TO COMMITTEE.

(No Committee Assignment)

10. [AB2021-538](#) Resolution setting regular Whatcom County Council meeting dates for 2022
Frazey moved and Donovan seconded that the Resolution (Option 3) be APPROVED.

Dana Brown-Davis, Clerk of the Council, explained the difference between the three options and Councilmembers discussed the motion.

Frazey's motion that the Resolution (Option 3) be APPROVED carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2021-043

INTRODUCTION ITEMS

Byrd moved and Donovan seconded that items 1-5 be introduced.

Kershner stated she would like to consider AB2021-590 separately so the first motion was *withdrawn*.

Donovan moved to introduce items 1, 2, 4, and 5. The motion was seconded by Browne (See votes on individual items below).

1. [AB2021-582](#) Ordinance amending the 2021 Whatcom County Budget, request no. 16, in the amount of \$411,953

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-067

2. [AB2021-572](#) Ordinance amending Whatcom County Code 12.20 Road Vacations to update procedures for processing petitions

Donovan moved and Browne seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-065

3. [AB2021-590](#) Ordinance imposing a second interim moratorium on the acceptance and processing of permit applications for new or expanded recreational cannabis growing and/or processing facilities which are proposed to operate outdoors or in greenhouses
- Enactment No: ORD 2021-066

This item was considered separately. See motion and vote on item below.

4. [AB2021-576](#) Resolution adopting the 2022 Annual Construction Program (ACP)
- Donovan moved and Browne seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**
- Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
- Nay:** 0
- Absent:** 0
- Enactment No: RES 2021-045

5. [AB2021-583](#) Resolution amending the Flood Control Zone District & Subzones 2021 budget, request no. 4, in the amount of \$855,502 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
- Donovan moved and Browne seconded that the Resolution (FCZDBS) be INTRODUCED. The motion carried by the following vote:**
- Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
- Nay:** 0
- Absent:** 0
- Enactment No: RES 2021-047

3. [AB2021-590](#) Ordinance imposing a second interim moratorium on the acceptance and processing of permit applications for new or expanded recreational cannabis growing and/or processing facilities which are proposed to operate outdoors or in greenhouses
- Donovan moved*** and Frazey seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING.

Councilmembers discussed the motion, finding out from the Planning and Development Services Department what density of marijuana facilities we have in Whatcom County versus other counties, and how close they are to ironing out the permanent ordinance.

Dana Brown-Davis, Clerk of the Council, stated the next stop for this file

would be a public hearing at the next meeting and asked if they would like to schedule it for discussion in committee that day to get questions answered. She answered which ordinance (this one or the one with proposed code language) would be discussed in Committee.

Councilmembers concurred to schedule this file for the Planning and Development Committee.

Donovan's motion that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING carried by the following vote:

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

Nay: 2 - Elenbaas, and Kershner

Absent: 0

Enactment No: ORD 2021-066

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave committee reports.

Buchanan reported on the Criminal Justice and Public Safety Committee and a motion to reconvene on October 19 to discuss Superior Court vaccine mandates.

Buchanan moved that the Council reconvene on this subject (Superior Court vaccine mandates) when we have legal counsel available next Tuesday, October 19. The motion was seconded by Byrd.

Karen Frakes, Prosecuting Attorney's Office, addressed a comment about having an attorney present that is outside of having a conflict of interest.

Councilmembers discussed the motion and the time for the meeting (10:30 a.m.).

The motion carried by the following vote:

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

Nay: 0

Councilmembers continued reports from Committee.

1. [AB2021-597](#) Resolution requesting a Presidential Executive Order to open the border to allow access to Canadian property owners in Point Roberts USA

Satpal Sidhu, County Executive, briefed the Councilmembers and answered questions.

He and Councilmembers discussed whether the resolution is still needed since the news is reporting that the United States is going to relax the restrictions on the border in early November.

**Buchanan moved and Byrd seconded that the Resolution be APPROVED.
The motion carried by the following vote:**

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

Nay: 0

Absent: 0

Enactment No: RES 2021-044

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Continued

Councilmembers and Satpal Sidhu, County Executive, discussed whether there would be support for a ban on vaccine mandates in our community, parliamentary motions and procedure for interacting with speakers during a public hearing, getting a Health Department update, and what it will take to get out of the emergency (COVID-19).

Action Taken in COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES: Motion approved 7-0 that the Council reconvene on Superior Court vaccine mandates when we have legal counsel available next Tuesday, October 19.

ADJOURN

The meeting adjourned at 10:53 p.m.

The County Council approved these minutes on October 26, 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