

# **Whatcom County Council**

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



## **Minutes - Final**

**Tuesday, November 23, 2021**

**6 PM**

**Virtual Meeting**

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010); AGENDA  
REVISED 11.22.2021 AND 11.23.2021**

### **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:** 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 recent flood.

Dana Brown-Davis, Clerk of the Council, stated she can send a notice that a quorum may be present at the upcoming Flood Response Community Meeting on November 24, 2021.

Sidhu answered a question about the weather forecast for another weather system coming this weekend and Councilmembers spoke about public response and perception in Canada and in Whatcom County, and discussing future policy changes.

### MINUTES CONSENT

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

1. [MIN2021-084](#) Committee of the Whole Executive Session for November 9, 2021

**Byrd 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. [MIN2021-085](#) Committee of the Whole for November 9, 2021

**Byrd 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. [MIN2021-086](#) Regular County Council for November 9, 2021

**Byrd 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

4. [MIN2021-087](#) Water Work Session for November 16, 2021

**Byrd 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. [AB2021-628](#) Ordinance amending the 2022 Whatcom County Budget, request no. 1, in the amount of \$50,655,096

Buchanan stated there is a substitute version. He opened the Public Hearing and the following person spoke:

- Mark Ambler

Hearing no one else, Buchanan closed the Public Hearing.

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

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

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

**Absent:** 0

Enactment No: ORD 2021-072

2. [AB2021-622](#) Resolution adopting the 2022 budget for the Whatcom County Flood Control Zone District and Subzones (Council acting as the Flood Control Zone District Board of Supervisors)

Buchanan opened the Public Hearing and the following person spoke:

- Mark Ambler

Hearing no one else, Buchanan closed the Public Hearing.

***Frazey moved*** and Browne seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED.

***Donovan moved*** to amend the ordinance to have an additional \$75,000 into water planning operations for WRIA 1 technical studies. The motion was seconded by Frazey.

The motion to amend carried by the following vote:

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

**Nay:** 0

**Out of the Meeting:** 1 - Kershner

Councilmembers discussed the main motion.

**Frazey's motion that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED AS AMENDED carried by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Kershner

Enactment No: RES 2021-051

3. [AB2021-623](#) Ordinance Authorizing the Levy of Taxes for Countywide Emergency Medical Purposes for 2022

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-073

4. [AB2021-630](#) Ordinance Authorizing the Levy of Taxes for Conservation Futures Purposes for 2022

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

***Donovan moved*** to consider the alternative proposal.

Dana Brown-Davis, Clerk of the Council, stated that if they consider the alternate it has to be introduced this evening and moved forward to December 7, 2021.

***Donovan moved*** to introduce the alternative version (AB2021-733). The motion was seconded by Frazey.

Councilmembers discussed the motion and the process to dispose of this item (AB2021-630) before considering the alternate version.

Dana Brown-Davis, Clerk of the Council, clarified the process.

***Donovan withdrew*** his motion and ***moved*** to adopt this ordinance (so they can amend it). The motion was seconded by Buchanan.

***Donovan moved*** to amend the ordinance to substitute \$100,000 for \$0 and 8.6% for 0% in the following statement so that it reads: “is hereby authorized for the 2022 levy in the amount of \$100,000, which is a percentage increase of 8.6% from the previous year.”

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

The motion to amend carried by the following vote:

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

**Nay:** 3 - Elenbaas, Kershner, and Byrd

***Donovan moved*** to approve the amended version for introduction this evening. The motion was seconded by Frazey.

The motion carried by the following vote:

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

**Nay:** 2 - Elenbaas and Byrd

*Clerk's note:* See AB2021-733 (alternate version as revised above) in the

Items Added by Revision section below for action on that item.

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

**HEARD PUBLIC TESTIMONY.**

5. [AB2021-632](#) Ordinance Authorizing the Levy of 2022 Property Taxes for County Road Purposes  
Buchanan opened the Public Hearing and the following person spoke:

- Mark Ambler

Hearing no one else, Buchanan closed the Public Hearing.

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

Byrd addressed public comments.

**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 2021-074

6. [AB2021-633](#) Ordinance Authorizing the Levy of Taxes for County and State Purposes in Whatcom County, Washington, for the Year of 2022

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

The following people answered questions:

- Tyler Schroeder, Executive's Office
- Brad Bennett, Administrative Services Department Finance
- Jon Hutchings, Public Works Department Director
- Satpal Sidhu, County Executive

They answered why the item is titled the way it is, why Exhibit A comes later, how much time the drainage districts have to get their information to the County, and whether these are up-to-date requests.

**Frazey'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 2021-075

7. [AB2021-634](#) Ordinance Limiting the 2022 General Fund Property Tax Levy

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

**Donovan moved and Byrd 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 2021-076

8. [AB2021-635](#) Resolution Authorizing the Levy of Taxes for the Whatcom County Flood Control Zone District for 2022

Buchanan opened the Public Hearing and the following person spoke:

- Mark Ambler

Hearing no one else, Buchanan closed the Public Hearing.

**Byrd moved** and Kershner seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED.

Byrd addressed public comments.

**Byrd's motion that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2021-052

[AB2021-654](#) Resolution approving the Shoreline Management Program Periodic Update 2020

Enactment No: RES 2021-056

9. [AB2021-648](#) Ordinance adopting amendments to WCC Title 20 (Zoning) regulating the production, processing, and retail sales of recreational marijuana in Whatcom County and repealing Ordinance No. 2021-066

Cliff Strong, Planning and Development Services Department, briefed the Councilmembers.

Buchanan opened the Public Hearing and the following people spoke:

- Mark Ambler
- James McCray
- Doris Smith
- Melissa Wisener

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 motion, whether it had been discussed in the Planning and Development Committee, and whether enforcement on a single bad actor might alleviate much of the Code re-write.

**Kershner moved** to refer to the Planning and Development Committee for more in-depth analysis and review. The motion was seconded by Byrd.

Councilmembers discussed the Ordinance and the motion and how marijuana farms compare to other types of farms.

**Kershner amended** her motion to refer the ordinance to Committee of the Whole and stated it could be discussed on December 7 if the schedule looks like it will accommodate it.

Dana Brown-Davis, Clerk of the Council, asked and Councilmembers discussed whether it should also be scheduled on the evening meeting agenda that night. She stated the current moratorium does not expire until April.

Councilmembers discussed how it should be scheduled and concurred that it should just be scheduled in Committee of the Whole and not in Council the same night.



**Kershner's motion that the Ordinance Requiring a Public Hearing be REFERRED TO COMMITTEE carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Browne

10. Resolution approving the Shoreline Management Program Periodic Update 2020

[AB2021-654](#) Resolution approving the Shoreline Management Program Periodic Update 2020  
Cliff Strong, Planning and Development Services Department, stated there are minor changes to the ordinance that need to be made; one in 23.60.030 “C” definitions under Commercial Development, Item 5 (change vacation rentals to short-term rentals) and one in Exhibit D, 23.60.190, Item 26 (delete the definition of short-term rentals). He stated he is asking that they hold the public hearing tonight and then on December 7th a resolution will be before the Council to approve this and authorize the Planning and Development Services Department to send it to the Department of Ecology.

Buchanan opened the Public Hearing and the following people spoke:

- Bill Geyer
- Dwayne Engelsman

Hearing no one else, Buchanan closed the Public Hearing.

**Byrd moved** to amend Section 16.16.900, Item 7 under “Qualified Professional” on page 128 of Exhibit F to read:

“7. Anyone who has had their professional licensure revoked or has had two (2) or more reports denied by the Hearing Examiner within a 12-month period does not meet the definition of a qualified professional or qualified consultant.”

The motion was seconded by Buchanan.

Councilmembers discussed the motion and the additional people also spoke:

- Cliff Strong
- Ryan Ericson, Former Planning and Development Department

**Byrd amended his motion** to read:

“7. Anyone whose professional license is currently revoked or has had two (2) or more reports denied by the Hearing Examiner within a 12-month period does not meet the definition of a qualified professional or qualified consultant.”

The motion carried by the following vote:

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

**Nay:** 0

The following people answered whether the resolution needs to be introduced again:

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

Frakes suggested that the resolution be re-introduced just to be absolutely cautious.

Strong answered whether the scrivener’s errors previously mentioned will be included in the new version to be introduced.

**Kershner moved** to amend Section 16.16.900, Item 1 under “Qualified Professional” on page 128 of Exhibit F to read:

“1. Is listed on a roster of qualified professionals or qualified consultants prepared by the ~~PDS Natural Resource Supervisor~~ Director and made available to the public”

The motion was seconded by Byrd.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 0

**Byrd moved** to amend Section 16.16.612 “Exceptions to Regulation,” Subsection A, Item 1d on page 66 of Exhibit F to read:

“d. Do not score ~~5~~6 or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western

Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by Ecology);”

The motion was seconded by Elenbaas.

Councilmembers discussed the motion with the following people:

- Cliff Strong
- Ryan Ericson
- Karen Frakes

They discussed the proposed amendment, whether changes should be made on the fly, and whether there would be an issue if this item were held.

Dana Brown-Davis, Clerk of the Council, stated if it needs to be introduced, then it will not be able to be adopted by the end of the year unless they introduce a new resolution tonight.

Councilmembers concurred to amend the resolution tonight, introduce an amended version tonight, then have it on the agenda for a public hearing and consideration on December 7, 2021.

The motion to amend carried by the following vote:

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

**Nay:** 1 - Donovan

Councilmembers discussed with staff whether they would also need to modify Section 16.16.225 “General Regulation,” Section B, Item 7.

**Byrd moved** to amend Section 23.40.125 Section E, Item 3 on page 143 of Exhibit D to read:

“3. Fill not associated with a development project is prohibited, except for the minimum necessary to access piers or other structures that provide access to the water. Pier design should accommodate the connection between the pier and uplands by employing a pile-supported structure to the point of intersection with stable upland soils. ~~Any fill associated with a development project or a~~Any fill or excavation waterward of the OHWM requires a shoreline conditional use permit.”

The motion was seconded by Elenbaas.

Councilmembers and staff discussed the motion.

The motion failed by the following vote:

**Aye:** 0

**Nay:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Abstain:** 2 - Byrd and Elenbaas

Staff continued to answer questions.

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

Enactment No: RES 2021-056

**HEARD PUBLIC TESTIMONY.**

Enactment No: RES 2021-056

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

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

The following people spoke:

- James McCray
- Misty Flowers
- Ken Domorod
- Markis D Stidham
- Dannon Traxler
- Mark Ambler
- Melissa Wisener
- David Spring
- Jessica Mansfield
- Hannah Ordos
- John Lesow
- Richard Tran
- Shean Halley
- Natalie Chavez
- Nancy Bergman
- Helga Deliban
- Jean Purcell
- Gail Adderley
- Lindy McDonough

- Mary Stidham
- Ashley Butenschoen

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

1. [AB2021-662](#) 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 \$165,000 for a total estimated contract amount of \$495,000

**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. [AB2021-663](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lifeline Connections to provide jail behavioral health services, in the amount of \$64,440

**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

3. [AB2021-669](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom Conservation District for Domestic-Municipal Water Use Efficiency Project assistance in the amount of \$39,942 (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 BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

4. [AB2021-670](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Julota to provide tracking and monitoring of services and care provided to individuals frequently seen by the GRACE and LEAD Programs, in the amount of \$61,350

**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

5. [AB2021-677](#) Request authorization for the County Executive to enter into a contract between Whatcom County and US Imaging, Inc., in the amount of \$70,656.11

**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

6. [AB2021-682](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and US Imaging, Inc. to complete the digital image enhancement project in the amount of \$28,966.05 for a total amended contract amount of \$156,966.05

**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

7. [AB2021-684](#) Resolution ordering the cancellation of unredeemed checks (warrants) more than one year old

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2021-053

8. [AB2021-686](#) Resolution ordering the cancellation of accounts receivable incurred prior to 2020

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2021-054

9. [AB2021-689](#) Request approval for the County Executive to enter into an interlocal cooperative purchasing agreement with Stevens County which will allow utilization of reciprocal competitively bid contracts, pursuant to RCW Chapter 39.34 Interlocal Cooperation Act

**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

## **OTHER ITEMS**

(From Council Finance and Administrative Services Committee)

1. [AB2021-616](#) Resolution adopting the Whatcom County Natural Hazards Mitigation Plan

**This agenda item was WITHDRAWN.**

Enactment No: RES 2021-057

2. [AB2021-675](#) Resolution adopting the Whatcom County Multi-jurisdictional Natural Hazards Mitigation Plan (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**This agenda item was WITHDRAWN.**

Enactment No: RES 2021-058

3. [AB2021-653](#) Request authorization for the County Executive to enter into a three year interlocal agreement among Whatcom County and the Port of Bellingham and City of Bellingham to provide economic development services and complete special projects that promote beneficial outcomes for the parties, in the amount of \$2,084,322

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

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

**Nay:** 0

**Absent:** 0

4. [AB2021-627](#) Ordinance Amending the Project Budget for the E. Smith/Hannegan Road Intersection Improvements Fund, Request No. 2

**Browne reported for the Finance and Administrative Services Committee and moved that the Ordinance 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 2021-077

5. [AB2021-636](#) Ordinance Establishing the Birch Bay Lynden Rd & Blaine Rd Intersection Improvements Fund and Establishing a Project Based Budget for the Birch Bay Lynden Rd & Blaine Rd Intersection Improvements Fund; CRP #906001

**Browne reported for the Finance and Administrative Services Committee and moved that the Ordinance 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 2021-078

6. [AB2021-637](#) Ordinance Establishing the Goshen Road/Anderson Creek Bridge No. 248 Replacement Fund and Establishing a Project Based Budget for the Goshen Road/Anderson Creek Bridge No. 248 Replacement Fund; CRP #920003

**Browne reported for the Finance and Administrative Services Committee and moved that the Ordinance 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 2021-079

7. [AB2021-638](#) Ordinance Establishing the North Fork Road/Kenney Creek Fish Passage Fund and Establishing a Project Based Budget for the North Fork Road/Kenney Creek Fish Passage Fund; CRP #919007

**Browne reported for the Finance and Administrative Services Committee and moved that the Ordinance 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 2021-080

8. [AB2021-640](#) Ordinance amending the 2022 Whatcom County Budget, request no. 2, in the amount of \$12,007,450

**Browne reported for the Finance and Administrative Services Committee and moved that the Ordinance 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 2021-081

9. [AB2021-641](#) Ordinance Establishing the Jackson Road/Terrell Creek Bridge No. 81 Replacement Fund and Establishing a Project Based Budget for the Jackson Road/Terrell Creek Bridge No. 81 Replacement Fund; CRP #917004

**Browne reported for the Finance and Administrative Services Committee and moved that the Ordinance 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 2021-082

10. [AB2021-650](#) Ordinance amending Whatcom County Code (WCC) 3.08.060 (Purchasing System) to update the small public works roster process to award public works contracts under WCC 3.08.095 and to establish consulting services roster award process for architectural, engineering, and other professional services

**Browne reported for the Finance and Administrative Services Committee and moved that the Ordinance 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 2021-083

11. [AB2021-667](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom Conservation District for Lake Whatcom Homeowner Incentive Program assistance in the amount of \$97,275.61

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

Councilmembers discussed who is managing this.

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

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

**Nay:** 0

**Absent:** 0

12. [AB2021-680](#) Request approval for the County Executive to award Bid #21-68 for the purchase of

80 each FN303 Mark 2 Less-Lethal Launchers, associated equipment, and related accessories to Arms Unlimited Incorporated, in an amount not to exceed \$86,062.98

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

Councilmembers discussed why the County is having to buy these.

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

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

**Nay:** 0

**Absent:** 0

(From Council Committee of the Whole)

13. [AB2021-696](#) Approval to send letter to Mayor of Bellingham regarding reinstating BTV broadcast of County Council meetings

Councilmembers and Council staff discussed the version that they were considering.

**Kershner moved** to approve the amended version as voted on in Committee of the Whole. The motion was seconded by Donovan.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 0

**This agenda item was APPROVED AS AMENDED BY THE COUNCILMEMBERS.**

(No Committee Assignment)

14. [AB2021-661](#) Request authorization for the County Executive to enter into the proposed settlement agreement in Whatcom Farm Bureau, et al. v. Whatcom County, GMHB Case No. 18-2-0001

Elenbaas stated he would recuse himself from the vote on this item.

**Donovan moved and Frazey seconded that the Request for Motion be APPROVED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**Recused:** 1 - Elenbaas

**ITEMS ADDED BY REVISION**

- 1. [AB2021-728](#) Ordinance requesting that the Whatcom County Auditor include the question of establishing a Birch Bay Library Capital Facility Area to finance a new library facility in Birch Bay on the ballot at the February special election

***Donovan moved*** and Browne seconded that the Ordinance be INTRODUCED.

Councilmembers and Dana Brown-Davis, Clerk of the Council, discussed whether it was on the ballot in the November election and the percentage of the vote it received.

**Donovan's motion that the Ordinance be INTRODUCED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-090

- 2. [AB2021-732](#) Ordinance (emergency) amending the 2021 Whatcom County Budget, request no. 20, in the amount of \$500,000 to cover emergency response costs related to countywide flooding

***Elenbaas moved*** and Browne seconded that the Ordinance be ADOPTED.

Councilmembers discussed the motion.

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2021-084

- 3. [AB2021-733](#) Ordinance Authorizing the Levy of Taxes for Conservation Futures Purposes for 2022

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

**Nay:** 3 - Byrd, Elenbaas, and Kershner

**Absent:** 0

Enactment No: ORD 2021-085

## **INTRODUCTION ITEMS**

*Donovan moved* to introduce items one through five (AB2021-654 was added after the public hearing and discussion on that item earlier). The motion was seconded by Frazey (see votes on individual items below).

1. [AB2021-671](#) Ordinance Closing Sheriff's Records Management System Project Fund 344

**Donovan moved and Frazey 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 2021-086

2. [AB2021-673](#) Ordinance Establishing the Northwest Annex Redevelopment Fund and Establishing a Project Based Budget for the Northwest Annex Redevelopment Project

**Donovan moved and Frazey 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 2021-087

3. [AB2021-679](#) Ordinance amending the 2021 Whatcom County Budget, request no. 18, in the amount of \$7,038,925

**Donovan moved and Frazey 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 2021-088

4. [AB2021-681](#) Ordinance amending the 2022 Whatcom County Budget, request no. 3, in the amount of \$1,144,763

**Donovan moved and Frazey 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 2021-089

- [AB2021-654](#) Resolution approving the Shoreline Management Program Periodic Update 2020

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2021-056

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

Councilmembers gave committee reports.

Elenbaas spoke about a waiver of fees for rebuild permits because of flooding from an earlier year and asked how that process was done, and Councilmembers and staff discussed waiving fees for rebuild and recovery in the unincorporated areas for the recent flood event. The following people spoke:

- Satpal Sidhu, County Executive
- Tyler Schroeder, Executive's Office

Councilmembers and the speakers also discussed meeting in person and community support after the recent flood.

## **ADJOURN**

The meeting adjourned at 11:26 p.m.

The County Council approved these minutes on January 11, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

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

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

SIGNED COPY ON FILE