

# **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); AGENDA**

**REVISED 5.4.2021**

**Tuesday, May 4, 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:** 6 - Rud Browne, Barry Buchanan, Todd Donovan, Ben Elenbaas, Carol Frazey, and Kathy Kershner

**Absent:** 1 - Tyler Byrd

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

### MINUTES CONSENT

1. [MIN2021-034](#) Water Work Session for April 13, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 1 - Byrd

2. [MIN2021-035](#) Special Council for April 15, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 1 - Byrd

3. [MIN2021-037](#) Committee of the Whole Executive Session for April 20, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 1 - Byrd

4. [MIN2021-039](#) Regular County Council for April 20, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 1 - Byrd

5. [MIN2021-040](#) Committee of the Whole for April 20, 2021

**APPROVED BY CONSENT**

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

**Nay:** 0

**Absent:** 1 - Byrd

**PUBLIC HEARINGS**

1. [AB2021-243](#) Ordinance ordering the closure of a portion of Manley Road to motorized vehicular traffic

**ADOPTED**

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

**Nay:** 0

**Absent:** 1 - Byrd

Enactment No: ORD 2021-027

2. [AB2021-244](#) Resolution adopting the Whatcom County Americans with Disabilities Act (ADA) Transition Plan within the Public Rights-of-Way

**APPROVED**

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

**Nay:** 0

**Absent:** 1 - Byrd

Enactment No: RES 2021-016

3. [AB2021-245](#) Resolution supporting a Community Development Block Grant (CDBG) Public Services Grant application

**APPROVED**

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

**Nay:** 0

**Absent:** 1 - Byrd

Enactment No: RES 2021-017

**OPEN SESSION (20 MINUTES)**

**CONSENT AGENDA**

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

1. [AB2021-253](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and G6 Hospitality to extend the lease through September, 2021 in an amount not to exceed \$60,000 per month  
  
**AUTHORIZED BY CONSENT**  
**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner  
**Nay:** 1 - Elenbaas  
**Absent:** 1 - Byrd
2. [AB2021-254](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Mount Baker School District to lease tower access at the Kendall Elementary School Tower Site, in the amount of \$0.00  
  
**AUTHORIZED BY CONSENT**  
**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner  
**Nay:** 0  
**Absent:** 1 - Byrd
3. [AB2021-262](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide rental assistance for people with co-occurring disorders in the amount of \$15,000 for a total amended contract amount of \$84,843  
  
**AUTHORIZED BY CONSENT**  
**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner  
**Nay:** 0  
**Absent:** 1 - Byrd
4. [AB2021-272](#) Request authorization for the County Executive to renew a Collective Bargaining Agreement between Whatcom County and the Deputy Sheriff's Guild for the period of January 1, 2022 through December 31, 2022  
  
**AUTHORIZED BY CONSENT**  
**Aye:** 6 - Browne, Buchanan, Donovan, Elenbaas, Frazey, and Kershner  
**Nay:** 0  
**Absent:** 1 - Byrd

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

1. [AB2021-256](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Military Department for FFY20 Operation Stonegarden, in the amount of \$405,600.00

Browne reported for the Finance and Administrative Services Committee but skipped to the second item. See action taken on this item below.

2. [AB2021-263](#) Request authorization for the County Executive to enter into Agreement Amendment No. 1 for Funding Support and Implementation of the Duffner Ditch Culvert and Flood Gate Replacement Project (Council acting as the Flood Control Zone District Board of Supervisors)

Browne moved to approve this item first then withdrew his motion so that they could consider the items in the order of the agenda. See action on this item below.

1. [AB2021-256](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Military Department for FFY20 Operation Stonegarden, in the amount of \$405,600.00

**AUTHORIZED**

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

**Nay:** 1 - Donovan

**Absent:** 1 - Byrd

2. [AB2021-263](#) Request authorization for the County Executive to enter into Agreement Amendment No. 1 for Funding Support and Implementation of the Duffner Ditch Culvert and Flood Gate Replacement Project (Council acting as the Flood Control Zone District Board of Supervisors)

**AUTHORIZED**

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

**Nay:** 0

**Absent:** 1 - Byrd

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

3. [AB2021-257](#) Discussion and Council motion to approve the Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments

**APPROVED REQUEST**

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

**Nay:** 0

**Absent:** 1 - Byrd

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

1. [AB2021-255](#) Appointment to the Business and Commerce Advisory Committee - Higher Education vacancy, applicant(s): Eva Schulte

**APPOINTED**

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

**Nay:** 0

**Absent:** 1 - Byrd

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

1. [AB2021-266](#) Request confirmation of the County Executive's appointment of Dave Bren to the Development Standards Technical Advisory Committee

**CONFIRMED**

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

**Nay:** 0

**Absent:** 1 - Byrd

**ITEMS ADDED BY REVISION**

1. [AB2021-278](#) Ordinance submitting to the qualified voters of Whatcom County a proposal to amend Whatcom County Charter Sections 5.40 and 5.41 to align signature requirements for citizen initiatives with Washington State norms

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

2. [AB2021-279](#) Ordinance submitting to the qualified voters of Whatcom County a proposal to amend Whatcom County Charter Section 8.22 to align requirements for amending the Charter by citizen initiative with Washington State norms

**INTRODUCED FOR PUBLIC HEARING**

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

**Nay:** 1 - Elenbaas

**Absent:** 1 - Byrd

**Abstain:** 1 - Kershner

3. [AB2021-281](#) Resolution concluding the work of the Homeless Strategies Workgroup and transferring responsibilities to the Whatcom County Housing Advisory Committee

**APPROVED**

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

**Nay:** 1 - Donovan

**Absent:** 1 - Byrd

Enactment No: RES 2021-018

**INTRODUCTION ITEMS**

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

**INTRODUCED**

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

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

**Absent:** 1 - Byrd

2. [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

**INTRODUCED FOR PUBLIC HEARING**

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

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

**Absent:** 1 - Byrd

3. [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

**INTRODUCED FOR PUBLIC HEARING**

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

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

**Absent:** 1 - Byrd

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

**INTRODUCED FOR PUBLIC HEARING**

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

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

**Absent:** 1 - Byrd

5. [AB2021-261](#) Ordinance granting Cellco Partnership d/b/a Verizon Wireless, a non-exclusive franchise for the provision of wireless telecommunications services

**INTRODUCED FOR PUBLIC HEARING**

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

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

**Absent:** 1 - Byrd

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

A motion carried 6-0 to accept the recommendations put forward by the Homeless Strategies Workgroup as presented in Committee of the Whole.

**ADJOURN**