

# **Whatcom County Council**

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



## **Minutes - Final**

**Tuesday, January 24, 2023**

**6 PM**

**Hybrid Meeting**

**HYBRID MEETING (PARTICIPATE IN-PERSON AT 311 GRAND AVENUE SUITE  
101, SEE REMOTE JOIN INSTRUCTIONS AT**

**[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010) AGENDA**

**REVISED 1.23.2023**

### **COUNCILMEMBERS**

Barry Buchanan

Tyler Byrd

Todd Donovan

Ben Elenbaas

Carol Frazey

Kaylee Galloway

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 6:00 p.m. in a hybrid meeting.

### ROLL CALL

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

**Absent:** None

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

There was no report.

### FLAG SALUTE

### MINUTES CONSENT

1. MIN2023-007 Special Committee of the Whole for January 10, 2023

**Donovan moved and Galloway seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

### PUBLIC HEARINGS

1. AB2023-002 Ordinance amending the Whatcom County Unified Fee Schedule - ferry rates

Kershner reported for the Finance and Administrative Services Committee and stated they have decided to hold this item in Committee until March 7, 2023. Between now and then, they have asked the Administration to comment on the feasibility of using some American Rescue Plan Act (ARPA) funds and opening up the code to review language regarding punch card expiration, regular review of fares, and other policy and housekeeping issues. They will not be taking any action on this tonight.

Buchanan opened the Public Hearing and the following people spoke:

- Kathleen Gallagher
- Peter Gagliano
- Ralph Steele
- John Kottkamp (also on behalf of Teresa Kottkamp)
- Erin Deinzer (also on behalf of John Deinzer)
- Markis Dee Stidham
- Name not stated
- Marissa
- Name not stated
- Nancy Ecklund

Kershner asked whether speaking now would take people's opportunity to speak again later since Council will leave the Public Hearing Open.

The following additional person spoke:

- James Hanika

Hearing no one else, Buchanan stated the Public Hearing will be paused and they will take it up again on March seventh.

**The action for this agenda item was HEARD PUBLIC TESTIMONY AND HELD IN COUNCIL.**

## **OPEN SESSION**

The following people spoke:

- Cynthia Ripke-Kutsagoitz
- Cliff Langley
- Name not stated
- Lyle Sorenson
- Mark Stremmler
- Sherry Brown
- Rob Boleak
- Steve Lloyd
- Misty Flowers
- Pamela Carron
- Todd Lagestee
- Danaya Snavely
- Name not stated
- Markis Dee Stidham

- Name not stated
- Natalie Chavez
- Russell Anderson
- Susan Prosser
- Name not stated
- Name not stated
- Asa Meyer
- Patty Wines
- Cynthia Thompson
- Hope (last name not stated)
- Lindy McDonough
- Hannah Ordos

Hearing no one else, Buchanan closed the Open Session.

Councilmembers took a short break.

## **CONSENT AGENDA**

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

*Kershner* reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items one through twelve.

Galloway stated she supports the second item and expanding the program.

Elenbaas spoke about a concern about whether they are charging the appropriate amount to the different jurisdictions in Consent agenda items two through seven that were discussed in Committee.

Councilmembers voted on the Consent Agenda items (see votes on individual items below).

1. AB2023-065 Request authorization for the County Executive to enter into a residential lease agreement between Whatcom County and Krista and Nicolas Fauquet to reside at 367 East Lake Samish Drive, for a monthly rent of \$1,295

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 1 - Byrd

**Absent:** 0

2. AB2023-070 Request authorization for the County Executive to enter into an Interlocal Agreement amendment between Whatcom County and Bellingham Fire Department to extend the community paramedic program through 2023 in the amount of \$419,450

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 1 - Byrd

**Absent:** 0

3. AB2023-071 Request authorization for the County Executive to enter into Interlocal amendment to extend the Community Paramedic program though 2023 in the amount of \$199,927

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 1 - Byrd

**Absent:** 0

4. AB2023-072 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Camano Island Fire and Rescue for participation in the Whatcom County Paramedic Training program in the amount of \$25,625

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 1 - Byrd

**Absent:** 0

5. AB2023-073 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Marysville Fire District for participation in the Whatcom County Paramedic Training program in the amount of \$43,300

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 1 - Byrd

Absent: 0

6. AB2023-074 Request authorization for the County Executive to enter into an interlocal agreement between North County Fire and Rescue for participation in the Whatcom County Paramedic Training program in the amount of \$20,150

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 1 - Byrd

Absent: 0

7. AB2023-076 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Bellingham Fire Department to operate the 2023 Paramedic Training Program in accordance with Washington State Department of Health and Commission on Accreditation of Allied Health Education Programs (CAAHEP) standards and requirements in the amount of \$1,169,600

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 1 - Byrd

Absent: 0

8. AB2023-081 Request authorization for the County Executive to enter into an interagency agreement between Whatcom County and the Administrative Office of the Courts for interpreter expense reimbursement, in the amount of \$61,597.00

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 1 - Byrd

Absent: 0

9. AB2023-064 Resolution cancelling uncollectible personal property taxes.

**Kershner reported for the Finance and Administrative Services Committee**

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

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

**Nay:** 1 - Byrd

**Absent:** 0

Enactment No: RES 2023-002

- 10.**     AB2023-045     Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Conservation District for Lake Whatcom Homeowner Incentive Program Assistance, in the amount of \$63,500

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 1 - Byrd

**Absent:** 0

- 11.**     AB2023-056     Request authorization for the County Executive to enter into a Local Agency Standard Consultant Agreement Supplement No. 3 between Whatcom County and Wilson Engineering LLC., to provide on-call professional land surveying services support to Whatcom County Public Works, in the amount of \$100,000

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 1 - Byrd

**Absent:** 0

- 12.**     AB2023-061     Request authorization for the County Executive to award bid #22-66 and enter into a contract between Whatcom County and Stremmler Gravel Inc., for the 2022 Flood Gates Install project, CRP No. 922020 in the amount of \$56,080

**Kershner 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 - Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 1 - Byrd

Absent: 0

## **OTHER ITEMS**

### **(From Council Climate Action and Natural Resources Committee)**

1. AB2023-062 Resolution in support of adjudication funding in the Washington State 2023 - 2024 biennium

*Galloway* reported for the Climate Action and Natural Resources Committee and *moved* that the Resolution be TABLED. The motion was seconded by Kershner.

Councilmembers discussed whether they determined a time to bring this back and the difference between tabling and holding.

*Galloway amended* her motion and *moved* to HOLD IN COMMITTEE.

Donovan stated he would be happy to let it be held indefinitely which would be tabling.

*Galloway accepted* that as a friendly amendment *and moved* that the Resolution be TABLED.

**Galloway's motion that the Resolution be TABLED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

2. AB2023-086 Discussion and approval of letter regarding climate action legislative priorities

*Galloway* reported for the Climate Action and Natural Resources Committee and stated there is a second substitute letter after committee ("Revised Letter 1.24.23"). She stated the first revision was a sentence added to the paragraph on the Nooksack Adjudication and read it as follows:

Whatcom County has also requested additional funding to support the Solutions Table process including technical assistance and studies necessary to help us quantify water resources.

She stated the second revision is a new section added at the very end after the Flood Response and Mitigation paragraph as follows:



Swift Creek

Whatcom County is working with the Department of Ecology to implement the Swift Creek Sediment Management Action Plan. Department of Ecology submitted a \$12M funding request to support construction scheduled for this year, which includes a suite of projects that directly reduces sediment from Swift Creek. However, when the Office of Financial Management submitted the budget to the legislature, the Swift Creek project budget request was reduced to \$4 Million. This reduced funding will cause significant delays in addressing the Swift Creek sediment issue. For us to continue this work it is imperative for the state to continue to fully fund the program. Whatcom County is asking you to address this budget shortfall and work towards getting the Swift Creek budget item back to the original ask of \$12 Million.

Galloway *moved* to approve the letter as amended. The motion was seconded by Donovan.

Elenbaas stated he would not support the revised letter because it still says, "We believe a water rights adjudication in the Nooksack River watershed is necessary to bring together all water users, resolve water right disputes, determine who has the legal right to use water, and the priority and quantity of each right." He does not believe that they should be saying that they believe right now that adjudication is a necessary step to take.

Donovan stated he is not sure the Swift Creek language should be in a letter for climate action Legislative priorities.

Frazey stated she supports the letter.

*Kershner moved* to amend the letter to change the sentence that begins with "We believe a water rights adjudication in the Nooksack River watershed is necessary..." to "We understand that the State believes that a water rights adjudication is necessary." The motion was seconded by Elenbaas.

Galloway suggested they change the language to "We understand a water rights adjudication in the Nooksack River watershed can bring together all water users..." She stated it is hard to state that the State is solely determined because she thinks there are a lot of other people who believe this as well.

Councilmembers discussed the funding request.

Kershner suggested language to request funding to Whatcom County to support all of the water rights users who will be going through this process and asked if that is in the letter. Galloway stated there is a request for filing assistance. But Elenbaas stated filing assistance is not enough and legal assistance is needed.

Kershner suggested they change the language to request funding to the County for filing and legal assistance for all participants and Elenbaas asked if the County should be the one to facilitate.

Satpal Sidhu, County Executive, stated the County could be the gatekeeper and have one or two agencies who could facilitate that funding and he also spoke about assistance for documentation that might be needed.

***Kershner withdrew*** her motion and ***moved*** to amend the letter to read, “In preparation for adjudication, we also request funding for the County to provide filing and legal assistance for all participants.”

Councilmembers discussed whether the word “County” should be dropped, and whether any of these things are time sensitive.

***Elenbaas moved*** to hold this item for two weeks and then work on the language. The motion was seconded by Buchanan.

Sidhu stated the Administration would like that and Galloway and Frazey spoke against holding for two weeks.

The motion to hold failed by the following vote:

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

**Nay:** 4 - Donovan, Frazey, Galloway, and Buchanan

***Galloway moved*** to amend the Nooksack Adjudication paragraph so that it would read as follows:

Nooksack Adjudication

Please fully fund the Nooksack adjudication by supporting Department of Ecology’s \$2.738 million request in the Governor’s Budget. We understand a water rights adjudication in the Nooksack River watershed can help bring together all water users, resolve water right disputes, determine who has the legal right to use water, and the priority and quantity of each right. As water rights are determined, we hope to collaborate with all parties on establishing

solutions and market mechanisms to ensure communities get the water they need to live and support a thriving agricultural economy. Whatcom County has also requested additional funding to support the Solutions Table process including technical assistance and studies necessary to help us quantify water resources. In preparation for adjudication, we also request funding for the County to provide filing and legal assistance for all participants. This will help facilitate the process and help individuals avoid unnecessary, and often expensive, legal fees.

The motion was seconded by Elenbaas.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 0

Councilmembers discussed the motion to approve as amended.

**Galloway's motion that the letter be APPROVED AS AMENDED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

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

3. AB2023-059 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the Washington State Department of Health for the delivery and funding of various public health services in the amount of \$80,716, for a total amended agreement amount of \$8,567,890

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

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

**Nay:** 0

**Absent:** 0

4. AB2022-731 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Hunt Forensics for increased costs of services in the

amount of \$893,449.13 for the total amount of \$3,356,602

Kershner reported for the Finance and Administrative Services Committee and stated that this item was forwarded to the full Council without a recommendation.

***Donovan moved*** and Frazey seconded that the Contract be AUTHORIZED.

Elenbaas stated there have been a lot of conversations around this topic and a few meetings that will be taking place in the next week or two. He would like to wait to vote on it until those meetings have taken place and assurances are made that the contracts are being fulfilled in the manner in which they were negotiated.

***Kershner moved*** to hold for two weeks. The motion was seconded by Byrd.

Satpal Sidhu, County Executive, answered whether holding for two weeks is possible and stated this is a transition process and may take a couple of years. Their intention is to roll the Medical Examiner into the County but they cannot do that in one step.

Tyler Schroeder, Director of Administrative Services, and Councilmembers discussed getting questions answered before voting, the meetings with the Administration that are scheduled to take place, and having more time to go through Dr. Hunt's slides from committee today.

**Kershner's motion that the Contract be HELD AND REFERRED TO COMMITTEE carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Donovan

**(From Council Committee of the Whole)**

5. AB2023-087 Discussion and approval of letter of support for Ridge at Semiahmoo development

**Buchanan reported for the Committee of the Whole and moved that the Request for Motion be APPROVED. The motion was seconded by Donovan. The motion carried by the following vote:**

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

**Nay:** 0

Absent: 0

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

1. AB2023-037 Appointment to a vacancy on the Surface Mining Advisory Committee, member of the surface mining industry, Applicant(s): Brent Cowden

**Byrd moved and Frazey seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

2. AB2023-054 Appointment to vacancies on the Birch Bay Watershed and Aquatic Resources Management Advisory Committee, Applicant(s): Michael Allan (Council acting as the Flood Control Zone District Board of Supervisors)

***Kershner moved* and Donovan seconded that the Council Appointment be APPOINTED.**

Elenbaas asked whether they are missing part of the application because it did not say very much.

**Kershner's motion that the Council Appointment be APPOINTED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

3. AB2023-057 Appointments to various vacancies on the Wildlife Advisory Committee, Applicant(s): Stephen Nyman, Vikki Jackson, Jennifer Plombon

***Kershner moved* and Frazey seconded that all three Applicants be APPOINTED.**

Galloway stated since this committee sunsetted at the end of the year and was re-authorized, all the positions are open. She encouraged the community for apply it.

**Kershner's motion that the Council Appointment be APPOINTED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

4. AB2023-082 Appointment to fill a vacancy on the Flood Control Zone District Advisory Committee, Applicant(s): Scott Hulse (Council acting as the Flood Control Zone District Board of Supervisors)

**Byrd moved and Frazey seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

5. AB2023-083 Appointment to vacancy on the Solid Waste Advisory Committee, Solid Waste Disposal Facility Position, Applicant(s): Troy Lautenbach

Buchanan stated there are three applicants, two of which had late applications.

Jill Nixon, Council Office Staff, answered why the paperwork says there were two vacancies but they are only voting for one. She stated one position had no applicants.

*Frazey moved* to consider all the applicants. The motion was seconded by Kershner.

Karen Frakes, Prosecuting Attorney's Office, answered whether having a relative at the County disqualifies an applicant from serving on a committee.

The following applicant spoke:

- Pinky Vargas

Tyler Schroeder, Director of Administrative Services, answered whether there are solid waste decisions, actions, or supervisory roles that are taken care of by the Health Department.

Councilmembers discussed the applicants and **Pinky Vargas** was appointed by the following vote:

**Pinky Vargas:** 5 - Buchanan, Byrd, Donovan, Frazey, and Galloway

**William McCarter:** 2 - Elenbaas and Kershner

**Troy Lautenbach:**0

**This item was APPOINTED**

Pinky Vargas was appointed.

### **CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. AB2023-068 Request confirmation of the County Executive's appointments and reappointments to various county boards, committees and commissions

**Byrd moved and Donovan seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

### **ITEMS ADDED BY REVISION**

This item was discussed below.

### **INTRODUCTION ITEMS**

**Donovan moved** to introduce items one through three. The motion was seconded by Byrd (see votes on individual items below).

1. AB2023-069 Ordinance amending Whatcom County Code 2.09 to conform with newly adopted and amended Court rules

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2023-003

2. AB2023-077 Ordinance amending the Whatcom County Budget, request no. 2, in the amount of \$6,395,173

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2023-001

- 3. AB2023-078 Ordinance amending the project based budget for the Plantation Rifle Range Lead Reclamation and Capital Improvement by adding \$700,000 for a total amount of \$1,355,000

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2023-002

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

Councilmembers gave Committee reports then continued with them below.

See more Committee Reports below.

**ITEMS ADDED BY REVISION**

- 1. AB2023-092 Discussion and approval of motion to send a letter to the County Executive in support of seeking US Department of Transportation culvert replacement funding  
  
Dana Brown-Davis, Clerk of the Council, alerted the Council that this item, which was added by revision, had not yet been considered.

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

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

**Nay:** 0

**Absent:** 0

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

Councilmembers continued Committee Reports.

Dana Brown-Davis, Clerk of the Council stated for the record that the third introduction item was a substitute version.

**Donovan moved** the following from the Committee of the Whole Executive Session:



I hereby move to approve defense and indemnification of Andrew Mellema, named as a defendant in Olga Grishchuk, an individual, Victor Grishchuk, an individual, and Michael Grishchuk, an individual v. Andrew Mellema, an individual, and Whatcom County, Whatcom County Superior Court Cause No. 22-2-01274-37.

Based on the following findings:

- A. Andrew Mellema was acting in a matter in which the county had an interest;
- B. Andrew Mellema was acting in the discharge of a duty imposed or authorized by law;
- C. Andrew Mellema acted in good faith.

The motion was seconded by Elenbaas.

The motion carried by the following vote:

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

**Nay:** 0

Councilmembers spoke about other items and gave Councilmember updates.

Satpal Sidhu, County Executive, answered questions about a presentation on the Yakima Basin Integrated Plan Partnership at a recent Business and Commerce Advisory Committee meeting and whether it could be scheduled for the Council's Climate Action and Natural Resources Committee.

Motion approved 7-0 to approve defense and indemnification of Andrew Mellema, named as a defendant in Olga Grishchuk, an individual, Victor Grishchuk, an individual, and Michael Grishchuk, an individual v. Andrew Mellema, an individual, and Whatcom County, Whatcom County Superior Court Cause No. 22-2-01274-37.

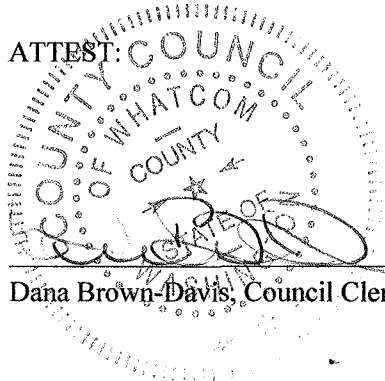
Based on the following findings:

- A. Andrew Mellema was acting in a matter in which the county had an interest;
- B. Andrew Mellema was acting in the discharge of a duty imposed or authorized by law;
- C. Andrew Mellema acted in good faith.

## **ADJOURN**

The meeting adjourned at 9:15 p.m.

The County Council approved these minutes on February 7, 2023.



ATTEST:

Dana Brown-Davis  
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

Barry Buchanan  
Barry Buchanan, Council Chair

Kristi Felbinger  
Kristi Felbinger, Minutes Transcription