

# **Whatcom County Council**

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



## **Minutes - Draft Minutes**

**Tuesday, September 14, 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 9.13.2021**

### **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

Buchanan read the following announcement:

The County is accepting applications from county residents to fill vacancies on several boards, commissions, and committees spanning a wide range of important local issues. For more information, visit the Boards and Commissions vacancy webpage on the County website at [www.co.whatcom.wa.us](http://www.co.whatcom.wa.us), or call the County Council office or County Executive's Office.

### COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, stated that he did not have a report.

### MINUTES CONSENT

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

1. [MIN2021-065](#) Special Council for August 5, 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. [MIN2021-067](#) Committee of the Whole Executive Session for August 10, 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. [MIN2021-068](#) Committee of the Whole for August 10, 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. [MIN2021-069](#) Regular County Council for August 10, 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

5. [MIN2021-070](#) Special Council for August 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. [AB2021-408](#) Ordinance adopting amendments to Whatcom County Code Title 17 Flood Damage Prevention

The following people spoke:

- Paula Harris, Public Works Department, briefed the Councilmembers.
- Travis Bouma, Public Works Department

Buchanan opened the Public Hearing and, hearing no one for this item, 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 2021-053

2. [AB2021-434](#) Resolution authorizing the sale of Whatcom County surplus property

Tyler Schroeder, Executive's Office, briefed the Councilmembers.

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

**Byrd moved and Frazey seconded that the Resolution Requiring a Public Hearing 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 2021-033

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

The following people spoke:

- David Spring
- Lonnie Brogan
- David Strich
- Robert Viens
- Mylissa Bode
- Misty Flowers
- Wendy Harris
- Melissa Greg Wisener
- Markis Dee Stidham
- Robert Bystrom
- Ken Domorod
- Jim Schoenecker

- Frank Soler
- Richard Tran
- Renee Norton
- Natalie Chavez
- Jean Purcell
- Nancy Hill
- Kali White
- Ashley Butenschoen
- Hannah Ortis
- Heather Katahdin

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 three.

Council staff started to call for the votes but Byrd stated he would like to vote on them separately.

*Browne withdrew* his motion and the Councilmembers voted on each item separately.

1. [AB2021-487](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Michael Bobbink for hearing examiner services

**Browne moved that the Contract be AUTHORIZED. The motion carried by the following vote:**

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

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

**Absent:** 0

2. [AB2021-502](#) Resolution in the matter of the sale of surplus personal property and setting a date for public hearing, pursuant to WCC 1.10

**Browne moved 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 2021-034

3. [AB2021-518](#) Resolution to amend Resolution 2020-046 for unrepresented Whatcom County employees

**Browne moved 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 2021-035

## **OTHER ITEMS**

### **(From Council Natural Resources Committee)**

1. [AB2021-359](#) Presentation/discussion of Wildlife Advisory Committee recommendation regarding Nomination of Species of Local Importance and request for Council motion to designate four wildlife species as “Species of Local Importance”

Donovan reported for the Natural Resources Committee.

Dana Brown-Davis, Clerk of the Council, stated the recommendation from committee is to hold a public hearing in two weeks.

*Donovan moved* to schedule a public hearing in two weeks.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 2 - Elenbaas and Kershner

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

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

2. [AB2021-501](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Compass Health to lease a portion of the Whatcom Response Center, in the amount of \$20,000 annually

Buchanan stated this is a substitute.

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

**moved that the SUBSTITUTE Agreement be AUTHORIZED.. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Elenbaas

3. [AB2021-493](#) Request authorization for the County Executive to enter into an Agreement between Whatcom County and Administrative Office of Courts (AOC) for reimbursement of Uniform Guardianship Act (UGA) services, in the amount of \$153,110

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

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

**Nay:** 0

**Absent:** 0

4. [AB2021-497](#) 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 \$110,000 for a total estimated contract amount of \$330,000

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

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

**Nay:** 0

**Absent:** 0

5. [AB2021-492](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Commerce to furnish goods and services necessary to accomplish activities under the SFY 2022 Victim/Witness Assistance Grant during the grant period, in the amount of \$60,368.00

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

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

Nay: 0

Absent: 0

6. [AB2021-523](#) Request authorization for the County Executive to enter into Local Agency Agreement Supplement No. 5 between Whatcom County and the Washington State Department of Transportation for the Birch Bay Drive and Pedestrian Facility Project in the amount of \$300,000

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

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

Nay: 0

Absent: 0

7. [AB2021-450](#) Resolution amending the Flood Control Zone District 2021 budget, request no. 2, in the amount of \$1,142,000 (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 Resolution (FCZDBS) 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 2021-036

8. [AB2021-451](#) Ordinance amending the 2021 Whatcom County Budget, request no. 13, in the amount of \$1,615,450

***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: 5 - Browne, Buchanan, Donovan, Elenbaas, and Frazey

Nay: 2 - Byrd, and Kershner

Absent: 0



Enactment No: ORD 2021-054

9. [AB2021-498](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology to provide Pollution Prevention Assistance Specialists, in the amount of \$293,568

**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

10. [AB2021-509](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for the development of a housing communications strategy, in the amount of \$19,050

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

Dana Brown-Davis, Clerk of the Council, confirmed that there was additional information posted online for this item.

Councilmembers discussed the motion and the Community Outreach Facilitator.

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

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

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

**Absent:** 0

11. [AB2021-489](#) Resolution approving the 2022 recommended Convention Center (Lodging Tax) allocations for tourism-related facilities and activities as defined through RCW 67.28.1816 in the amount of \$1,469,575

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

Councilmembers discussed that this is a substitute version.

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

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

Nay: 0

Absent: 0

Enactment No: RES 2021-037

- 12. [AB2021-506](#) Request authorization for the County Executive to enter into a contract agreement between Whatcom County and West Publishing for online access to proprietary law publications in the amount of \$143,007

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

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

**Nay:** 0

**Absent:** 0

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

- 1. [AB2021-510](#) Request Council appointment of one councilmember to attend the Whatcom Transportation Authority (WTA) Board Composition Review, as required by law  
Donovan briefed the Councilmembers.

*Frazey moved* and Kershner seconded that Donovan be nominated and APPOINTED.

Councilmembers discussed the motion.

**Frazey's motion that Donovan be nominated and APPOINTED carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Donovan was appointed.

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

- 1. [AB2021-507](#) Request confirmation of the Executive's reappointment of Wendy Miller and Mark Challenger to the Americans with Disabilities Act (ADA) Compliance Committee

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

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

**Nay:** 0

**Absent:** 0

### **ITEMS ADDED BY REVISION**

1. [AB2021-535](#) Request authorization for the County Executive to enter into a revised contract between Whatcom County and the Housing Authority of the City of Bellingham to secure an EDI loan for the Samish Way Redevelopment project in the amount of \$725,000

Buchanan read the item into the record.

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

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

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

**Absent:** 0

### **INTRODUCTION ITEMS**

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

Councilmembers discussed AB2021-185 and when it will be introduced.

1. [AB2021-500](#) Ordinance adopting amendments to the Whatcom County Zoning Code Relating to Temporary Homeless Facility Regulations

**Browne moved and Donovan seconded that the SUBSTITUTE 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

2. [AB2021-512](#) Ordinance amending the 2021 Whatcom County Budget, request no. 14, in the amount of \$315,947

**Browne moved and Donovan 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

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

**Browne moved and Donovan 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

- 4. [AB2021-508](#) Ordinance for Installation of a Stop Sign on Northshore Road

**Browne moved and Donovan 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

- 5. [AB2021-503](#) Resolution authorizing the sale of surplus personal property pursuant to WCC 1.10

**Browne moved and Donovan 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

- 6. [AB2021-515](#) Resolution in the matter of the Whatcom County Six-Year Transportation Improvement Program (STIP) for the years 2022 through 2027

**Browne moved and Donovan 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

7. [AB2021-522](#) Resolution amending the Flood Control Zone District 2021 budget, request no. 3, in the amount of \$175,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Browne moved and Donovan 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

8. [AB2021-516](#) Resolution adopting the Whatcom County Flood Control Zone District Six-Year Water Resources Improvement Program for the years 2022 through 2027 (Council acting as the Flood Control Zone District Board of Supervisors)

**Browne moved and Donovan seconded that the Resolution (FCZDBS) 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

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

Councilmembers gave committee reports.

Satpal Sidhu, County Executive, spoke about the plan for going forward with allocations for the American Rescue Plan Act (ARPA) funds.

*Byrd moved* that they begin meeting again in person.

Dana Brown-Davis, Clerk of the Council, briefed the Councilmembers on progress on work that would allow for hybrid meetings.

Councilmembers discussed the motion, the loss of jobs because of vaccine mandates, natural immunity, getting updates from the Health Department, other issues regarding COVID-19, and processing conceal carry permits.

Brown-Davis and Councilmembers discussed that the Council has the ability to have basic hybrid meetings and what the logistics might be.

Karen Frakes, Prosecuting Attorney's Office, stated we are still required to have remote meetings but an in-person component is allowed. An in-person

component of the meeting has to be compliant with the current rules that the State has for business meetings. There are no distancing requirements or capacity requirements. There is just the State mandate for masking.

Councilmembers continued to discuss the motion.

Brown-Davis asked who would enforce the rules in the Council chambers.

Byrd's motion was seconded by Elenbaas.

*Byrd clarified* his motion that the Council should start hybrid meetings at the September 28, 2021 meeting.

Councilmembers, Frakes, and Brown-Davis discussed whether the expectation would be for everyone present to wear a mask, how other jurisdictions have handled hybrid meetings, enforcement of mask-wearing, what Council staff would do, and contingencies for non-compliance.

The motion failed by the following vote:

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

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

Satpal Sidhu, County Executive recognized Anne Deacon's (Health Department) 50 years of public service as she gets ready to retire and Councilmembers also expressed their appreciation.

Anne Deacon, Health Department, spoke about her retirement.

Sidhu spoke about the Community Outreach Facilitator.

## **ADJOURN**

The meeting adjourned at 9:22 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

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

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