

# **Whatcom County Council**

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



## **Minutes - Draft Minutes**

**Tuesday, January 25, 2022**

**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 1.25.2022**

### **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 Todd Donovan called the meeting to order at 6 p.m. in a virtual meeting.

### ROLL CALL

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

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

The Council is accepting applications to fill vacancies on the Board of Equalization. Applicants must be registered voters and live in Council District 3 or 5. The Board of Equalization hears property tax appeals and complaints regarding the Assessor's property value determination. Hearings are on Wednesdays and Thursdays. If you are interested and meet these qualifications, please let us know at 360-778-5010 or email the council at Council@co.whatcom.wa.us.

### COUNTY EXECUTIVE'S REPORT

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

### MINUTES CONSENT

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

1. [MIN2022-005](#) Special Council for January 11, 2022

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

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

**Nay:** 0

**Absent:** 0

2. [MIN2022-006](#) Regular County Council for January 11, 2022

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

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

Nay: 0

Absent: 0

3. [MIN2022-007](#) Water Work Session for January 18, 2022

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

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

**Nay:** 0

**Absent:** 0

### **PUBLIC HEARING**

1. [AB2021-664](#) Ordinance establishing a speed limit on a portion of Alderson Road

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

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

Jim Karcher, Public Works Department, briefed the Councilmembers and answered whether this area is where the County was doing some maneuvering with the golf cart zone.

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2022-002

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

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

The following people spoke:

- Rob Lewis
- Michael Feerer
- Todd Lagestee

- Alexandra Williams
- Alexander Harris
- Sarah Gardam
- Megan Wiseman
- Richard Tran
- Wendy Harris
- Shean Halley
- Misty Flowers
- Jean Purcell
- Sara Rose
- Jennifer Durant
- Robert Bystrom
- Ken Domorod
- Judith Akin
- Fran Isbell
- Craig Robinson
- Andie Ward
- Natalie Chavez
- Hannah Ordos
- Nancy Bergman
- Karla Rae
- Skip Hamilton
- Lynnette Allen

Byrd spoke to Michael Feerer and requested he send the remainder of his comments to the Council and he also spoke to those who had comments about masking and vaccines.

Hearing no one else, Donovan closed the Open Session.

Councilmembers took a five-minute break.

### **CONSENT AGENDA Part 1**

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

*Byrd* reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items 1-14.

*Kershner moved* to remove AB2022-051 and AB2022-056 (Agenda item numbers 7 and 10) from the Consent Agenda based on open session comments and an email received. The motion was seconded by Byrd.

The motion carried by the following vote:

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

**Nay:** 0

Councilmembers voted on Consent Agenda Items 1-6, 8-9, and 11-14 (see votes on individual items below).

1. [AB2022-030](#) Resolution cancelling uncollectible personal property taxes

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

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2022-002

2. [AB2022-034](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Kittitas County for jail services when extra housing is needed for Whatcom County Jail inmates

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

**Nay:** 0

**Absent:** 0

3. [AB2022-043](#) Request Authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Office of Public Defense for the enhancement of Public Defense in the amount of \$209,111.00

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

**Nay:** 0

**Absent:** 0

4. [AB2022-045](#) Resolution to approve annual petition for refunds paid list consistent with RCW

84.69.020

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

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2022-003

5. [AB2022-046](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department to prepare for all hazards through Emergency Management programs, in the amount of \$74,247

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

**Nay:** 0

**Absent:** 0

6. [AB2022-047](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department to prepare for all hazards through Emergency Management programs, in the amount of \$25,325

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

**Nay:** 0

**Absent:** 0

7. [AB2022-051](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the Washington State Department of Natural Resources in the amount of \$9,900.00

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

8. [AB2022-052](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lifeline Connections to provide jail behavioral health and re-entry services in the amount of \$604,882 for a total amended contract amount

of \$669,322

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

**Nay:** 0

**Absent:** 0

9. [AB2022-053](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Ecology, in the amount of \$1,295,000

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

**Nay:** 0

**Absent:** 0

10. [AB2022-056](#) Request authorization for the County Executive to enter into an interlocal agreement with the City of Bellingham for Joint Usage of the Vactor Waste Transfer Facility

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

11. [AB2022-057](#) Request authorization for the County Executive to enter in to a contract with GeoTest Services, Inc. for on-call Construction Materials Testing and Inspection Construction Services in an amount not to exceed \$150,000

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

**Nay:** 0

**Absent:** 0

12. [AB2022-058](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide emergency housing for families experiencing unsheltered homelessness in the amount of \$107,000 for a total amended contract amount of \$600,074

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

**Nay:** 0

**Absent:** 0

13. [AB2022-059](#) Request authorization for the County Executive to enter into a collective bargaining agreement between Whatcom County and the Fraternal Order of Police for the period of January 1, 2022 - December 31, 2024

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

**Nay:** 0

**Absent:** 0

14. [AB2022-060](#) Request authorization for the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and PROTEC17 for the period of January 1, 2022 - December 31, 2023

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

**Nay:** 0

**Absent:** 0

### **OTHER ITEMS Part 1**

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

1. [AB2022-012](#) Ordinance establishing the Geneva Bioretention Pilot Project Fund and establishing a project based budget for the Geneva Bioretention Pilot Project

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

Frazey asked and Dana Brown-Davis, Clerk of the Council, answered whether they should go in the order of the agenda and go back to the remaining items that were removed from the Consent Agenda.



*Byrd withdrew* his motion.

Enactment No: ORD 2022-003

See action on this item below.

## **CONSENT AGENDA (Items Removed from Consent) Part 2**

(From Council Finance and Administrative Services Committee)

7. [AB2022-051](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the Washington State Department of Natural Resources in the amount of \$9,900.00

*Byrd* reported for the Finance and Administrative Services Committee and *moved* that the Agreement be AUTHORIZED.

Jon Hutchings, Public Works Department Director, answered whether this project is experimental and dangerous and stated maybe the best thing to do here is to ask that we just hold this until next meeting at which time we can bring up in the Natural Resources Committee the people who are running that program and they can answer those questions more directly about the implications if it suits the Council. He answered who is licensed to do aquatic application of herbicide.

*Byrd moved* to hold the item. The motion was seconded by Buchanan.

Councilmembers discussed the motion, what committee the item should go to if it was held, and why it has to be approved by the Council since it does not exceed the \$40,000 threshold.

The motion failed by the following vote:

**Aye:** 1 - Donovan

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

**Byrd's motion that the Agreement be AUTHORIZED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

10. [AB2022-056](#) Request authorization for the County Executive to enter into an interlocal agreement with the City of Bellingham for Joint Usage of the Vactor Waste Transfer Facility

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

Councilmembers discussed why this item was pulled from the Consent Agenda.

Jon Hutchings, Public Works Department Director, stated he would reach out to the constituent who asked what we do with the waste we collect, and he answered what the current controversy is regarding how the City of Bellingham is attempting to manage the waste water sludge.

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

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

**Nay:** 0

**Absent:** 0

## **OTHER ITEMS Part 2**

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

1. [AB2022-012](#) Ordinance establishing the Geneva Bioretention Pilot Project Fund and establishing a project based budget for the Geneva Bioretention Pilot Project

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

Jon Hutchings, Public Works Department Director, answered whether any funding for this is coming out of the Behavioral Health Program Fund.

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2022-003

2. [AB2022-013](#) Ordinance amending the 2022 Whatcom County Budget, request no. 4, in the amount of \$1,619,951

Byrd reported for the Finance and Administrative Services Committee and stated the committee has held this item in committee for further information until our next meeting.

*Frazey moved* that the Ordinance be ADOPTED. The motion was seconded by Galloway.

Councilmembers discussed the motion and the following people answered questions:

- Erika Lautenbach, Health Department Director
- Tyler Schroeder, Executive's Office

Schroeder walked through the background of the Ordinance.

Lautenbach answered whether this Ordinance is independent of the full transition or a pre-cursor, and whether there would be a disruption of services if this was not adopted tonight.

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

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

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

**Absent:** 0

**Abstain:** 1 - Kershner

Enactment No: ORD 2022-004

3. [AB2022-044](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ideal Options for Physician Services in the amount of \$277,842.00

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

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

**Nay:** 0

**Absent:** 0

4. [AB2022-049](#) Request authorization for the County Executive to enter into a Memorandum of Understanding for the Way Station

**Byrd** reported for the Finance and Administrative Services Committee and **moved** that the Memorandum of Agreement be AUTHORIZED.

Councilmembers discussed why Byrd abstained on this item in committee

and discussed the item.

**Byrd's motion that the Memorandum of Agreement be AUTHORIZED carried by the following vote:**

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

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

**Absent:** 0

5. [AB2022-050](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pacific Security to provide security services at COVID isolation and quarantine facilities and community vaccine clinics in the amount of \$48,201 for a total amended contract amount of \$224,210

*Byrd* reported for the Finance and Administrative Services Committee and stated it was recommended not to be approved and Councilmembers discussed the action taken in Committee. He *moved* to not pass the item.

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

Councilmembers discussed the concerns that were expressed in the Finance Committee and the following people answered questions:

- Erika Lautenbach, Health Department Director
- Tyler Schroeder, Executive's Office

Lautenbach answered questions about whether there is any retroactive payment, and the money that is going toward paying for a car.

Schroeder spoke about the scope of work of this contract and one previously approved.

*Byrd withdrew* his original motion not to pass and left it as a recommendation.

**Frazey's motion that the Contract be AUTHORIZED carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

6. [AB2022-055](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Conservation District, in the

amount of \$35,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

Councilmembers voted on the item (see below) and Elenbaas spoke about the item.

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

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

**Nay:** 0

**Absent:** 0

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

7. [AB2021-744](#) Resolution approving recommendations on three applications for Open Space Current Use Assessment

**Elenbaas** reported for the Planning and Development Committee and **moved** that the Resolution be APPROVED.

Councilmembers discussed why the two applicants were kept in that were not recommended by the Planning and Development Services Department staff and OSP2020-00004 for which staff did not recommend approval and the Planning Commission made no recommendation.

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

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2022-004

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

8. [AB2021-209](#) Resolution regarding permanent affordability of childcare in Whatcom County  
**Frazey moved** and Buchanan seconded that the "Revised Resolution as Revised on 1.25.2022" on the Legislative Information Center be APPROVED.

Councilmembers discussed the version being considered and whether this is

an amendment or a substitute Resolution.

Dana Brown-Davis, Clerk of the Council, requested that they move to approve the substitute version as revised on January 25, 2022.

*Frazey restated* her motion to approve the SUBSTITUTE Resolution from today (January 25, 2022). The motion was seconded by Buchanan.

Kershner spoke about being careful not to allocate the money for things that do not last.

Galloway asked about a scrivener's error in the Resolution.

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Elenbaas

Enactment No: RES 2022-005

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

1. [AB2022-026](#) Council appointment to fill vacancies on the Incarceration Prevention and Reduction Task Force - Applicant(s): Jason McGill, Jason Smith, Jenn Lockwood, Gregory Todd Lagestee, Heather Flaherty, Deborah Hawley, McKale Jones, Debra David Jill Nixon, Council Office staff, spoke about a suggested process.

*Buchanan moved* and Byrd seconded to nominate both applicants for the Consumer of services or family member position.

Councilmembers discussed the motion and voted as follows:

**Deborah Hawley, incumbent:** 6 - Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan

**Debra David:** 1 - Elenbaas

Appointed: **Deborah Hawley**

*Kershner moved* and Buchanan seconded to nominate the four remaining applicants for the Concerned Citizen position.

Councilmembers discussed the motion and voted as follows:

**Heather Flaherty, incumbent:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**McKale Jones:** 0

**Gregory Todd Lagestee:** 0

**Debra David:**0

Appointed: **Heather Flaherty**

Kershner moved and Buchanan seconded to nominate all four applicants for the Social Services Provider position.

Councilmembers discussed the motion and each voted for two applicants as follows:

**Jason McGill:** 5 - Buchanan, Byrd, Frazey, Galloway, and Kershner

**Jason Smith:** 2 - Byrd, and Elenbaas

**Jenn Lockwood:** 4 - Donovan, Elenbaas, Frazey, and Kershner

**Gregory Todd Lagestee:** 3 - Buchanan, Donovan, and Galloway

Appointed: **Jason McGill and Jenn Lockwood**

**This agenda item was APPOINTED.**

2. [AB2022-054](#) Council appointment to the Flood Control Zone District Advisory Committee - Alternate, applicant(s): Loren Hoekema (Council Acting as the Flood Control Zone District Board of Supervisors )

**Elenbaas moved** and Frazey seconded that the Council Appointment be APPOINTED.

Elenbaas commented on the motion.

**Elenbaas'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. [AB2022-068](#) Council appointment to fill vacancies on the Forestry Advisory Committee, Harvester position - Applicant(s): Matt McGee

**Buchanan moved and Byrd 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

4. [AB2022-069](#) Council appointment to fill vacancy on the Lynden/Everson Flood Control Subzone Advisory Committee - Applicant(s): Shawna DeKriek (Council Acting as the Flood Control Zone District Board of Supervisors)

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

Elenbaas commented on the motion.

**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

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

1. [AB2022-061](#) Request confirmation of the County Executive's appointments and reappointments to various county boards, committees and commissions

Dana Brown-Davis, Clerk of the Council, stated there is a substitute summary and a substitute packet of applications ("Substitute Applications A 1.24.2022").

**Galloway moved and Frazey seconded that the SUBSTITUTE 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**

1. [AB2022-079](#) Ordinance amending Whatcom County Code 2.02.085, Council Standing Committees - Committee Action

Councilmembers and Council staff discussed the order of considering this item in the agenda.

**Galloway moved** to add AB2022-063 to the agenda **then withdrew** her



motion since these are introduction items.

Councilmembers discussed when to talk about AB2022-063.

***Frazey moved*** and Galloway seconded that the Ordinance be INTRODUCED.

Councilmembers discussed the item.

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Byrd

## **INTRODUCTION ITEMS**

***Buchanan moved*** to remove AB2021-606 from Introduction. The motion was seconded by Kershner.

The motion carried by the following vote:

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

**Nay:** 0

**Abstain:** 1 - Byrd

***Kershner moved*** to introduce items 1, 3, 4, 5, 6, and 7. The motion was seconded by Frazey.

Councilmembers and Council staff discussed how it is decided whether these items will be scheduled for a committee, and the origin of the ordinances. Councilmembers voted on the items (see votes on individual items below).

1. [AB2022-048](#) Ordinance authorizing Superior Court to appoint a statutory commissioner

**Kershner moved and Frazey 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

2. [AB2021-606](#) Ordinance adopting amendments to the Whatcom County Code Title 20, Zoning, to

provide additional affordable housing options, including allowing and regulating tiny homes and allowing duplexes in planned unit developments

**Buchanan moved and Kershner seconded that the Ordinance Requiring a Public Hearing be WITHDRAWN. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Byrd

3. [AB2022-036](#) Ordinance repealing the Cherry Point Ferndale Subarea Plan and deleting a reference to the Subarea Plan in the Whatcom County Comprehensive Plan

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

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

**Nay:** 0

**Absent:** 0

4. [AB2022-039](#) Ordinance to temporarily close Gulf Road to Motorized Vehicular Traffic

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

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

**Nay:** 0

**Absent:** 0

5. [AB2022-040](#) Ordinance for the legal establishment of a speed limit for a portion of Nulle Road

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

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

**Nay:** 0

**Absent:** 0

6. [AB2022-041](#) Ordinance to install a stop sign on Northwest Drive

**Kershner moved and Frazey seconded that the Ordinance Requiring a Public**

Hearing be **INTRODUCED FOR PUBLIC HEARING**. The motion carried by the following vote:

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

**Nay:** 0

**Absent:** 0

7. [AB2022-042](#) Ordinance regarding the legal establishment of existing yield signs on county roads

**Kershner moved and Frazey seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING**. 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**

Councilmembers gave committee reports.

*Galloway* spoke about AB2022-063 Letter to Commissioner of Public Lands and Washington State Board of Natural Resources regarding proposed Bessie Sorts Timber Sale and *moved* to approve the revised letter. The motion was seconded by Frazey.

Dana Brown-Davis, Clerk of the Council, clarified that this is the substitute letter.

The motion carried by the following vote:

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

**Nay:** 2 - Kershner and Elenbaas

**Abstain:** 1 - Byrd

Cathy Halka, Council Legislative Analyst, briefed the Councilmembers about the kick-off meeting for the COVID-19 pandemic response review contract on January 27, 2022.

Councilmembers discussed whether Councilmembers should be present at the kick-off meeting and the purpose of the meeting.

*Kershner moved* that she and one other Councilmember who wants to go will participate in this meeting. She suggested that Elenbaas be the other Councilmember. The motion was seconded by Byrd.

Councilmembers discussed the motion and Buchanan stated he would volunteer to join Kershner.

***Kershner revised*** her motion that she and Buchanan will participate in the meeting. The motion was seconded by Elenbaas.

Councilmembers discussed the motion, the agenda topics of the meeting, and other meeting options.

The following spoke about whether it would be an issue with quorum since Kershner and Buchanan are both on the Public Works and Health Committee:

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

***Kershner amended*** her motion that just she will participate in the meeting.

She stated she would report back to Council.

Councilmembers continued to discuss the motion.

The motion carried by the following vote:

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

**Nay:** 1 - Byrd

Elenbaas spoke about and Councilmembers discussed trying to meet in person for at least a portion of their meetings.

***Kershner moved*** that they ask staff to give them an update at the next Committee of the Whole meeting on where we are with technology and any other issues regarding opening the Council Chambers in a hybrid capacity. The motion was seconded by Galloway.

Councilmembers discussed the motion.

Karen Frakes, Prosecuting Attorney's Office, stated she believes it is still the law that they have to have a hybrid component so the meetings would have to be hybrid meetings.

The motion carried by the following vote:

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

Buchanan

Nay: 0

Councilmembers gave other updates.

Motions were approved.

**ADJOURN**

The meeting adjourned at 10:27 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

\_\_\_\_\_  
Todd Donovan, Council Chair

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