

# **Whatcom County Council**

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



## **Minutes - Final**

**Tuesday, January 11, 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)**

### **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

The previous Council Chair Barry Buchanan called the meeting to order at 6 p.m. in a virtual meeting and announced that Todd Donovan was elected as Council Chair. He handed the meeting over to Donovan.

### ROLL CALL

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

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

The Incarceration Prevention and Reduction Task Force is accepting applications until Tuesday, January 18 at 10 a.m. We are accepting applications for social services providers, interested citizens, and consumers or their family members. 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](mailto:Council@co.whatcom.wa.us).

### COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, reported on the following:

- Condolences to late Senator Doug Ericksen's family
- Congratulations to new Councilmember Kaylee Galloway
- Congratulations to new 42nd Legislative District representative Simon Sefzik
- Requests for help from county residents and the Governor to relieve pressure on the health care system because of COVID-19
- The efforts of the Emergency Operations Center after the November flood event and a recent Federal declaration of emergency
- The County's recent winter night shelter
- The formation this year of the 2023-2024 biennium budget and upcoming meetings with several groups to help determine what the priorities should be

He answered whether NW Youth Services has a space since it was moved to make room for the second isolation facility and whether there is a timeline that the flood FEMA funds have to be used.

**MINUTES CONSENT**

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

1. MIN2021-090 Committee of the Whole for November 23, 2021

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Galloway

2. MIN2021-091 Health Board for November 30, 2021

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Galloway

3. MIN2021-092 Regular County Council for November 23, 2021

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Galloway

4. MIN2021-093 Special Council for December 2, 2021

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Galloway

5. MIN2021-094 Committee of the Whole Executive Session for December 7, 2021

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Galloway

6. MIN2022-001 Committee of the Whole for December 7, 2021

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Galloway

7. MIN2022-002 Regular County Council for December 7, 2021

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Galloway

8. MIN2022-003 Special Council for December 22, 2021

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Galloway

9. MIN2022-004 Special Council for January 4, 2022

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Galloway

## **PUBLIC HEARINGS**

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

1. AB2021-715 Ordinance granting Zayo Group, LLC, a franchise for the provision of telecommunications services

Andrew Hester, Public Works Department, stated he was available for questions.

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

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

Hester answered when this item was introduced.

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2022-001

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

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

The following people spoke:

- Perrin Storch
- Wendy Harris

- Misty Flowers
- Sara Rose
- Dam Pham
- Nancy Bergman
- Shean Halley
- Nancy Flint
- Natalie Chavez
- Jean Purcell
- Jennifer Durant
- Susan Prosser
- Deborah Van Beek
- Megan Wiseman
- Hannah Ordos
- Enoch Mann
- Name not stated (listed as “We Will”)
- Cliff (last name not stated)

Hearing no one else, Donovan closed the Open Session.

### **CONSENT AGENDA**

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

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

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

1. AB2021-712 Request authorization for the County Executive to enter into a contract between Whatcom County and Sustainable Connections for costs to facilitate the Whatcom Housing Alliance in the amount of \$100,000

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

**Nay:** 0

**Absent:** 0

2. AB2022-004 Request authorization for the County Executive to enter into a contract between Whatcom County and Northwest Youth Services to operate an overnight winter shelter for young adults experiencing homelessness, in the amount of \$81,000

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

**Nay:** 0

**Absent:** 0

3. AB2022-009 Request authorization for the County Executive to enter into a contract between Whatcom County and BERK Consulting, Inc. to complete the COVID-19 Pandemic Response Review project for a total amount of \$71,458

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

**Nay:** 0

**Absent:** 0

4. AB2022-014 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pacific Security to continue providing building patrol security services at nine County buildings

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

**Nay:** 0

**Absent:** 0

5. AB2022-015 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Council of Governments for the performance of duties related to the Boundary Review Board for Whatcom County, in the amount of \$5,000

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

**Nay:** 0

**Absent:** 0

6. AB2022-016 Request authorization to amend the WA State Nurses Association Collective Bargaining Agreement for the period January 1, 2021 - December 31, 2022

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

**Nay:** 0

**Absent:** 0

7. AB2022-017 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 - Elenbaas, Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan

**Nay:** 0

**Absent:** 0

## **OTHER ITEMS**

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

1. AB2021-741 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington State University to continue the jointly shared costs for faculty positions and program support for WSU Extension in the amount of \$240,071 for a total amended contract amount of \$2,731,428.90

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

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

**Nay:** 0

**Absent:** 0

2. AB2021-751 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Aristo Healthcare Services to provide staffing at the COVID Isolation and Quarantine Facility in the estimated amount of \$125,000 for a total estimated amended contract amount of \$325,000



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

Elenbaas asked whether this contract is through March 31, 2022.

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

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

**Nay:** 0

**Absent:** 0

3. AB2021-752 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Road2Home to operate the COVID Isolation and Quarantine Facility in the amount of \$159,274 for a total amended contract amount of \$318,549

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

**Nay:** 0

**Absent:** 0

4. AB2021-753 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pacific Security to provide security services at the COVID Isolation and Quarantine Facility and COVID Vaccine Clinics in the amount of \$52,521 for a total amended contract amount of \$176,009

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

Councilmembers discussed the reason for the need for security.

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Elenbaas

5. AB2022-001 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lewis Publishing Company, Inc. to publish

COVID-19 related advertisements, in the amount of \$27,000 for a total amended contract amount of \$67,000

**Byrd** reported for the Finance and Administrative Services Committee and stated that this item and the next item (AB2022-002) failed to receive a majority recommendation from committee.

The following people answered a question about and Councilmembers discussed whether, according to Whatcom County Code 2.02.085, a committee item has to pass with a majority decision in committee before it can be heard by the Council:

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

Byrd requested a written legal opinion be presented on this issue.

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

Frakes answered what the outcome would be if they authorize this tonight and the legal opinion comes back that it was not a legal process.

Councilmembers discussed the motion and that additional information was sent to Councilmembers by the Health Department after a request in Committee.

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

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

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

**Absent:** 0

**Abstain:** 1 - Byrd

6. AB2022-002 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Cascade Radio Group to provide radio commercial spots for COVID-19 related advertisements in the amount of \$20,000 for a total amended contract amount of \$60,000

**Byrd** reported for the Finance and Administrative Services Committee.

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

**The motion carried by the following vote:**

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

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

**Absent:** 0

**Abstain:** 1 - Byrd

7. AB2022-003 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and MSNW Group, LLC to provide cleaning services at the COVID-19 Isolation and Quarantine Facility in the amount of \$15,000 for a total amended contract amount of \$55,000

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

**Nay:** 0

**Absent:** 0

8. AB2022-006 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Washington State Department of Health for the delivery and funding of various public health services

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

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

**Nay:** 0

**Absent:** 0

9. AB2022-018 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Aristo Healthcare Services to provide COVID-19 vaccine administration services at community vaccine clinics in the amount of \$435,000 for a total amended contract amount of \$543,732

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

Tyler Schroeder, Executive's Office, answered which fund this is coming out of.

Councilmembers voted on the item (see below) then continued the discussion.

Schroeder answered whether the fund is noted on the contract information sheet as the cost center and whether the name of the fund could also be

noted in the future.

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

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

**Nay:** 0

**Absent:** 0

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

10. AB2021-744 Resolution approving recommendations on three applications for Open Space Current Use Assessment

Elenbaas reported for the Planning and Development Committee.

Joshua Fleischmann, Planning and Development Services Department, briefed the Councilmembers on the applications and the committee discussion.

*Elenbaas moved* and Galloway seconded that the Resolution (approving applications OSP2020-00003 and OSP2020-00005) be APPROVED.

Councilmembers discussed the request of granting a public access waiver on application OSP2020-00003.

*Elenbaas amended* his motion to approve application #1 (OSP2020-00003) without granting public access and approve #3 (OSP2020-00005).

Dana Brown-Davis, Clerk of the Council, requested clarification on whether this is amending the resolution.

Fleischman answered whether the recommendation in the resolution includes the waiver of public access,

Councilmembers discussed whether the resolution would need to be amended if they added the waiver.

*Elenbaas withdrew* his motion.

*Galloway moved* to approve application OSP2020-00003 with granting a waiver to public access, and application OSP2020-00005 for the open space current use assessment.

Councilmembers and staff discussed how to approve the resolution with language that would amend the Friedman property regarding public access. There was no second on Galloway's motion and Councilmembers concurred to refer the item to committee to allow staff time to make the changes to the resolution.

**Councilmembers concurred that the Resolution be REFERRED TO COMMITTEE. The motion carried by the following vote:**

Enactment No: RES 2022-004

**(No Committee Assignment)**

11. 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

*Frazey moved* and Buchanan seconded that the Ordinance be ADOPTED.

Councilmembers discussed the motion and whether the item could be referred back to committee.

*Frazey withdrew* her motion to adopt.

Councilmembers discussed which committees the item had previously been in and which committee it should be referred to.

*Kershner moved* that the Ordinance be referred back to the Planning and Development Committee. The motion was seconded by Byrd.

*Byrd moved* to reach out to the two people who spoke at a Council meeting the last time this issue was on the agenda and formally invite them to attend and be a part of that conversation.

Dana Brown-Davis, Clerk of the Council, asked about the speakers' names and Elenbaas stated he would also like to invite Danielle Rosellison.

Councilmembers concurred to reach out to the three people.

**Kershner moved and Byrd seconded that the Ordinance Requiring a Public Hearing be REFERRED TO COMMITTEE. The motion carried by the following vote:**

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

**Nay:** 0

Absent: 0

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

1. AB2022-011 Council appointment to fill a vacancy on the Stakeholder Advisory Committee for the Justice Project - Applicant: Jacob (“Jack”) Hovenier

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

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

**Nay:** 0

**Absent:** 0

2. AB2022-019 Council appointment to the Flood Control Zone District Advisory Committee, applicants: Candice Leonard, John Perry, Marcus Brooks, Bruce Bosch, Ron Bronsema, Jeff De Jong, Joni Hensley, Keith Hoekema, Thomas Brewster (Council Acting as the Flood Control Zone District Board of Supervisors )

**Byrd moved** and Kershner seconded to move Marcus Brooks to Geographic Area and add Keith Hoekema to Alternate and appoint all by acclamation as follows:

Geographic Area (3 Vacancies)

- Candice Leonard
- Thomas Brewster, incumbent
- Marcus Brooks

Impacted Cities (2 Vacancies)

- John Perry, incumbent
- ~~Marcus Brooks~~
- Bruce Bosch

Special Districts (2 Vacancies):

- Ron Bronsema, incumbent
- Jeff De Jong, incumbent

Alternate (unlimited vacancies):

- Joni Hensley
- Keith Hoekema

Councilmembers discussed the motion.

**Byrd's motion that the Council Appointments be APPOINTED carried by the**

**following vote:**

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

**Nay:** 0

**Absent:** 0

3. AB2022-020 Council appointment to fill vacancies on the Acme/VanZandt Flood Control Subzone Advisory Committee, applicant(s): Alexander Harris (Council Acting as the Flood Control Zone District Board of Supervisors)

***Buchanan moved*** and Byrd seconded that the Council Appointment be APPOINTED.

Councilmembers discussed the motion.

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

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

**Nay:** 0

**Absent:** 0

4. AB2022-021 Council appointment to fill vacancies on the Lynden/Everson Flood Control Subzone Advisory Committee, applicant(s): Ladd Shumway and Joel Vande Hoef (Council Acting as the Flood Control Zone District Board of Supervisors)

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

Councilmembers discussed the motion.

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

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

**Nay:** 0

**Absent:** 0

5. AB2022-022 Council appointment to fill vacancies on the Board of Equalization, applicant(s): Wes Van De Mark

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

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

**Nay:** 0

**Absent:** 0

6. AB2022-023 Council appointment to fill vacancies on the Drayton Harbor Shellfish Protection District Advisory Committee - Applicant(s): Richard Beauregard

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

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

**Nay:** 0

**Absent:** 0

7. AB2022-024 Council appointment to fill vacancies on the Forestry Advisory Committee - Applicant(s): Jed Dawson and David New

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

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

**Nay:** 0

**Absent:** 0

8. AB2022-025 Council appointment to fill vacancies on the Horticulture Pest and Disease Board - Applicant(s): Brett Pehl

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

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

**Nay:** 0

**Absent:** 0

9. AB2022-027 Council appointment to fill vacancies on the Lummi Island Ferry Advisory Committee - Applicant(s): Mary Marshall, William Johnson, Richard Frye, William Sager, Judy Olsen, Tom Philpot, Crispin Colburn, George Bock

**Byrd moved** to appoint Crispin Colburn and George Bock to the Non-Resident positions. The motion was seconded by Kershner.

Galloway suggested they consider late applications or amend the motion to include Gregory Todd Lagestee in the list.

Dana Brown-Davis, Clerk of the Council, answered questions about the process for considering late applications.



Councilmembers discussed whether they should be accepted.

Byrd's motion failed by the following vote:

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

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

***Buchanan moved*** to accept late applications. The motion was seconded by Galloway.

Jill Nixon, Council Office Staff, answered how late the application was and Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 2 - Elenbaas and Byrd

**Abstain:** 1 - Kershner

***Buchanan moved*** to nominate George Bock, Crispin Colburn, and Gregory Todd Lagestee (for the Non-Resident/Non-Landowner positions). The motion was seconded by Frazey.

Councilmembers discussed the voting process and then voted as follows:

NON-RESIDENT/NON-LANDOWNER

**George Bock:** 3 - Byrd, Elenbaas, and Kershner

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

**Gregory Todd Lagestee:** 4 - Buchanan, Donovan, Frazey, and Galloway

Crispin Colburn and Gregory Todd Lagestee were appointed.

***Galloway moved*** to appoint Richard Frye and Judy Olsen to the Resident/Landowner positions and then *withdrew* her motion so they could go through the same process as above.

***Kershner moved*** to accept all of the applicants as nominated and appoint the top three names. The motion was seconded by Buchanan.

Councilmembers voted as follows:

RESIDENT/LANDOWNER

**Richard Frye:** 4 - Buchanan, Donovan, Frazey, and Galloway

**William Johnson:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, and Kershner

**Mary Marshall:** 3 - Elenbaas, Frazey, and Kershner

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

**Tom Philpot:** 0

**William Sager:** Byrd

Richard Frye, William Johnson, and Judy Olsen were appointed.

**This agenda item was APPOINTED.**

SUMMARY - The following applicants were appointed:

Non-resident/non-landowner (2 or 3 vacancies\*)

- Crispin Colburn with 6 votes
- Gregory Todd Lagestee with 4 votes

Resident/Landowner (2 or 3 vacancies\*)

- William Johnson with 6 votes
- Richard Frye with 4 votes
- Judy Olsen, incumbent with 7 votes

10. AB2022-028 Council appointment to fill vacancies on the Whatcom County Planning Commission - Applicant(s): Rachel Vasak, Kelvin Barton, Rhayma Blake, Charles Bailey, Alvin Scott Van Dalen, Julie Jefferson

District 4

***Kershner moved*** to nominate Alvin Scott Van Dalen. The motion was seconded by Buchanan.

The motion carried by the following vote:

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

**Nay:** 0

District 5

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

Jill Nixon, Council Office Staff, answered questions about the districts and district boundaries and Councilmembers discussed the motion.

Councilmembers voted as follows:

**Charles Bailey:** 3 - Buchanan, Donovan, and Frazey  
**Kelvin Barton:** 3 - Byrd, Elenbaas, and Kershner  
**Rhayma Blake:** 2 - Byrd and Kershner  
**Julie Jefferson:** 5 - Buchanan, Donovan, Elenbaas, Frazey, and Galloway  
**Rachel Vasak:** 1 - Galloway

Julie Jefferson was appointed with five votes.

*Galloway moved* to approve the top three, *then withdrew* her motion.

*Kershner moved* to vote again and vote for one. The motion was seconded by Buchanan.

Councilmembers discussed the motion and voted as follows:

**Charles Bailey:** 3 - Buchanan, Donovan, and Frazey  
**Kelvin Barton:** 4 - Byrd, Elenbaas, Galloway, and Kershner  
**Rhayma Blake:** 0  
**Rachel Vasak:** 0

Kelvin Barton was appointed with four votes.

**This agenda item was APPOINTED.**

SUMMARY - The following applicants were appointed:

Council District 4 (1 or 2 vacancies\*):

- Alvin Scott Van Dalen with a vote of 7-0

Council District 5 (1 or 2 vacancies\*):

- Julie Jefferson with 5 votes on the first round
- Kelvin Barton, incumbent with 3 votes on the first round and then 4 votes on the second round

- 11.**     AB2022-029     Council appointment to fill vacancies on the Solid Waste Advisory Committee - Applicant(s): Lisa Friend, Mike McQuarrie

*Byrd moved* to accept the late application. The motion was seconded by Kershner.

Jill Nixon, Council Office Staff, answered how late the late application was.

The motion carried by the following vote:

**Aye:** 7 - Kershner, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway  
**Nay:** 0

*Frazey moved* to appoint all the applicants. The motion was seconded by Byrd.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 0

**This agenda item was APPOINTED.**

SUMMARY - The following were appointed 7-0:

General Citizen (2 vacancies):

- Lisa Friend, incumbent
- Kenneth Domorod (late application)

Other: Mike McQuarrie

### **ITEMS ADDED BY REVISION**

There were no agenda items added by revision.

### **INTRODUCTION ITEMS**

Buchanan moved that the introduction items be introduced but Kershner had a question first so he deferred to her.

Kershner asked and Councilmembers discussed whether AB2022-012 should be scheduled in committee for more discussion.

*Kershner moved* that it be scheduled in Public Works and Health Committee.

Dana Brown-Davis, Clerk of the Council, spoke about the process for introduction items being scheduled in committee. This item would go to the Finance Committee by default.

*Kershner withdrew* her motion.

*Buchanan moved* to introduce agenda items one and two. The motion was seconded by Byrd (see motion and votes on individual items below).

1. AB2022-012 Ordinance establishing the Geneva Bioretention Pilot Project Fund and establishing a

project based budget for the Geneva Bioretention Pilot Project

**Buchanan moved and Byrd seconded that the Ordinance be INTRODUCED.**

**The motion carried by the following vote:**

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

**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

**Buchanan moved and Byrd seconded that the Ordinance be INTRODUCED.**

**The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2022-004

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

Councilmembers gave committee reports and Councilmember updates.

Satpal Sidhu, County Executive, spoke about donations received for flood victims and a recent car accident.

**ADJOURN**

The meeting adjourned at 9:58 p.m.

The County Council approved these minutes on January 25, 2022.

ATTEST:

The seal of the Whatcom County Council is circular with the text "WHATCOM COUNTY COUNCIL" around the top and "WHATCOM COUNTY" around the bottom. In the center, it says "STATE OF WASHINGTON". A signature is written across the seal.

Dana Brown-Davis, Council Clerk

A handwritten signature in cursive script.

Kristi Felbinger, Minutes Transcription

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

A handwritten signature in cursive script.

Todd Donovan, Council Chair