		WHATCOM COUNTY COUNCIL Regular County Council Meeting	
	May 21, 2019		
CAL	L TO ORDER		
Cha		Rud Browne called the meeting to order at 7:00 p.m. in the Council d Avenue, Bellingham, Washington.	
<u>ROL</u>	L CALL		
	Present:	Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd	
	Absent:	Donovan, Carol Frazey, and Satpal Sidhu. None.	
<u>FLA</u>	<u>G SALUTE</u>		
<u>ANN</u>	ANNOUNCEMENTS		
MINUTES CONSENT			
	Buchanan m	oved to approve the Minutes Consent items.	
	The motion was seconded.		
The motion carried by the following vote: <b>Ayes:</b> Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7) <b>Nays:</b> None (0)			
1.	MIN2019-03	COMMITTEE OF THE WHOLE FOR APRIL 9, 2019	
2.	MIN2019-03	85 REGULAR COUNTY COUNCIL FOR APRIL 9, 2019	
3.	MIN2019-03	SURFACE WATER WORK SESSION FOR APRIL 16, 2019	
4.	MIN2019-03	COMMITTEE OF THE WHOLE FOR APRIL 23, 2019	
5.	MIN2019-03	REGULAR COUNTY COUNCIL FOR APRIL 23, 2019	
6.	MIN2019-03	89 REGULAR COUNTY COUNCIL FOR MAY 7, 2019	
PUB	LIC HEARINGS		

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#### AB2019-249 ORDINANCE AMENDING WHATCOM COUNTY CODE TO RESTRUCTURE THE PUBLIC HEALTH ADVISORY BOARD

Regina Delahunt, Health Department Director, gave a staff report and answered questions.

Browne opened the public hearing, and hearing no one, closed the public hearing.

Buchanan moved to adopt the ordinance.

The motion was seconded.

**Brenner moved** to amend subsection B.2, "In accordance with WCC 2.03.030, aA member may be reappointed...has previously served except maybe reappoint without waiting a year if no one else applies for the position."

The motion was seconded.

Councilmembers and staff discussed amending Whatcom County Code (WCC)
 2.03.030 regarding reappointments.
 21

Brenner withdrew her motion and moved to amend B.2 "Terms will be in accordance with WCC 2.03.030 a member may be appointed to serve...he or she has previously served."

The motion was seconded.

The motion to amend carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

Nays: None (0)

The motion to adopt as amended carried by the following vote:

Ayes:Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)Nays:None (0)

### 3637 OPEN SESSION

The following people spoke:

- Bob Burr submitted a handout and spoke about declaring a climate emergency.
- Jaqueline Sterna, Building Industry Association of Whatcom County, spoke about the ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects also provide apprentices (AB2019-285).
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 5 6 7 8 9 10 11 21 3 14 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 4 5 6 7 8 9 10 11 2 3 14 5 6 7 8 9 10 11 2 11 12 14 5 16 17 10 10 11 12 112 11 12 12	<ul> <li>Adam Lamb spoke about the ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects also provide apprentices (AB2019-285).</li> <li>Andy Kaplowitz, Associated Builders and Contractors, spoke about the ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects also provide apprentices (AB2019-285).</li> <li>Miguel Edmondson, Laborer's Local 292 Member, spoke about the ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects also provide apprentices (AB2019-285).</li> <li>Miguel Edmondson, Laborer's Local 292 Member, spoke about the ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects also provide apprentices (AB2019-285).</li> <li>Yoshi Ravelle spoke about working together for truth without political affiliations.</li> <li>Brooks Tarter spoke about the ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects also provide apprentices (AB2019-285).</li> <li>Trevor Smith, submitted a handout (on file), and spoke about the ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects also provide apprentices (AB2019-285).</li> <li>Max Perry spoke about the work of the Planning Unit.</li> <li>Kathy Sabel spoke about the work of the Planning Unit.</li> <li>Carol Perry spoke about the work of the Planning Unit.</li> <li>Carol Perry spoke about the presentation and discussion of drought contingency planning (AB2019-256).</li> </ul>	
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24	CONSENT AGENDA	
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26	Sidhu reported for the Council Finance and Administrative Services Committee and	
27	moved to approve Consent Agenda items one through five.	
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29	Byrd withdrew item two.	
30		
31	The motion to approve Consent Agenda items one and three through five carried by	
32	the following vote:	
33	Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)	
34	Nays: None (0)	
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36	1. AB2019-172 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO	
37	ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND MERIDIAN	
38	SCHOOL DISTRICT FOR A FIVE YEAR LEASE OF THE SHERIFF'S OFFICE SUB-	
39	STATION AT 194 W. LAUREL WITH A TOTAL COST OF \$59,977	
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41	2. AB2019-286 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO	
42	ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND HERRERA	
43	ENVIRONMENTAL CONSULTANTS TO DO A COMPREHENSIVE	
44		
	BIOINFILTRATION SWALE EVALUATION OF THE GENEVA RETROFITS IN THE	
45	AMOUNT OF \$99,821	
46		
47	Sidhu reported for the Council Finance and Administrative Services Committee and	
48	moved to approve the request.	
49		
50	The motion carried by the following vote:	
50	The motion carried by the following vote.	

	Ayes: Nays: Abstains:	Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6) None (0) Byrd (1)	
3.	ENTER IN COUNTY R ARTERIAL ROAD PA	O REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO TO AN AGREEMENT BETWEEN WHATCOM COUNTY AND THE OAD ADMINISTRATIVE BOARD IN ORDER TO RECEIVE RURAL PRESERVATION GRANT FUNDING FOR THE BIRCH BAY/LYNDEN VEMENT REHABILITATION PROJECT, ENTERPRISE ROAD TO ROAD, IN THE AMOUNT OF \$165,000	
4.	ENTER IN COUNTY R ARTERIAL PAVEMENT	A REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO TO AN AGREEMENT BETWEEN WHATCOM COUNTY AND THE OAD ADMINISTRATIVE BOARD IN ORDER TO RECEIVE RURAL PRESERVATION GRANT FUNDING FOR THE EAST SMITH ROAD REHABILITATION PROJECT, HANNEGAN ROAD TO EVERSON- DAD, IN THE AMOUNT OF \$1,035,000	
5.	ENTER IN BETWEEN	8 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO TO THE 2019-2020 COLLECTIVE BARGAINING AGREEMENT WHATCOM COUNTY AND PROFESSIONAL AND TECHNICAL S, LOCAL 17	
<u>OTHE</u>	<u>R ITEMS</u>		
1.	RANKING DEVELOPM EXECUTIVE	6 RESOLUTION AFFIRMING THE PDR OVERSIGHT COMMITTEE AND AUTHORIZING WHATCOM COUNTY PURCHASE OF ENT RIGHTS ADMINISTRATOR AND WHATCOM COUNTY TO PROCEED WITH THE ACQUISITION OF A FORESTRY TION EASEMENT ON THE SEED ORCHARD APPLICATION	
approv	<i>Donovan</i> r ve the resolut	eported for the Council Natural Resources Committee and <i>moved</i> to tion.	
separa	Byrd move Itely at anoth	ed to amend to remove the Squalicum Forest parcel and discuss it ther time.	
	The motion	was seconded.	
	Councilmembers discussed the resolution to authorize the appraisals, not to the purchase, areas of long-term future growth, and whether or not to purch easement near potential future urban areas.		
	Ayes: B	to amend carried by the following vote: rowne, Brenner, Byrd, and Sidhu (4) uchanan, Donovan, and Frazey (3)	

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1 2		The meetic	on to common a common day comming by the following veter	
2			on to approve as amended carried by the following vote:	
		Ayes:	Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)	
4		Nays:	None (0)	
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6	2.		297 RESOLUTION AUTHORIZING WHATCOM COUNTY EXECUTIVE	
7			UWS TO ACT AS THE AUTHORIZED REPRESENTATIVE ON BEHALF OF	
8		WHATCO		
9		CONSER		
10		FARMLA	ND AND FORESTLAND PRESERVATION PROJECT GRANTS	
11				
12		Donovan	reported for the Council Natural Resources Committee and moved to	
13	approv	ve the reso	lution.	
14				
15		The motic	on carried by the following vote:	
16		Ayes:	Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)	
17		Nays:	None (0)	
18		<b>j</b>		
19	3.	AB2019-	263 ORDINANCE AMENDING THE 2019 WHATCOM COUNTY BUDGET,	
20	0.		Γ NO. 7, IN THE AMOUNT OF \$907,787	
21		REGOLOI		
22		Sidburg	ported for the Council Finance and Administrative Services Committee and	
23	maya		the ordinance.	
23 24	move			
		The meetic	an corried by the following yets.	
25			on carried by the following vote:	
26		Ayes:	Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)	
27		Nays:	None (0)	
28	_			
29	4.	AB2019-265 ORDINANCE AMENDING THE PROJECT BUDGET FOR THE		
30		PUBLIC S	SAFETY RADIO SYSTEM FUND, REQUEST NO. 1	
31				
32			ported for the Council Finance and Administrative Services Committee and	
33	move	d to adopt	the ordinance.	
34				
35		The motic	on carried by the following vote:	
36		Ayes:	Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)	
37		Nays:	None (0)	
38		5		
39	5.	AB2019-	280 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO	
40			NTO AN INTERLOCAL BETWEEN WHATCOM COUNTY AND WHATCOM	
41			FIRE PROTECTION DISTRICT #11 TO PROVIDE A SUPPLEMENTARY	
42			ATION SYSTEM, IN THE AMOUNT OF \$285 A YEAR FOR SIX YEARS	
43				
44		Sidhu reported for the Council Finance and Administrative Services Committee and		
44	mouro	to approve the request.		
45	move			
		The meet's	on corriad by the following yets:	
47			on carried by the following vote:	
48		Ayes:	Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)	
49		Nays:	None (0)	
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#### AB2019-281 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM COUNTY FIRE PROTECTION DISTRICT #8 TO PROVIDE FIRE PROTECTION SERVICES, IN THE AMOUNT OF \$2500 FOR 2019 AND 2020 AND IN THE AMOUNT OF \$2625 FOR 2021 AND 2022

*Sidhu* reported for the Council Finance and Administrative Services Committee and *moved* to approve the request.

- 10 The motion carried by the following vote:
  - Ayes:Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)Nays:None (0)
- 13 14 **7**.
  - 7. AB2019-276 RESOLUTION IN THE MATTER OF THE SALE OF SURPLUS PERSONAL PROPERTY AND SETTING A DATE FOR PUBLIC HEARING, PURSUANT TO WCC 1.10

18 *Sidhu* reported for the Council Finance and Administrative Services Committee and
 19 *moved* to approve the resolution.

- The motion carried by the following vote:
- Ayes:Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (6)Nays:None (0)Abstains:Brenner (1)

### 268.AB2019-295 REQUEST COUNCIL REVIEW AND APPROVAL OF THE PROPOSED27PUBLIC PARTICIPATION PLAN FOR THE 2020 SHORELINE MASTER28PROGRAM PERIODIC UPDATE29

30 Byrd reported for the Council Planning and Development Committee and moved to
 31 approve the request.
 32

Councilmembers discussed sending ideas for other stakeholders to Senior Planner
 Cliff Strong.
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36 The motion carried by the following vote:

- Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)
  Nays: None (0)
- 40
  9. AB2019-304 DISCUSSION REGARDING FUTURE SCHEDULING OF AB2019-285, A PROPOSED ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE
  42
  42
  43 TO REQUIRE THAT PUBLIC FUNDS USED FOR CONSTRUCTION PROJECTS
  43 DO DOUBLE DUTY BY ALSO PROVIDING APPRENTICES WITH JOB TRAINING
  44 HOURS TO MEET THE REQUIREMENTS NECESSARY TO BECOME THE NEXT
  45 GENERATION OF SKILLED TRADES PERSONS
  46
- 47 **Brenner moved** to schedule the item in Public Works and Health Committee.
- 4849 The motion was seconded.
- 50

1 2 3	sched		pers discussed in which committee the proposed ordinance should be
4 5 6 7		The motion fa Ayes: Nays: Abstains:	ailed by the following vote: Brenner and Byrd (2) Browne, Buchanan, Frazey, and Sidhu (4) Donovan (1)
8 9 10 11	Counc	-	ved to schedule the item before the Committee of the Whole with novan as acting chair.
12 13		The motion w	vas seconded.
14 15 16 17		The motion c Ayes: Nays: Abstains:	arried by the following vote: Browne, Buchanan, Frazey, and Sidhu (4) Brenner and Byrd (2) Donovan (1)
18 19 20 21	10.		3 RESOLUTION IDENTIFYING 2020-2021 SALARY AND BENEFITS COM COUNTY ELECTED OFFICIALS
22 23		Donovan m	oved to approve the resolution.
24 25		The motion w	vas seconded.
<ul> <li>26 Jon Sitk</li> <li>27 function, and p</li> <li>28 councilmember</li> <li>29 attract appropri</li> <li>30 of law.</li> </ul>			Salary Commission Member, answered questions on the purpose, ss of the Salary Commission; expectations on the number of hours a st work in the part-time position; whether the proposed salary will candidates for County Council; and whether the resolution has any force
31 32 33	mecha		n-Davis, Clerk of the Council, answered questions on the proper oving the Salary Commission recommendation.
34 35 36		Donovan withdrew the motion.	
37 38 39	<b>Byrd moved</b> to notify the public that the Council received the approver adjustments from the Salary Commission.		
40 41		The motion w	vas seconded.
42 43 44 45 46		The motion c Ayes: Nays: Abstains:	arried by the following vote: Browne, Buchanan, Donovan, Frazey, and Sidhu (5) Byrd (1) Brenner (1)
47 48 49 50	Salary		pers and Mr. Sitkin discussed the proper mechanism for approving the recommendation in the future.

<ul> <li>AB2019-261 APPOINTMENT TO THE BUSINESS AND COMMERCE ADV COMMITTEE, REPRESENTING HEALTH CARE INDUSTRY, APPLICANT: I AHL (COMMITTEE ADVISES THE WHATCOM COUNTY COUNCIL ON I THAT COULD IMPACT LOCAL BUSINESSES, INDUSTRY, OR ECO DEVELOPMENT</li> <li><i>Frazey moved</i> to appoint Debbie Ahl.</li> <li>The motion was seconded.</li> <li>Councilmembers discussed whether Ms. Ahl is currently working in the he industry and is qualified for the position.</li> <li>The motion carried by the following vote:</li> </ul>	
<ul> <li><i>Frazey moved</i> to appoint Debbie Ahl.</li> <li>The motion was seconded.</li> <li>Councilmembers discussed whether Ms. Ahl is currently working in the here</li> <li>industry and is qualified for the position.</li> </ul>	DEBBIE ISSUES
<ul> <li>The motion was seconded.</li> <li>Councilmembers discussed whether Ms. Ahl is currently working in the here</li> <li>industry and is qualified for the position.</li> </ul>	
<ul> <li>Councilmembers discussed whether Ms. Ahl is currently working in the here</li> <li>industry and is qualified for the position.</li> </ul>	
	althcare
17Ayes:Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)18Nays:None (0)19Abstains:Byrd (1)20	
	/ERLAY INICAL IES TO USER). ES THE TMENT JRFACE
<ul> <li>Councilmembers discussed the history of the membership on this commit</li> <li>whether they want to extend the membership of someone who has reached term lim</li> <li>35</li> </ul>	
<ul> <li>36 Donovan nominated Harvill Freeland and Scott Hulse to the Civil or Geot</li> <li>37 Engineer position.</li> <li>38</li> </ul>	echnical
<ul><li>39 The nomination was seconded.</li><li>40</li></ul>	
<ul> <li>41 Freeland: Brenner, Byrd, Frazey, and Sidhu (4)</li> <li>42 Hulse: Buchanan, Browne, and Donovan (3)</li> <li>43</li> </ul>	
44 <b>Donovan moved</b> to appoint the remaining three single applicants by acclama 45	ation.
46 The motion was seconded. 47	
<ul> <li>The motion carried by the following vote:</li> <li>Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)</li> <li>Nays: None (0)</li> </ul>	)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	3.	AB2019-272 APPOINTMENT TO THE FORESTRY ADVISORY COMMITTEE, FOREST PRODUCT MANUFACTURER REPRESENTATIVE, TERM ENDING 1/31/2023, APPLICANT: ERIC JACOBY (COMMITTEE PROVIDES REVIEW AND RECOMMENDATIONS TO THE WHATCOM COUNTY COUNCIL ON ISSUES THAT AFFECT THE FORESTRY INDUSTRY) Brenner moved to appoint Eric Jacoby by acclamation. The motion was seconded. The motion carried by the following vote: Ayes: Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7) Nays: None (0)		
16 17 18	EXEC	EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES		
19 20 21	1.	AB2019-294 REQUEST CONFIRMATION OF COUNTY EXECUTIVE'S APPOINTMENT OF RAQUEL VERNOLA TO THE COMMISSION ON SEXUAL & DOMESTIC VIOLENCE		
22 23		Donovan moved to confirm the appointment.		
24 25		The motion was seconded.		
26 27 28 29 30		The motion carried by the following vote: <b>Ayes:</b> Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7) <b>Nays:</b> None (0)		
31 32	INTR	ODUCTION ITEMS		
33 34 25		Donovan moved to accept Introduction Items one through five.		
35 36		The motion was seconded.		
37 38 39 40		The motion carried by the following vote: <b>Ayes:</b> Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7) <b>Nays:</b> None (0)		
41 42 43	1.	AB2019-278 ORDINANCE ESTABLISHING A SPEED LIMIT FOR SEVERAL ROADS IN THE BENNETT DRIVE AREA		
44 45 46	2.	AB2019-288 ORDINANCE ESTABLISHING A SPEED LIMIT FOR DELTA LINE ROAD		
47 48 49 50	3.	AB2019-289 ORDINANCE ESTABLISHING A SPEED LIMIT FOR SEVERAL ROADS IN THE NORTHWEST DRIVE AREA		

1 4. AB2019-306 ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTERS 2 11.16, 11.20, AND 11.32 TO PROTECT LAKE SAMISH WATER QUALITY AND 3 SHORELINE PROPERTIES 4 5 5. AB2019-277 RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL 6 **PROPERTY PURSUANT TO WCC 1.10** 7 8 9 COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES 10 11 Committee Chairs reported on committee discussions. 12 13 AB2019-302 DISCUSSION WITH CIVIL DEPUTY PROSECUTOR GEORGE ROCHE 14 REGARDING PENDING LITIGATION, HOCHREITER V. PHIPPS AND WHATCOM 15 COUNTY 16 17 Byrd reported for the Committee of the Whole and moved that pursuant to 18 Whatcom County Code 2.56, the Council hereby finds the following: 19 A. The employees were acting in a matter in which the county had an interest; 20 B. The employees were acting in the discharge of a duty imposed or authorized 21 by law; 22 C. The employees acted in good faith. 23 24 Furthermore, the officers, officials, agents or employees will be defended and 25 indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56. 26 27 The motion carried by the following vote: 28 Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7) Ayes: 29 Nays: None (0) 30 31 Jack Louws, County Executive, answered questions on the presentation and 32 discussion of drought contingency planning (AB2019-256) by the Public Utility District 33 (PUD). 34 35 Councilmembers reported on recent activities and upcoming events. 36 37 38 **ADJOURN** 39 40 The meeting adjourned at 9:37 p.m. 41 42 The County Council approved these minutes on \_\_\_\_\_, 2019. 43 44 45 ATTEST: WHATCOM COUNTY COUNCIL 46 WHATCOM COUNTY, WASHINGTON 47 48 49 50

Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

Jill Nixon, Minutes Transcription