

# **Whatcom County Council**

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



## **Minutes - Draft Minutes**

**Tuesday, October 22, 2019**

**7 PM**

**Council Chambers**

### **COUNCILMEMBERS**

Barbara Brenner  
Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Carol Frazey  
Satpal Sidhu

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## COUNTY COUNCIL

### CALL TO ORDER

Council Chair Rud Browne called the meeting to order at 7 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

### ROLL CALL

**Present:** 7 - Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

### MINUTES CONSENT

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

1. [MIN2019-112](#) Regular County Council for September 24, 2019

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

2. [MIN2019-113](#) Health Board for October 1, 2019

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

3. [MIN2019-114](#) Committee of the Whole for October 8, 2019

**Donovan moved and Brenner seconded that the Minutes be APPROVED BY**

**CONSENT. The motion carried by the following vote:****Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu**Nay:** 0**Absent:** 0

4. [MIN2019-115](#) Regular County Council for October 8, 2019

**Donovan moved and Brenner seconded that the Minutes be APPROVED BY CONSENT. The motion carried by the following vote:****Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu**Nay:** 0**Absent:** 0**SPECIAL PRESENTATION**

1. [AB2019-524](#) Executive Jack Louws will read the proclamation for the 75th anniversary of the Whatcom County Library System

Jack Louws, County Executive, acknowledged the Whatcom County Library System as they mark their 75 year anniversary, read a proclamation declaring November 7, 2019 as the Whatcom County Library System Day, and introduced the Executive Director.

Christine Perkins, Whatcom County Library System Executive Director, acknowledged Lori Jump, a Library Board of Trustee, and other library staff present at the meeting and gave a history and summary of public library services in Whatcom County.

**This agenda item was PRESENTED.**

**PUBLIC HEARINGS**

1. [AB2019-489](#) Ordinance establishing the Affordable and Supportive Housing Fund

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

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu**Nay:** 0**Absent:** 0

Enactment No: ORD 2019-071

2. [AB2019-495](#) Ordinance reauthorizing a Golf Cart Zone on certain roads in the Birch Bay Area

Joe Rutan, Public Works Department, gave a staff report and answered questions about having no reported accidents related to golf carts and whether there have been other impacts to traffic.

Browne opened the public hearing, and the following people spoke:

**Cathy Cleveland** spoke against the ordinance and stated many golf carts are not street legal, having no front lights, turn signals, seat belts, or license plates.

**Billy Brown** stated the golf cart zone is positive for the community and spoke in favor of the ordinance.

**Jeffrey Schamel** stated he has not heard of damage by or negative comments about golf carts in Birch Bay and spoke in favor of the ordinance.

**Patrick Alesse** stated the bike lanes need to stay open and the speed limit should be 20 miles per hour in Birch Bay.

Hearing no one else, Browne closed the public hearing.

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

Rutan answered questions about the cost of tickets for golf carts that don't obey the law, and expanding the golf cart zone in some areas to include streets around camp grounds.

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2019-072

3. [AB2019-502](#) Resolution amending WCC 100.7 Birch Bay Watershed Aquatic Resources Management District Funding Mechanism by adding an exemption for the Birch Bay Water and Sewer District (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Kraig Olason, Public Works Department, gave some clarification on the resolution.

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

**Donovan moved and Brenner seconded that the Resolution be APPROVED.**

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

Enactment No: RES 2019-044

4. [AB2019-504](#) Resolution adopting the 2020 Annual Road Construction Program (ACP)

Joe Rutan, Public Works Department, gave a staff report and clarified why some items are listed under County Forces. He answered questions about the requirements for making amendments to the resolution once it is approved, why projects are listed that may not be completed within a year, and how this document relates to the Six-Year Transportation Improvement Plan.

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

**Brenner moved and Frazey seconded that the Resolution be APPROVED.**

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

Enactment No: RES 2019-045

**OPEN SESSION (20 MINUTES)**

The following people spoke:

**Cathy Cleveland** thanked Barbara Brenner for her years of service.

**Shael Wilder** spoke about the proposed ordinance to establish a no-shooting zone in Drayton Harbor.

**Max Perry** spoke about having a County website for all water-related issues.

**Patrick Alesse** thanked Barbara Brenner for her years of service.

**Carol Perry** spoke about water use efficiency and other water process issues.

The following people spoke about the Ordinance amending Whatcom County Code Chapters 11.16 and 11.20 to protect Lake Samish shoreline properties and Lake Samish water recreation (AB2019-480)

**Mark Walker**

**Laurie Henley**

**Jared Greenwood**

**Paul Joostens**

**Mary Walker**

**Eric McHenry**

**Janet Monks**

**Tim Slesk**

**Graham Robins**

**CONSENT AGENDA**

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

*Sidhu* reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items one through five. Councilmembers voted on those items (see votes on individual items below).

1. [AB2019-515](#) Resolution ordering the cancellation of unclaimed checks more than two years old for Whatcom County Jail Inmate Trust Fund prior to June 30, 2017

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

**Aye:** 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2019-046

2. [AB2019-516](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whatcom Family & Community Network to provide youth prevention programs designed to reduce risk for substance use and poor mental health, in the amount of \$65,000

**Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

3. [AB2019-526](#) Resolution in the matter of the sale of surplus personal property and the setting of a date for a public hearing thereon pursuant to WCC 1.10

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

**Aye:** 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2019-047

4. [AB2019-527](#) Resolution in the matter of the sale of surplus real property (building only) and setting a date for a public hearing thereon, pursuant to WCC 1.10

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

**Aye:** 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2019-048

5. [AB2019-523](#) Request authorization for the County Executive to accept Sun Life Stop Loss Policy renewal for insurance protection for the self-insured medical program for 2020

**Sidhu moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

## **OTHER ITEMS**

### **(From Criminal Justice and Public Safety Committee)**

1. [AB2019-530](#) Resolution establishing a Stakeholder Advisory Committee for the Public Health, Safety, and Justice Facility Needs Assessment

**Buchanan reported for the Criminal Justice and Safety Committee and stated the Resolution is HELD IN COMMITTEE.**

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

2. [AB2019-520](#) Request Council approval of the Criminal Justice Treatment Account (CJTA) Plan Update 2019-2020

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

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

**Aye:** 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

3. [AB2019-512](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom Conservation District to develop a water use efficiency program for agricultural water users, in the amount of \$20,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

**Aye:** 6 - Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

4. [AB2019-513](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Whatcom Conservation District to develop a water use efficiency program for domestic and municipal water users, in the amount of \$14,250 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

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

**Nay:** 1 - Brenner

**Absent:** 0

5. [AB2019-522](#) Request authorization for the County Executive to enter into Amendment No. 2 of the Herrera Environmental Consultants Contract for Services to support Lower Nooksack River Floodplain Integrated Planning (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Sidhu reported for the Finance and Administrative Services Committee and moved that the Contract (WCFCZDBS) be AUTHORIZED. The motion**

**carried by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

6. [AB2019-508](#) Ordinance amending the 2019 Whatcom County Budget, request no. 13, in the amount of \$375,570

**Sidhu reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2019-073

7. [AB2019-534](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and the Washington State Office of Financial Management, in an amount not to exceed \$60,000, for the purposes of expanding outreach in our community for the 2020 Census

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

**(No Committee Assignment)**

8. [AB2019-514](#) Resolution supporting the renaming of Squaw Creek to Páatstel Creek  
Frazey gave background on the resolution.

**The Resolution was approved by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

Enactment No: RES 2019-049

9. [AB2019-532](#) Resolution establishing Council meeting dates for 2020

**Buchanan moved and Sidhu seconded that the Resolution be APPROVED.**

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Brenner

Enactment No: RES 2019-050

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

1. [AB2019-503](#) Appointments to two vacancies on the Horticulture Pest and Disease Board, applicants: Andrew Taylor and Diana Bedlington (committee controls and prevents the spread of horticultural pests and diseases)

**Donovan moved and Buchanan seconded that the applicants be APPOINTED. The motion carried by the following vote:**

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

### **INTRODUCTION ITEMS**

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

1. [AB2019-531](#) Ordinance adopting interim zoning regulations for the siting, establishment, and operation of temporary homeless facilities

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

2. [AB2019-528](#) Resolution authorizing the sale of surplus personal property pursuant to WCC 1.10

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

3. [AB2019-529](#) Resolution authorizing the sale of surplus real property (building only) pursuant to WCC 1.10

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

**Aye:** 7 - Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu

**Nay:** 0

**Absent:** 0

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

Councilmembers gave committee reports and updates on recent activities and upcoming events.

**ADJOURN**

The meeting adjourned at 8:31 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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Dana Brown-Davis, Council Clerk

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Rud Browne, Council Chair

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Kristi Felbinger, Minutes Transcription