

# **Whatcom County Council**

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



## **Minutes - Draft Minutes**

**VIRTUAL MEETING - VIEW ONLINE**

**Tuesday, June 16, 2020**

**6 PM**

**Virtual Meeting**

### **COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## COUNTY COUNCIL

### CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 6 p.m. in a virtual meeting.

### ROLL CALL

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

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

### MINUTES CONSENT

*Donovan moved* that the Minutes be approved by consent. The motion was seconded by Frazey.

Councilmembers briefly discussed the motion.

See votes on individual items below.

1. [MIN2020-037](#) Special Health Board for March 3, 2020

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

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

**Nay:** 0

**Absent:** 0

2. [MIN2020-039](#) Regular County Council for March 10, 2020

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

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

**Nay:** 0

**Absent:** 0

3. [MIN2020-040](#) Committee of the Whole - Executive Session for March 10, 2020

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

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

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

**Nay:** 0

**Absent:** 0

4. [MIN2020-041](#) Special Health Board for March 10, 2020

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

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

**Nay:** 0

**Absent:** 0

5. [MIN2020-042](#) Special Health Board for March 12, 2020

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

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

**Nay:** 0

**Absent:** 0

6. [MIN2020-043](#) Special Council for March 17, 2020

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

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

**Nay:** 0

**Absent:** 0

7. [MIN2020-044](#) Special Health Board for March 17, 2020

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

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

**Nay:** 0

**Absent:** 0

8. [MIN2020-045](#) Special Health Board for March 19, 2020

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

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

9. [MIN2020-046](#) Special Council for March 19, 2020

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

10. [MIN2020-047](#) Regular County Council for March 24, 2020

**Donovan moved and Frazey seconded that the Minutes be APPROVED BY CONSENT. The motion carried by the following vote:****Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner**Nay:** 0**Absent:** 0**OPEN SESSION (20 MINUTES)**

The following people spoke:

Ashley Winter spoke about recent Councilmember comments made on social media.

Hearing no one else, Buchanan closed the Open Session.

**CONSENT AGENDA**

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

*Byrd* reported for the Finance and Administrative Services Committee and *moved* that Consent Agenda items 1-9 and 11 and 12 be approved by consent.

See votes on individual agenda items below.

*Byrd* reported for the Finance and Administrative Services Committee and *moved* that Consent Agenda item number 10 be approved by consent.

See vote on individual agenda item below.

1. [AB2020-167](#) Request authorization for the County Executive to amend a contract between Whatcom County and U.S. Department of Agriculture, Forest Services Baker Lake overtime patrols modifying the Annual Operating Plan in the amount of \$21,900.00 for 2020 with estimated period beginning May 1, 2020 and ending September 30, 2020 and updates to the contact information for Whatcom County

**Byrd moved that the SUBSTITUTE Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

2. [AB2020-182](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Sustainable Connections to provide commercial waste reduction, recycling, and food waste recovery initiatives, in the amount of \$95,000

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

3. [AB2020-183](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Pioneer Human Services to lease the Whatcom County Behavioral Health Crisis Triage Center, in an annual amount of \$10,056

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

4. [AB2020-225](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Action Cleaning Services to provide custodial service for outside buildings

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

5. [AB2020-228](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Kulshan Supported Employment to provide services to adults with developmental disabilities in the estimated annual amount of \$1,066,912 for an estimated total amended contract amount of \$4,533,257

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

6. [AB2020-229](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington Vocational Services to provide services to adults with developmental disabilities in the estimated annual amount of \$258,093 for an estimated total amended contract amount of \$449,318

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

7. [AB2020-230](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Work Opportunities to provide services to adults with developmental disabilities in the estimated annual amount of \$672,138 for an estimated total amended contract amount of \$2,236,299

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

8. [AB2020-239](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Siemens Industry, Inc. for the Technical Support HVAC Controls Service Agreement, in the amount of \$171,837.96

**Byrd moved that the Contract be AUTHORIZED BY CONSENT. The motion**

**carried by the following vote:**

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

**Nay:** 1 - Elenbaas

**Absent:** 0

9. [AB2020-241](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Dept. of Transportation to obligate additional federal construction funds for the Birch Bay Drive and Pedestrian Facility, in the amount of \$377,787

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

10. [AB2020-242](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Boys and Girls Club of Whatcom County to support operational costs attributed to the addition of 532 childcare slots, in the amount of \$100,000

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

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

**Nay:** 0

**Absent:** 0

**Abstain:** 1 - Byrd

11. [AB2020-243](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department to receive FEMA Public Assistance funding for COVID-19 response, with the amount to be based on eligible scopes of work

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

12. [AB2020-245](#) Request authorization for the County Executive to enter into a contract between

Whatcom County and RMC Architects PLLC to provide a feasibility study for the Northwest Annex site, in the amount of \$98,950

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

## **OTHER ITEMS**

**(From Council Natural Resources Committee)**

1. [AB2020-091](#) Ordinance amending Whatcom County Code 16.20, Whatcom County Shellfish Protection Districts

*Donovan* reported for the Natural Resources Committee and *moved* that the substitute Ordinance be adopted.

Dana Brown-Davis, Clerk of the Council, clarified that there was a revised version of the Ordinance.

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2020-031

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

2. [AB2020-093](#) Ordinance amending Whatcom County Code 1.32, Public Records, to delete provisions related to exhaustion of administrative remedies

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2020-032



3. [AB2020-164](#) Ordinance closing the Lighthouse Marine Park Improvement Fund 362

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2020-033

4. [AB2020-214](#) Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities Operational Standards

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

Donovan summarized the background of the ordinance.

Councilmembers discussed the ordinance, the discussion in committee, and a request made to the Sheriff's Office to make the updated policies available on the website as they are completed.

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

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

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2020-034

5. [AB2020-224](#) Ordinance amending the 2020 Whatcom County Budget, request no. 13, in the amount of \$13,153,598

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

Councilmembers discussed the motion and demobilization of the Unified Command.

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

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

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

**Absent:** 0

Enactment No: ORD 2020-035

6. [AB2020-226](#) Ordinance amending the project budget for the Northshore Drive/Edgewater Lane Stormwater Improvements Fund, request no. 1

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

Councilmembers discussed the motion and the fund used for the project.

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

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

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

**Absent:** 0

Enactment No: ORD 2020-036

7. [AB2020-208](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office for South Fork Park trail development

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

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

**Nay:** 1 - Elenbaas

**Absent:** 0

Enactment No: RES 2020-020

8. [AB2020-209](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office for development of Birch Bay Beach Park

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2020-021

**(From Council Public Works and Health Committee)**

9. [AB2020-184](#) Consideration of citizen appeals of address change due to correction of address number sequence

**Frazey** reported for the Public Works and Health Committee and ***moved*** that the appeal be denied.

Councilmembers discussed the request and the committee discussion about who should bear the cost depending on who caused the mistake in addressing and creating a proposal which would provide for a mechanism if the homeowner is not at fault for the mistake.

Karen Frakes, Prosecuting Attorney's Office, clarified that the motion was to deny the appeal.

**Frazey's motion that the appeal be DENIED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

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

10. [AB2020-252](#) Resolution inviting other local jurisdictions to collaborate to improve efficiency for the benefit of our taxpayers

Buchanan reported for the Committee of the Whole.

Browne summarized the Resolution.

*Clerk's note: After the vote, and under AB2020-129 Browne suggested that the Resolution be sent with a cover letter signed by the Chair to each of the other jurisdictions addressed to their respective councils. The Chair concurred.*

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

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

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

**Nay:** 0

**Absent:** 0

Enactment No: RES 2020-022

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

1. [AB2020-129](#) Requests confirmation of the County Executive's appointment of Steven Groen to the Agricultural Advisory Committee

*Donovan moved* that the Executive Appointment be confirmed. The motion was seconded by Frazey.

Councilmembers discussed the motion.

**Donovan's motion that the Executive Appointment be CONFIRMED carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

2. [AB2020-130](#) Requesting confirmation of the County Executive's appointment of Todd Tyrrell to the Whatcom County Appeals Board

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

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

**Nay:** 0

**Absent:** 0

3. [AB2020-135](#) Requesting confirmation of the County Executive's appointment of David Charleston to the Developmental Disabilities Advisory Board

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

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

**Nay:** 0

**Absent:** 0

4. [AB2020-136](#) Requesting confirmation of the County Executive's appointment of John Radwanski to the Americans With Disabilities Act (ADA) Compliance Committee

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

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

Nay: 0

Absent: 0

## **INTRODUCTION ITEMS**

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

1. [AB2020-138](#) Receipt of application for the Homeless Strategies Workgroup, Homeless Children and Families position, applicant(s): Joel Kennedy (application deadline for any other applicants for this position is 10 a.m. on June 30, 2020)

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

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

**Nay:** 0

**Absent:** 0

2. [AB2020-248](#) Receipt of application for the Noxious Weed Board, District 3, applicant(s): George Kaas (application deadline for any other applicants for this position is 10 a.m. on June 30, 2020)

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

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

**Nay:** 0

**Absent:** 0

3. [AB2020-249](#) Receipt of application for the Drainage District 3, commissioner position 3, applicant(s): Paul Sangha (application deadline for any other applicants for this position is 10 a.m. on June 30, 2020)

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

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

**Nay:** 0

**Absent:** 0

4. [AB2020-250](#) Receipt of application for the Homeless Strategies Workgroup, Schools position, applicant(s): Lisa Marx (application deadline for any other applicants for this position is 10 a.m. on June 30, 2020)

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

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

**Nay:** 0

**Absent:** 0

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

Buchanan reported on a possible special meeting on the afternoon of June 23 or June 30, 2020 to discuss the following agenda items:

- **Resolution docketing Comprehensive Plan and development regulation amendments (AB2020-106)**
- **Discussion regarding goals, guidelines, and approach to updating current and future budgets (AB2020-234)**

*Kershner moved* to have a special meeting on the June 23, 2020 after the Water Work Session. The motion was seconded by Frazey.

Councilmembers and Dana Brown-Davis, Clerk of the Council, discussed the motion and the time for the meeting.

The motion carried by the following vote:

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

**Nay:** 0

Councilmembers gave reports and updates on recent events.

Satpal Sidhu, County Executive, extended an invitation to meet and talk with Councilmembers.

### **ADJOURN**

The meeting adjourned at 6:59 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

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

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