

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, November 10, 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 6:01 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

COUNTY EXECUTIVE'S REPORT

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

MINUTES CONSENT

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

1. [MIN2020-103](#) Special Council Cherry Point Work Session for October 20, 2020

Donovan moved and Kershner seconded that the Minutes Consent be . The motion carried by the following vote:

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

2. [MIN2020-104](#) Water Work Session for October 20, 2020

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

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

3. [MIN2020-106](#) Special Council Budget Work Session for October 29, 2020

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

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

4. [MIN2020-107](#) Special Council Cherry Point Work Session for October 28, 2020

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

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

Nay: 0

Absent: 0

Temp Absent: 1 - Byrd

PUBLIC HEARINGS

1. [AB2020-445](#) Ordinance adopting amendments to Whatcom County Code 20.72, Point Roberts Special District

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

Buchanan opened the Public Hearing and the following people spoke:

- Allison Calder
- Steve Wolff

Hearing no one else, Buchanan closed the public hearing.

Donovan moved and Byrd seconded that the Ordinance Requiring a Public Hearing 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 2020-056

2. [AB2020-310](#) Ordinance granting Gordon Montgomery and John Milobar, a non-exclusive franchise for the provision of sewer services

Buchanan opened the Public Hearing and the following person spoke:

- Dannon Traxler

Hearing no one else, Buchanan closed the public hearing.

Christopher Quinn, Prosecuting Attorney's Office, briefed the Councilmembers on the substitute Ordinance. He answered whether the franchise agreement will ever expire and come back for reconsideration.

Donovan moved and Frazey seconded that the SUBSTITUTE Ordinance Requiring a Public Hearing 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 2020-057

OPEN SESSION (20 MINUTES)

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

Buchanan opened the Open Session and the following people spoke:

- Lance Calloway spoke about the Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point
- Doug Gustafson spoke about Unity Village temporary tiny home community in Fairhaven and support of efforts to shelter more individuals
- Eddy Ury spoke about the C-PACER program and proposed Cherry Point amendments
- Heather Katahdin spoke about the need for more shelter options and a nighttime warming center
- Trevor Smith spoke about the Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point
- Miguel Perry spoke about the Ordinance imposing an interim moratorium on the acceptance and processing of applications and

permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

- Kim Sauter spoke about a budget proposal to freeze a position for mental health deputies in the Sheriff's Office
- Markus Dee Stidham spoke about the need for emergency shelter and using pallet shelters
- Louise Cassidy spoke about garbage service in Point Roberts
- Christopher Watrobka spoke about the Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point
- Mary Stidham spoke about using CARES Act dollars to buy pallet shelters and a budget proposal to freeze a position for mental health deputies in the Sheriff's Office
- Shari Lapof spoke about providing shelter using pallet shelters and the availability of drinking water and free food in downtown Bellingham

Hearing no one else, Buchanan closed the Open Session.

CONSENT AGENDA

Byrd reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items one through 21. Councilmembers discussed and voted on those items (see votes on individual items below**).

***Clerk's note:* The Consent Agenda was reconsidered later in the meeting. The actions below represent the original and the final action taken on each item except for AB2020-488. The original action for that item is listed in a note under the agenda title in this section and the final action for that item is under the second Consent Agenda Header later in the meeting.

(From Council Finance and Administrative Services Committee)

1. [AB2020-475](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Downtown Bellingham Partnership to reimburse operational losses due to COVID-19, in the amount of \$56,033

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

2. [AB2020-515](#) Request authorization for County Executive to enter into contract between Whatcom County and Aha! Childcare and Family Learning Center for economic losses due to COVID-19 in an amount not to exceed \$45,000

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. [AB2020-516](#) Request authorization for County Executive to enter into an agreement between Whatcom County and Gabriel’s Art Kids for economic losses due to COVID-19 in an amount not to exceed \$90,000

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

4. [AB2020-517](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and The Seedlings Early Learning Center, Inc. for economic losses due to COVID-19 in an amount not to exceed \$50,000

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

5. [AB2020-518](#) Request authorization for County Executive to enter into a contract amendment between Whatcom County and MORE Smiles Learning for economic losses due to COVID-19 in the amount of \$50,000 for a total amended contract amount not to exceed \$100,000

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

6. [AB2020-519](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Family YMCA for economic losses due to COVID-19 in the amount of \$131,000 for a total amended contract amount not to exceed \$426,221

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. [AB2020-499](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mt Baker School District for reimbursement of eligible COVID-related PPE expenses, in the amount of \$94,325

Byrd moved that the 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

8. [AB2020-505](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Nooksack Valley School District for reimbursement of eligible COVID-related PPE and technology expenses, in the amount of \$82,755

Byrd moved that the 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

9. [AB2020-506](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Lynden School District for reimbursement of eligible COVID-related technology expenses, in the amount of \$146,025

Byrd moved that the 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

10. [AB2020-507](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Blaine School District for reimbursement of eligible COVID-related PPE and technology expenses, in the amount of \$94,905

Byrd moved that the 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

11. [AB2020-476](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Department of Fish and Wildlife for FY2019 Operation Stonegarden (OPSG), in the amount \$25,000

Byrd moved that the 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

12. [AB2020-477](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Sumas for FY2019 Operation Stonegarden (OPSG), in the amount of \$60,000.00

Byrd moved that the 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

13. [AB2020-478](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Lynden for FY2019 Operation Stonegarden (OPSG), in the amount of \$30,000.00

Byrd moved that the 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

14. [AB2020-479](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Ferndale for FY2019 Operation Stonegarden (OPSG) in the amount of \$30,000

Byrd moved that the 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

15. [AB2020-480](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Everson for FY2019 Operation Stonegarden (OPSG) in the amount of \$60,000

Byrd moved that the 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

16. [AB2020-481](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Blaine for FY2019 Operation Stonegarden (OPSG) in the amount of \$31,948.00

Byrd moved that the 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

17. [AB2020-474](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Whidbey Telephone Company for Communications Site Lease, in the amount of \$33,155.94

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

18. [AB2020-482](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Organized Crime Drug Enforcement Task Forces (OCDETF) for reimbursement of overtime of Whatcom County Sheriff's Office Deputies engaged in Federal Organized Crime Drug Enforcement Task Force investigations, in the amount of \$10,000.00

Byrd moved that the 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

19. [AB2020-483](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Organized Crime Drug Enforcement Task Forces (OCDETF) for reimbursement of overtime of Whatcom County Sheriff's Office Deputies engaged in Federal Organized Crime Drug Enforcement Task Force investigations, in the amount of \$2,500.00

Byrd moved that the 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

20. [AB2020-488](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Securus Technologies, LLC to provide Inmate Communication Services for commission percentage rates of 30% months 1-36, 47% months 37-48 and 55% months 49+

Clerk's note on AB2020-488: The first time this item was considered it was Authorized by Consent 6-1 with Elenbaas opposed. However, after Other Items from the Finance and Administrative Services Committee, all of the Consent Agenda items were reconsidered and this item was voted on separately. The motion and vote for this item can be found under the second "Consent Agenda" header below.

21. [AB2020-500](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Julota to renew the annual contract and integrate the Advanced DataMart Interface in the amount of \$46,088.80 for a total amended

contract amount of \$85,021.30

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. [AB2020-497](#) Public Works staff will provide an update to Council on the discussion at the WRIA1 Watershed Management Board meeting on October 29, 2020 of the County Executive's Comprehensive Water Settlement concept and request that Council make a motion to proceed with the settlement concept

Donovan reported for the Natural Resources Committee and *moved* that the Council approve bringing the framework forward as proposed by the Executive, and moving that forward, recognizing that it is not exclusive to adjudication.

The motion carried by the following vote:

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

Nay: 1 - Elenbaas

This matter was DISCUSSED AND MOTION(S) APPROVED

(From Council Finance and Administrative Services Committee)

2. [AB2020-449](#) Ordinance amending the project budget for the Civic Center Improvement Fund, Request No. 1 in the amount of \$4,350,000

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

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2020-058

3. [AB2020-450](#) Ordinance amending the 2020 Whatcom County Budget, request no. 20, in the amount of \$4,476,128

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

Byrd thanked the Facilities Department for their forethought on this item to get the most for the money by breaking it down in smaller chunks.

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

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2020-059

4. [AB2020-492](#) Request authorization for the County Executive to enter into a FEMA Public Assistance grant contract between Whatcom County and the Washington State Military Department for the emergency protective measures as well as the repair and restoration of damaged public facilities as approved by FEMA in project worksheets describing eligible scopes of work and associated funding

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

Byrd stated there was additional information on this item but that it was just supplemental and did not change anything.

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

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

Nay: 0

Absent: 0

5. [AB2020-503](#) Resolution approving a salary schedule and policies for Unrepresented Whatcom County Employees effective January 1, 2021, through December 31, 2021

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 2020-046

6. [AB2020-521](#) Request authorization for the County Executive to enter into a contract amendment between G6 Hospitality Properties, LLC and Whatcom County to extend the lease term through February 28, 2021 with the option to extend an additional three months through May 30, 2021 at an increased of \$10,000 in the monthly base rent

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

Browne acknowledged Byrd for his efforts on this item.

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

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

Nay: 1 - Elenbaas

Absent: 0

7. [AB2020-526](#) Resolution requesting the County transition from paper to digital and decrease our environmental impact, streamline processes, support transparency, and cut expenses

Byrd reported for the Finance and Administrative Services Committee and *moved* that the Resolution be approved.

Councilmembers discussed the motion and the Resolution.

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

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

Nay: 0

Absent: 0

Enactment No: RES 2020-047

8. [AB2020-527](#) Resolution requesting Whatcom County distribute surplus computers and similar devices to the community

Byrd reported for the Finance and Administrative Services Committee and *moved* that the Resolution be approved.

Byrd briefed the Councilmembers and stated he would like to hear from non-profits if they would like to coordinate with the County.

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

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

Nay: 0

Absent: 0

Enactment No: RES 2020-048

CONSENT AGENDA (2)

Donovan stated that he voted yes on item 20 of the Consent Agenda but did not want to vote yes.

Byrd moved to reconsider all the Consent Agenda items. The motion was seconded Buchanan.

The motion to reconsider carried by the following vote:

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

Nay: 0

Byrd moved to approve all the Consent Agenda items except for item number 20 (AB2020-488).

The motion to approve Consent Agenda Items 1-19 and 21 carried by the following vote:

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

Nay: 1 - Elenbaas

Clerk's note: See vote on Item number 20 below.

20. [AB2020-488](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Securus Technologies, LLC to provide Inmate Communication Services for commission percentage rates of 30% months 1-36, 47% months 37-48 and 55% months 49+

Byrd reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda item number 20 (AB2020-488).

Councilmembers discussed a concern about putting the burden of charges on or making revenue from people who are incarcerated and awaiting trial, whether there is an alternative way to provide the call service free of charge, whether the County is required to have a system in place that allows inmates to make personal calls, and whether it is ethical for the County to make money from the revenue received by the vendor.

The following people also provided more information and answered questions:

- Tyler Schroeder, Executive's Office
- Bill Elfo, Sheriff

Elfo answered questions about whether the County should generate revenue from people who are incarcerated, whether inmates are charged for calls made in regards to their cases, what the County does with the revenue collected from the fees, whether there would be no service at all if this contract is not renewed, why one would not want inmates to have unrestricted and unmonitored access to calls, and whether the County could not take a commission from the vendor.

Councilmembers discussed where to go from here with services provided and alternative sources of revenues for the General Fund.

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

Aye: 5 - Browne, Buchanan, Frazey, Elenbaas, and Kershner

Nay: 2 - Byrd, and Donovan

Absent: 0

OTHER ITEMS (2)

(From Council Public Works and Health Committee)

Frazey reported for the Public Works and Health Committee and stated that AB2020-486 was held in Committee.

9. [AB2020-498](#) Presentation of the 2020 Public Works Winter Snow and Ice Policy and request for a motion from Council in support of the policy

Frazey reported for the Public Works and Health Committee and ***moved*** that the Council support the proposed 2020 Public Works Winter Snow and Ice Policy.

Councilmembers discussed the motion and the policy.

The motion carried by the following vote:

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

Nay: 0

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

10. [AB2020-431](#) Resolution affirming racism as a Public Health Crisis

Frazey reported for the Public Works and Health Committee and stated that this item was Held in Committee.

This agenda item was HELD IN COMMITTEE.

11. [AB2020-525](#) Resolution recognizing inequality and unconscious bias and its effects on community health

Frazezy reported for the Public Works and Health Committee and stated that this item was withdrawn by the proposer.

Elenbaas spoke about conversations he would like to have the with Public Health Advisory Board (PHAB) concerning the Resolution.

This agenda item was WITHDRAWN by the proposer.

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

Buchanan reported that Introduction item one (AB2020-487) was held in Committee and withdrawn from Introduction.

Donovan moved to approve introduction items two through 16. The motion was seconded by Frazey.

Kershner moved to withdraw item six (AB2020-490) from Introduction.

Dana Brown-Davis, Clerk of the Council, stated the item could be discussed in the Special Council meeting on November 12, 2020 prior to having a public hearing.

Councilmembers discussed the motion.

Kershner withdrew her motion.

Kershner stated she would like to consider 13 separately.

Councilmembers concurred to introduce agenda item numbers 2-12 and 14-16.

The motion to introduce agenda item numbers 2-12 and 14-16 carried 6-1 with Elenbaas opposed (see motion and votes on individual agenda items below).

Donovan moved to introduce agenda item number 13. The motion was seconded by Buchanan.

Councilmembers discussed the motion.

The motion carried 5-2 with Kershner and Elenbaas opposed (see individual motion and vote on the item below).

1. [AB2020-487](#) Ordinance amending Whatcom County Code 8.10, Solid Waste and Residential Recycling Collection, regarding solid waste collection in Point Roberts, WA

This agenda item was WITHDRAWN.

2. [AB2020-494](#) Ordinance amending the 2020 Whatcom County Budget, request no. 21, in the amount of \$316,676

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

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2020-495](#) Ordinance establishing the Shallow Shore Culvert Relocation Fund and establishing a project based budget for the Shallow Shore Culvert Relocation Fund

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

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2020-496](#) Ordinance amending the project budget for the Public Safety Radio System Fund, request no. 2

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

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

Nay: 1 - Elenbaas

Absent: 0

5. [AB2020-466](#) Ordinance amending Whatcom County Code Section 1.14, adjusting Precinct Boundary Lines and Precinct Maps

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

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

Nay: 1 - Elenbaas

Absent: 0

6. [AB2020-490](#) Ordinance authorizing the 2021 Whatcom County Unified Fee Schedule

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

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

Nay: 1 - Elenbaas

Absent: 0

7. [AB2020-504](#) Ordinance in the matter of the adoption of the final budget of Whatcom County for the Biennium 2021-2022

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

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

Nay: 1 - Elenbaas

Absent: 0

8. [AB2020-509](#) Ordinance authorizing the levy of taxes for County and State purposes in Whatcom County, Washington, for the year 2021

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

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

Nay: 1 - Elenbaas

Absent: 0

9. [AB2020-510](#) Ordinance authorizing the Levy of Taxes for Countywide Emergency Medical purposes for 2021

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

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

Nay: 1 - Elenbaas

Absent: 0

10. [AB2020-511](#) Ordinance limiting the General Fund property tax levy

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

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

Nay: 1 - Elenbaas

Absent: 0

11. [AB2020-512](#) Ordinance authorizing the Levy of Taxes for County Conservation Futures Purposes for 2021

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

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

Nay: 1 - Elenbaas

Absent: 0

12. [AB2020-513](#) Ordinance authorizing the Levy of Taxes for road purposes for 2021

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

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

Nay: 1 - Elenbaas

Absent: 0

13. [AB2020-520](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

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

Aye: 5 - Browne, Buchanan, Byrd, Donovan, and Frazey

Nay: 2 - Elenbaas, and Kershner

Absent: 0

14. [AB2020-491](#) Resolution adopting 2021 budget for the Point Roberts Transportation Benefit District (Council acting as the governing body of the Point Roberts Transportation Benefit District)

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

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

Nay: 1 - Elenbaas

Absent: 0

15. [AB2020-493](#) Resolution adopting the 2021 budget for the Whatcom County Flood Control Zone District and Subzones (Council acting as the Flood Control Zone District Board of Supervisors)

Donovan moved and Frazey seconded that the Resolution (FCZDBS) Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

16. [AB2020-514](#) Resolution authorizing the levy of taxes for the Whatcom County Flood Control Zone District for 2021 (Whatcom County Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Donovan moved and Frazey seconded that the Resolution (FCZDBS) Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave Committee reports.

Byrd moved to request that the Executive and his team look into purchasing the pallet shelter units by November 16. The motion was seconded by

Kershner.

Councilmembers discussed the motion and Byrd confirmed that his motion is to keep the ball rolling at the very least.

Satpal Sidhu, County Executive, spoke about whether the item would be treated the same if proposed by another Councilmember and whether the proposed shelters could immediately be approved for use for isolation and quarantine.

Councilmembers and Sidhu continued to discuss the motion.

The motion carried by the following vote:

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

Nay: 0

Dana Brown-Davis, Clerk of the Council, asked if the Council was planning on scheduling a special meeting and she and Councilmembers discussed their upcoming meeting schedule.

Byrd moved to schedule a special meeting on November 16 to review the item.

Councilmembers and Brown-Davis discussed the motion.

Karen Frakes, Prosecuting Attorney's Office, answered whether the Council could approve it after the fact if the Administration finds that this is a viable option and they have budget left.

Byrd amended his motion to schedule a special meeting on November 16 at 2 p.m. to review the item. The motion was seconded by Kershner.

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 6 - Kershner, Browne, Buchanan, Byrd, Elenbaas, and Frazey

Nay: 1 - Donovan

Councilmembers continued Committee reports and other items.

ADJOURN

The meeting adjourned at 9:02 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription