

Whatcom County Council

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
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Minutes - Final

VIRTUAL MEETING (PART 1)-VIEW ONLINE; AGENDA REVISED 5.29 & 6.1

Tuesday, June 2, 2020

11 AM

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 11 a.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

ANNOUNCEMENTS

EXECUTIVE REPORT

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

OTHER ITEMS

1. [AB2020-232](#) Resolution of the Whatcom County Health Board applying for variance under Governor Inslee's Safe Start Washington Plan to move to Phase 2

Erika Lautenbach, Health Department Director, briefed the Council on the resolution.

Kershner moved that the resolution be approved. The motion was seconded by Frazey.

Lautenbach answered a question about whether the Health Officer has signed off on the application.

The motion carried by the following vote:

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

Nay: 0

Satpal Sidhu, County Executive, stated the document is ready for signatures.

Kershner'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 2020-018

2. [AB2020-223](#) Resolution authorizing an application to the Brian Abbott Fish Barrier Removal Board for Construction Funding for North Fork Road/Kenney Creek Fish Passage Project, CRP No. 919007

Donovan moved and Frazey 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 2020-019

3. [AB2020-219](#) Discussion and update on strategies and other items related to COVID-19 (Council and Health Board)

The following people spoke:

- Tyler Schroeder, Executive's Office
- Wendy Jones, Sheriff's Office

They answered questions and Councilmembers discussed the Compass Health re-entry specialist position for the jail that is not currently filled, the progress in filling the position, who will be served by that position and providing a list of resources in the meantime to those released from jail to connect them to services.

Councilmember discussion continued and the following people spoke:

- Erika Lautenbach, Health Department Director
- Scott McCreery, Unified Command Incident Commander
- Satpal Sidhu, County Executive
- Karen Frakes, Prosecuting Attorney's Office
- Brad Bennett, Administrative Services Finance
- Tyler Schroeder, Executive's Office

Lautenbach and McCreery answered questions about a recent incident in which 85 people on a fishing trawler docked in Bellingham tested positive for COVID-19, what the community is doing to facilitate businesses having the personal protective supplies (especially cloth face masks) that they need as they begin to re-open, the status of the availability of these supplies in Whatcom County, Unified Command's coordination with the Chambers of Commerce to distribute enough masks to businesses so they can safely open their doors and then to facilitate businesses finding sources and

purchasing them on their own, whether it is clear that the Chambers of Commerce don't collect any business or personal information from businesses in order to receive masks, and whether the Chamber is required to have a plan or proposal for how they will distribute masks equitably.

Councilmembers, Sidhu, Frakes, Bennett and McCreery continued to discuss an initiative to purchase and distribute durable cloth masks to the vulnerable populations in Whatcom County, the Unified Command's search for potential suppliers for large quantities of cloth masks, what suppliers they are using and the costs of the masks, whether they could purchase the masks from local manufacturers as opposed to non-local companies, purchasing policies that address such purchases and how they are affected by an emergency situation, what role Councilmembers can play in finding local businesses that could manufacture masks, the State appropriation to purchase masks for distribution to counties to provide two free masks to those at or below 200% of the Federal poverty level and who has the authority to make the decisions about purchasing masks.

McCreery, Schroeder and Sidhu answered questions about the status of the Unified Command's demobilization plan, the formation and current structure of the Unified Command, considering whether the structure should be updated to replace the Executive Group with the Policy Group, representation of the small cities on the Unified Command being through the Sheriff's Office in the countywide Emergency Management Plan, whether the Health Department is still part of the Unified Command, whether decisions being made by the Unified Command will later be the responsibility of the Council, revisiting the Emergency Management Plan and the role of the Council.

Clerk's note: Browne referenced this agenda item at the beginning of agenda item AB2020-234 and spoke about a list of local businesses that have the capability of making sewing garments that had been originally offered in April.

This agenda item was DISCUSSED.

4. [AB2020-222](#) Ordinance clarifying the procedure for the Whatcom County Council's and senior staff's access to information during the COVID-19 pandemic

Browne moved to hold the item for two weeks and then **amended** his motion to withdraw the item from the agenda. The motion was seconded by Donovan.

Karen Frakes, Prosecuting Attorney's Office, and Browne answered questions about whether the language of the ordinance is denying the

Executive to meet with staff independent of Council and whether that is a Charter issue.

Councilmembers and Frakes discussed whether this should be an ordinance which is a law as opposed to a resolution which is a request, concerns about the second provision and the right of the Executive to do his business without involving the Council in every meeting he has with every local and state agency, Browne's intention to bring this back as a resolution, and whether the ordinance is appropriate since it applies to just a health emergency and not every situation.

The motion to withdraw from the agenda carried by the following vote:

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

Nay: 2 - Elenbaas and Byrd

This agenda item was WITHDRAWN.

5. [AB2020-234](#) Discussion regarding goals, guidelines, and approach to updating current and future budgets

Browne referred back to the discussion on **AB2020-219** and spoke about a list of local businesses that have the capability of making sewing garments that had been originally offered in April.

Buchanan introduced this agenda item.

Karen Frakes, Prosecuting Attorney's Office, gave a synopsis of the Governor's new proclamation in effect until June 17, 2020. All committees and boards and commissions are free to have remote meetings as long as they have capability of having everyone in attendance hearing the meeting at the same time and their meetings can proceed without a limited agenda. She answered whether this information went to department heads.

Councilmembers discussed whether the budget should be discussed in Finance Committee or Committee of the Whole.

Donovan moved to maintain the practice of having budget discussions and interactions with the Executive on the budget as Committee of the Whole. The motion was seconded by Browne.

Byrd asked if Donovan would be willing to table the motion. Donovan did not table the motion.

Dana Brown-Davis, Clerk of the Council, gave the historical background of the decision to have discussions of upcoming biennial budgets in

Committee of the Whole. She answered a question about whether a motion passed by a majority of the Council can set that kind of agenda for committees or whether committee chairs have autonomy. She stated that review of budget would be the responsibility of the Council or a majority of the Council. The Finance Committee can discuss budget items but decisions need to be made by a majority of the Council.

Karen Frakes, Prosecuting Attorney's Office, stated she believes that it is within the Council's authority to make a decision like this.

Councilmembers discussed the motion.

Donovan restated his motion that discussions of the budget would be done in Committee of the Whole including interactions with the Executive.

The motion carried by the following vote:

Aye: 4 - Frazey, Browne, Buchanan and Donovan

Nay: 3 - Kershner, Byrd and Elenbaas

Buchanan acknowledged the need for more engagement on the budget.

Clerks' note: Councilmembers took a short break.

Buchanan called the meeting back to order and Byrd presented a proposed process for working through the budget (on file). Councilmembers discussed objectives, possible goals and guiding principles of establishing the budget and Councilmembers provided feedback on those categories. Feedback included:

- Establishing two draft budgets based on a 20 percent decrease and a 10 percent decrease of revenue
- Reducing redundancies and duplications of efforts and County services
- Sticking to the Council's role as local government and doing it within their means
- Reducing duplication, sharing infrastructure and combining requests for bids between jurisdictions in the county
- Establishing a children and families first policy for funding decisions
- Reaching out to the tribes as well as the city councils

Browne moved to invite all the other councils for a collective virtual meeting to discuss and brainstorm ideas of how we can collaborate together

for the benefit of the community at a lower cost. The motion was seconded by Byrd.

Councilmembers discussed the motion.

Browne amended his motion to add the following: Have the Council work on a joint statement and then have that sent out to the other councils to gauge their interest in participating with a view of setting a date. If you are interested in participating we will set a date roughly two weeks into the future.

Dana Brown-Davis, Clerk of the Council, stated a meeting probably cannot happen in two weeks but they could try for a later date.

Browne stated he would put a resolution together for the next meeting. In the meantime, he will get feedback from some of the other councils.

Brown-Davis answered whether the councils would need a quorum and asked whether the discussion would require motions and votes or would just be informational.

The motion carried by the following vote:

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

Nay: 0

Byrd continued his presentation about next steps.

Tyler Schroeder, Executive's Office, answered a question about whether the Council priorities will be sent to the departments with the budget instructions and how to make sure the Council's goals fit within the budget schedule.

Councilmembers continued to discuss next steps and the idea of hearing presentations from different organizations about what is happening in their industries.

Satpal Sidhu, County Executive, and Schroeder stated the current budget is online and can be used as a template and links to the 2020 budget were sent to the Council and can be used as a foundation.

Councilmembers and staff discussed having a public hearing on the budget prior to it being presented, feedback on Council priorities, whether the Council priorities will be sent to the departments along with the budget

instructions, scheduling a meeting to work on priorities to make sure they are done by that time and preparing questions for department heads in collaboration with the Executive about how their demand for services and funding opportunities have changed and how they are going to cut their budgets. Councilmembers concurred to provide feedback on goals and guiding principles and questions for department heads for the next meeting.

Brown-Davis answered a question about whether there will be time during the June 16th meeting for an industry presentation, the change to now allow committee meetings, the ability to deal with non-essential items and working with the Chair to make time for a 20-minute presentation.

Councilmembers discussed what businesses they would like to hear from.

Frakes answered a question about what to expect for meetings after June 17.

This agenda item was DISCUSSED AND A MOTION WAS APPROVED.

6. [AB2020-238](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for a cost sharing related to the COVID-19 health crisis

Donovan moved that the interlocal be authorized. The motion was seconded by Frazey.

Tyler Schroeder, Executive's Office, briefed the Council on the interlocal agreement request.

Donovan's motion that the Interlocal be AUTHORIZED carried by the following vote:

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

Nay: 0

Absent: 0

Abstain: 1 - Byrd

7. [AB2020-240](#) Approval of letter to USDA Food and Nutrition Services requesting an extension to area eligibility waiver for child nutrition programs through September

Donovan moved that the request be approved. The motion was seconded by Browne.

Dana Brown-Davis, Clerk of the Council, answered a question about whether this is a draft letter and whether it will change. A version was sent to Council that had been reformatted on letterhead.

Councilmembers discussed the letter, what the waiver accomplishes, what they want the outcome to be, why it is the Council's place to send a letter and ask the USDA to do something for school districts, what the funding mechanism is, what the letter is requesting and why, whether our school districts see the need for this and why the Council would be effective in sending this message.

Donovan's motion that the request to send a letter be APPROVED carried by the following vote:

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

Nay: 0

Absent: 0

INTRODUCTION ITEMS

Donovan moved that Introduction items one through three be introduced. The motion was seconded by Frazey.

The following people spoke and answered questions:

Tyler Schroeder, Executive's Office

Satpal Sidhu, County Executive

Karen Frakes, Prosecuting Attorney's Office

Councilmembers and staff discussed Introduction item one. They spoke and answered questions about the allocation of the COVID-19 CARES Act funds and whether the ordinance puts a hard fence around the proportion of allocation of the money, whether the County gets reimbursed as opposed to getting the money in advance, using a portion of the money to meet technology needs and significantly expand access to the internet in the community, and getting a framework of information from the Executive's Office on how the \$13 million will be spent prior to the budget supplemental decision.

They continued discussing the need for improved internet access, whether the CARES funding can be used for that and how the County gets reimbursed for reserves.

Browne moved to amend Introduction item one to strip out the segmentation by percentages of the categories. The motion was seconded by Byrd.

Schroeder stated they could wait to amend the ordinance in two weeks.

Councilmembers discussed whether they can amend an introduction item.

Browne withdrew his motion to amend and moved to introduce Introduction items two and three and to discuss Introduction item one separately. The motion was seconded by Byrd.

The motion to consider items two and three separately from item one carried by the following vote:

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

Nay: 1 - Donovan

Byrd moved that Introduction items two and three be introduced. The motion was seconded by Frazey.

Kershner requested a copy of Whatcom County Code 1.28 because it is not online since it is currently suspended.

The motion to introduce items two and three carried by the following vote:

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

Nay: 0

Browne moved to introduce item one. The motion was seconded by Byrd.

Browne moved to amend Introduction item one, Council Combined Packet **page 21**, item **1a**, second paragraph to read:

“The Whatcom County COVID-19 CARES Act Relief funding is ~~delineated~~ **suggested** as follows:”

Councilmembers discussed the motion and the following people answered questions about process, whether it is appropriate to amend the supplemental budget request at this stage and the flexibility to change how the programs are developed:

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

The motion to amend Introduction item one carried by the following vote:

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

Nay: 0

The motion to introduce Introduction item one as amended carried by the following vote:

Aye: 6 - Frazey, Kershner, Browne, Buchanan, Byrd and Donovan
Nay: 1 - Elenbaas

This introduction items were DISCUSSED AND MOTIONS WERE APPROVED (see votes on individual items below).

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

Clerk's note: See discussion of this item under the Introduction header above.

Browne moved and Byrd seconded that the Ordinance be INTRODUCED AS AMENDED. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 0

Enactment No: ORD 2020-035

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

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-036

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

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2020-034

OTHER ITEMS AND COUNCILMEMBER UPDATES

Councilmembers discussed how open session and public hearings will be

done going forward.

Karen Frakes, Prosecuting Attorney's Office, suggested the following motion:

Any meetings of Whatcom County boards, commissions and committees, held through June 17 must be held in accordance with the Governor's proclamation 20-28.4.

Kershner moved to approve the motion. The motion was seconded by Donovan.

Frakes answered a question about meetings that would have public input and comment and stated that most meetings can accommodate the public through a virtual meeting and any meeting with greater attendance would have to work with Information Technology. She also answered a question about meetings that usually include public comment and stated the motion can be amended.

The motion was ***withdrawn and postponed*** until the 6 p.m. meeting (see the motion under OTHER ITEMS AND COUNCILMEMBER UPDATES for the June 2, 2020 6 p.m. Council meeting).

Councilmembers discussed when Phase 2 of Washington's Phased Approach to Reopening Business and Modifying Physical Distancing Measures will be effective and a statement, "The violence won't bring my brother back," spoken by the brother of George Floyd concerning recent events following Floyd's death.

RECESS

The meeting recessed at 3:29 p.m. (See continuation of meeting in Part 2).

The County Council approved this part 1 of the minutes on July 21, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

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