

Whatcom County Council

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



Minutes - Final

VIRTUAL MEETING - VIEW ONLINE

Tuesday, January 12, 2021

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

Clerk's note: Councilmembers and staff realized while starting the Public Hearing item that the Legislative Information Center recording was not functioning correctly so they paused the meeting then resumed after the technical issues had been resolved. After reconvening the meeting, Council Chair Buchanan went back to items for which Council action was taken and the Council considered and voted on those items again. This included two motions from Committee of the Whole Executive Session and the Minutes Consent items.

They did not repeat the Executive's Report but that report can be heard in the original audio recording which can be accessed as a link in the Meeting Details on the Legislative Information Center.

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, Carol Frazey, Ben Elenbaas, Kathy Kershner, and Todd Donovan

Absent: None

Councilmembers observed a moment of silence for the loss of life at the nation's Capital.

FLAG SALUTE

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, read a statement in response to the recent events at the United States Capital building in Washington D.C. and then a statement about 2020 County financial highlights and reports.

ANNOUNCEMENTS

(FROM COMMITTEE OF THE WHOLE EXECUTIVE SESSION)

Buchanan reported on the reorganization of the Council in the Special Council meeting earlier. He then reported on the discussion from Committee of the Whole Executive Session.

Donovan read and made the following motion:

The County Council met in executive session concerning the lawsuit El-Tahel v. Whatcom County, et al., US District Court for the Western District of Washington No. 2:20-cv-0830. Pursuant to Whatcom County Code 2.56, the Council hereby finds the following:

- A. Adam Miller was not acting in a matter in which the county had an interest;
- B. Adam Miller was not acting in the discharge of a duty imposed or

authorized by law;
C. Adam Miller did not act in good faith.

The Council has reviewed the facts of this case in detail. The Council finds that Adam Miller's actions were not taken in matter in which the County had an interest, nor was he actioning in the discharge of a duty imposed or authorized by law. Adam Miller acted in bad faith, and outside of the scope of his employment with Whatcom County. Adam Miller will not be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

The motion was seconded by Frazey.

The motion carried 7-0 (This vote was taken again after reconvening the meeting).

Browne read and made the following motion:

The County Council met in executive session concerning the lawsuit El-Tahel v. Whatcom County, et al., US District Court for the Western District of Washington No. 2:20-cv-0830. Pursuant to Whatcom County Code 2.56, the Council hereby finds the following:

- A. Bill Elfo was acting in a matter in which the county had an interest;
- B. Bill Elfo was acting in the discharge of a duty imposed or authorized by law;
- C. Bill Elfo acted in good faith.

The Council has reviewed the facts of this case in detail. As the elected official responsible for hiring, supervision and management of Sheriff's Deputies Bill Elfo was named as defendant in the aforementioned lawsuit. The Council finds that Bill Elfo acted in earnest in regard to this matter, and the Sheriff's Office diligently pursued the investigation of this matter at all times. Bill Elfo took every action possible to further the investigation of Adam Miller's conduct in regard to this matter. As facts were discovered by the Sheriff's Office Bill Elfo took every appropriate action available under the law. Including but not limited to: internal investigation, referral of the investigation to outside police authorities, support of criminal action against Adam Miller, and termination of Adam Miller from the employment of the Whatcom County Sheriff's Office. Bill Elfo will be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

The motion was seconded by Donovan.

The motion carried 7-0 (This vote was taken again after reconvening the meeting).

MINUTES CONSENT

Donovan moved to accept the minutes consent items. The motion was seconded by Frazey. The motion carried 7-0* (This vote was taken again after reconvening the meeting).

*The motions and votes are not noted on the individual files in this section. They are noted on the files after the meeting was paused and then reconvened below.

1. [MIN2020-118](#) Committee of the Whole for November 24, 2020
2. [MIN2020-119](#) Regular County Council for November 24, 2020
3. [MIN2020-120](#) Health Board for December 1, 2020
4. [MIN2020-121](#) Committee of the Whole for December 8, 2020
5. [MIN2020-122](#) Regular County Council for December 8, 2020
6. [MIN2021-001](#) Special Council - Governor's Point for December 17, 2020

PUBLIC HEARINGS

1. [AB2020-553](#) Ordinance granting City of Lynden a non-exclusive franchise for an industrial condensate pipeline

Catherine Moore, Attorney for the City of Lynden, briefed the Councilmembers and answered questions.

Byrd moved to postpone this item until technical issues can be resolved.

Dana Brown-Davis, Clerk of the Council, suggested that they take a break to see if it can be resolved.

Karen Frakes, Prosecuting Attorney's Office, agreed that they needed to break.

Councilmembers concurred.

Clerk's note: It was at this point, before a public hearing was held and before any vote on the Public Hearing item, that the meeting was paused. The items below reflect the discussion that took place once the technical issues were resolved.

MEETING RECONVENED AFTER A PAUSE

Buchanan reconvened the meeting.

ANNOUNCEMENTS

(FROM COMMITTEE OF THE WHOLE EXECUTIVE SESSION)

*The motions and votes were done again after the meeting was paused and then reconvened (see below).

Donovan read and made the following motion:

The County Council met in executive session concerning the lawsuit El-Tahel v. Whatcom County, et al., US District Court for the Western District of Washington No. 2:20-cv-0830. Pursuant to Whatcom County Code 2.56, the Council hereby finds the following:

- A. Adam Miller was not acting in a matter in which the county had an interest;
- B. Adam Miller was not acting in the discharge of a duty imposed or authorized by law;
- C. Adam Miller did not act in good faith.

The Council has reviewed the facts of this case in detail. The Council finds that Adam Miller's actions were not taken in matter in which the County had an interest, nor was he actioning in the discharge of a duty imposed or authorized by law. Adam Miller acted in bad faith, and outside of the scope of his employment with Whatcom County. Adam Miller will not be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

The motion was seconded by Frazey.

The motion carried by the following vote:

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

Nay: 0

Browne read and made the following motion:

The County Council met in executive session concerning the lawsuit El-Tahel v. Whatcom County, et al., US District Court for the Western District of Washington No. 2:20-cv-0830. Pursuant to Whatcom County Code 2.56, the Council hereby finds the following:

- A. Bill Elfo was acting in a matter in which the county had an interest;
- B. Bill Elfo was acting in the discharge of a duty imposed or authorized by law;
- C. Bill Elfo acted in good faith.

The Council has reviewed the facts of this case in detail. As the elected official responsible for hiring, supervision and management of Sheriff's Deputies Bill Elfo was named as defendant in the aforementioned lawsuit. The Council finds that Bill Elfo acted in earnest in regard to this matter, and the Sheriff's Office diligently pursued the investigation of this matter at all times. Bill Elfo took every action possible to further the investigation of Adam Miller's conduct in regard to this matter. As facts were discovered by the Sheriff's Office Bill Elfo took every appropriate action available under the law. Including but not limited to: internal investigation, referral of the investigation to outside police authorities, support of criminal action against Adam Miller, and termination of Adam Miller from the employment of the Whatcom County Sheriff's Office. Bill Elfo will be defended and indemnified pursuant to and consistent with the provisions in WCC Chapter 2.56.

The motion was seconded by Donovan.

The motion carried by the following vote:

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

Nay: 0

MINUTES CONSENT

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

1. [MIN2020-118](#) Committee of the Whole for November 24, 2020

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

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

Nay: 0

Absent: 0

2. [MIN2020-119](#) Regular County Council for November 24, 2020

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

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

Nay: 0

Absent: 0

3. [MIN2020-120](#) Health Board for December 1, 2020

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

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

Nay: 0

Absent: 0

4. [MIN2020-121](#) Committee of the Whole for December 8, 2020

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

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

Nay: 0

Absent: 0

5. [MIN2020-122](#) Regular County Council for December 8, 2020

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

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

Nay: 0

Absent: 0

6. [MIN2021-001](#) Special Council - Governor's Point for December 17, 2020

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

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

1. [AB2020-553](#) Ordinance granting City of Lynden a non-exclusive franchise for an industrial condensate pipeline

Catherine Moore, Attorney for the City of Lynden, briefed the Councilmembers and she and Andrew Hester, Public Works Department, answered questions.

Council staff played a short video on how to join the meeting to speak.

Buchanan opened the Public Hearing and the following person spoke:

- Wendy Harris

Hearing no one else, Buchanan closed the Public Hearing.

Donovan moved that the item be referred to committee. The motion was seconded by Frazey.

Councilmembers discussed the item with Moore and the additional following people:

- Satpal Sidhu, County Executive
- Mark Sandal, City of Lynden

The motion to refer failed by the following vote:

Aye: 3 - Donovan, Frazey, and Buchanan

Nay: 4 - Elenbaas, Kershner, Browne, and Byrd

Elenbaas moved and Browne seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Abstain: 1 - Donovan

Enactment No: ORD 2021-001

OPEN SESSION (20 MINUTES)

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

The following people spoke:

- Doug Gustafson
- Melissa Wisener
- Markis Dee Stidham
- Tom O'Breien
- Mary Stidham
- Wendy Harris
- Heather Katahdin
- Ashley Butenschoen

Hearing no one else, Buchanan closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Byrd reported on the Finance and Administrative Services Committee and moved that item numbers 1, 10, 17, and 19 be excluded from the consent vote and that item numbers 2-9, 11-16, 18, and 20-26 be approved by consent (see motions and votes on individual items below). Motions and votes on the excluded items follow the bulk of the approved consent items.

1. [AB2020-591](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Chuckanut Health Foundation to provide funding for the Health Department's mobile syringe services program, in the amount of \$20,000

See motion and vote on item below.

2. [AB2020-592](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Compass Health to provide behavioral health services for adult inmates and juveniles involved in the court system in the amount of \$572,717 for a total amended contract amount of \$2,439,780

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

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

Nay: 1 - Elenbaas

Absent: 0

3. [AB2020-593](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide housing case management services in the amount of \$271,615 for a total amended contract amount of \$1,865,647

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

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

Nay: 1 - Elenbaas

Absent: 0

4. [AB2020-595](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide housing case management services in the amount of \$159,267 for a total amended contract amount of \$897,067

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

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

Nay: 1 - Elenbaas

Absent: 0

5. [AB2020-596](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Catholic Community Services to provide housing case management services in the amount of \$157,567 for a total amended contract amount of \$1,207,157

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

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

Nay: 1 - Elenbaas

Absent: 0

6. [AB2020-597](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to provide housing case management services in the amount of \$134,371 for a total amended contract amount of \$958,340

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

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

Nay: 1 - Elenbaas

Absent: 0

7. [AB2020-600](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Birch Bay Chamber of Commerce for the purposes of tourism marketing and operations, 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, Byrd, Frazey, Kershner, and Donovan

Nay: 1 - Elenbaas

Absent: 0

8. [AB2020-601](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker Foothills Chamber of Commerce for tourism

marketing and operations, 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, Byrd, Frazey, Kershner, and Donovan

Nay: 1 - Elenbaas

Absent: 0

9. [AB2021-001](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to provide reimbursement for COVID-19 related operations and prevention expenditures in the amount of \$58,025 for a total amended contract amount of \$111,816

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

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

Nay: 1 - Elenbaas

Absent: 0

10. [AB2021-002](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lara Welker Consulting to provide coordination and facilitation to the COVID-19 Community Healthcare Coalition in the amount of \$25,000 for a total amended contract amount of \$50,000

See motion and vote on item below.

11. [AB2021-003](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department to sustain and enhance Sheriff's Office Division of Emergency Management programs, in the amount of \$74,150

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

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

Nay: 1 - Elenbaas

Absent: 0

12. [AB2021-004](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Sun Community Services for operation and maintenance of Sun House, in the amount of \$340,395 for a total amended contract amount of \$911,665

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

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

Nay: 1 - Elenbaas

Absent: 0

13. [AB2021-006](#) Request authorization for the County Executive to enter into a building lease agreement between Whatcom County and Washington State Department of Natural Resources (DNR will pay \$991.50 in rent and an additional \$240 for janitorial services provided by the county), for a total amount of \$1,231.50 paid by DNR per month

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

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

Nay: 1 - Elenbaas

Absent: 0

14. [AB2021-009](#) Request authorization for the County Executive to enter into an agreement with the University of Washington for access and installation of seismic monitoring equipment at South Fork Park

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

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

Nay: 1 - Elenbaas

Absent: 0

15. [AB2021-010](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Whatcom County Fire District 7 to provide COVID-19 testing in an estimated amount of \$188,858 for a total estimated amended contract amount of \$314,763

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

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

Nay: 1 - Elenbaas

Absent: 0

16. [AB2021-011](#) Request authorization for the County Executive to enter into a contract between

Whatcom County and Washington State Military Department to obtain two All Hazard Alert Broadcast (AHAB) sirens, in the amount of \$0

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

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

Nay: 1 - Elenbaas

Absent: 0

17. [AB2021-014](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pacific Security to provide security services at the COVID-19 Temporary Housing Facility in the amount of \$43,547 for a total amended contract amount of \$199,547

See motion and vote on item below.

18. [AB2021-015](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Service Master Cleaning to provide cleaning services at the COVID-19 Temporary Housing Facility in the amount of \$16,667 for a total amended contract amount of \$166,667

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

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

Nay: 1 - Elenbaas

Absent: 0

19. [AB2021-016](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lighthouse Mission Ministries to provide oversight and assistance at the COVID-19 Temporary Housing Facility in the amount of \$25,771 for a total amended contract amount of \$373,214

See motion and vote on item below.

20. [AB2021-017](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and SeaMar Community Health Centers to provide oversight and assistance at the COVID-19 Temporary Housing Facility in the amount of \$23,865 for a total amended contract amount of \$262,516

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

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

Nay: 1 - Elenbaas

Absent: 0

21. [AB2021-020](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Workforce Council to provide reimbursement of wages and benefits for eligible temporary employees working in various COVID-related positions, in the estimated amount of \$14,000 for a total estimated contract amount of \$126,000

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

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

Nay: 1 - Elenbaas

Absent: 0

22. [AB2021-021](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Domestic Violence & Sexual Assault Services to support the Bellingham Whatcom County Commission Against Domestic Violence, in the amount of \$120,000

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

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

Nay: 1 - Elenbaas

Absent: 0

23. [AB2021-022](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bellingham Food Bank for the procurement, warehousing and distribution of food and other essentials to low and very low income families in the amount of \$276,000

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

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

Nay: 1 - Elenbaas

Absent: 0

24. [AB2021-023](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Northwest Regional Council in support of the Meals on Wheels program for two years in the amount of \$120,000

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

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

Nay: 1 - Elenbaas

Absent: 0

25. [AB2021-024](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Brent Eyre, ASA for the purposes of legal counsel and consultation for property assessment appeals in the amount of \$20,000 not to exceed a total of \$55,000

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

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

Nay: 1 - Elenbaas

Absent: 0

26. [AB2021-025](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Mark J. Maxwell to continue with the provision of legal representation for an additional amount of \$20,000 in a total 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, Frazey, Kershner, and Donovan

Nay: 1 - Elenbaas

Absent: 0

1. [AB2020-591](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Chuckanut Health Foundation to provide funding for the Health Department's mobile syringe services program, in the amount of \$20,000

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

Councilmembers discussed the motion and the program including it being a cost savings to the County, whether it is just a band-aid and not treating the root of the issue, the program being a gateway to connecting people to other available services, whether it is enabling as opposed to solving a problem, and being a harm-reduction program to keep people from using dirty needles and thus saving money in the long run.

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

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

Nay: 0

Absent: 0

10. [AB2021-002](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lara Welker Consulting to provide coordination and facilitation to the COVID-19 Community Healthcare Coalition in the amount of \$25,000 for a total amended contract amount of \$50,000

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

Councilmembers discussed the motion and the following staff answered questions:

- Tyler Schroeder, Executive's Office

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

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

Nay: 0

Absent: 0

17. [AB2021-014](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pacific Security to provide security services at the COVID-19 Temporary Housing Facility in the amount of \$43,547 for a total amended contract amount of \$199,547

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

Councilmembers discussed the motion, the purpose of the security services, and why security is needed.

The following people answered questions:

- Tyler Schroeder, Executive's Office
- Satpal Sidhu, County Executive
- Karen Frakes, Prosecuting Attorney's Office

Browne moved to call the question and then **withdrew** his motion so they

could just vote on the item.

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

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

Nay: 1 - Byrd

Absent: 0

19. [AB2021-016](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lighthouse Mission Ministries to provide oversight and assistance at the COVID-19 Temporary Housing Facility in the amount of \$25,771 for a total amended contract amount of \$373,214

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

Councilmembers discussed the motion and the following people answered questions about whether this funding is needed for the Lighthouse Mission to do the job, whether there would be another vendor to provide the service, and whether the county could move to the next phase for COVID-19 without the contract:

- Tyler Schroeder, Executive's Office

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

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

Nay: 1 - Byrd

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2020-598](#) Resolution reflecting the diversity of the County's population by improving written accessibility

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, Frazey, Kershner, and Donovan

Nay: 0

Absent: 0

Abstain: 1 - Elenbaas

Enactment No: RES 2021-001

2. [AB2020-599](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bellingham Whatcom County Tourism for tourism marketing and operations in the amount of \$290,000

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

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

Nay: 0

Absent: 0

3. [AB2021-008](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office for development of Lake Whatcom Park trails

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

Councilmembers discussed the motion and what they are authorizing in the Resolution.

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

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

Nay: 1 - Byrd

Absent: 0

Enactment No: RES 2021-002

(From Council Criminal Justice and Public Safety Committee)

4. [AB2021-013](#) Resolution adopting Whatcom County policy on indigent defense per RCW 10.101.030 and WCC 2.09

Buchanan reported for the Criminal Justice and Safety Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2021-003

Councilmembers discussed the plan for how trails will be used in AB2021-008, providing a level of service for all users of the trails, and whether the actual trail plan will come back to the Council in the future.

(No Committee Assignment)

5. [AB2021-026](#) Appointment of four members to serve on the 2021 Whatcom County Districting Committee (two from each major political party: Whatcom County Republican Party nominees are Charlie Crabtree and Jeremiah Ramsey; Whatcom County Democratic Party nominees are Michael Estes and Stephen Jackson)

Donovan moved and Browne seconded that the nominees be appointed.

Councilmembers discussed the motion, that a fifth person (a districting master) will be appointed by the other four, and that the composition of the committee can be changed by changes to the Whatcom County Charter.

Donovan's motion that the Council Appointment be APPOINTED carried by the following vote:

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

Nay: 1 - Byrd

Absent: 0

6. [AB2021-027](#) Approval of Water Work Session and Health Board meeting dates for 2021

Browne moved and Frazey seconded that the Request for Motion be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Councilmembers discussed whether they would entertain late applicants.

Jill Nixon, Council Office staff, answered questions.

Browne moved to accept all late applicants. The motion was seconded by Elenbaas.

Councilmembers discussed the motion and Dana Brown-Davis, Clerk of the Council, spoke about the deadline for the applications.

The motion carried by the following vote:

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

Nay: 1 - Byrd

1. [AB2021-030](#) Council appointment to fill vacancy on the Board of Equalization - Applicant(s): Sonja Merk and Peter Visser

Browne moved to nominate both applicants. The motion was seconded by Frazey.

Councilmembers discussed the motion.

Merk was appointed by the following vote:

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

Visser: 1 - Elenbaas

Appointed Sonja Merk

2. [AB2021-031](#) Council appointment to fill vacancies on the Business & Commerce Advisory Committee - Applicant(s): Brad Rader

Buchanan read the purpose of the Committee.

Kershner moved to appoint Brad Rader to the Agriculture position by acclamation. The motion was seconded by Elenbaas.

Councilmembers discussed the motion and Jill Nixon, Council Office staff, answered questions.

Elenbaas moved to amend the motion to appoint Rader to the Food Processing position instead of the Agriculture position. The motion was seconded by Browne.

The motion carried by the following vote:

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

Nay: 0

Abstain: 1 - Donovan

Byrd moved to appoint Gail Buce to the Agriculture position. The motion was seconded by Frazey.

The motion carried by the following vote:

Aye: 5 - Frazey, Kershner, Browne, Buchanan, and Byrd
Nay: 1 - Elenbaas
Abstain: 1 - Donovan

Byrd moved to move Gail Buce to the manufacturing position. The motion was seconded by Frazey.

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 7 - Frazey, Kershner, Browne, Buchanan, Byrd, Donovan, and Elenbaas
Nay: 0

Frazey moved to appoint Clark Campbell to the Recreation position by acclamation. The motion was seconded by Buchanan.

The motion carried by the following vote:

Aye: 6 - Kershner, Browne, Buchanan, Byrd, Elenbaas, and Frazey
Nay: 0
Abstain: 1 - Donovan

Byrd moved to appoint Troy Muljat to the Other for Profit Position. The motion was seconded by Browne.

Frazey moved to appoint Candace Leonard.

Councilmembers discussed how the motions should be made.

Buchanan moved to amend the motion to nominate all three applicants. The motion was seconded by Donovan.

Councilmembers discussed how to proceed with the motions on the table and the following people spoke about the language of the Whatcom County Code concerning appointing applicants:

- Dana Brown-Davis, Clerk of the Council
- Jill Nixon, Council Office Staff
- Karen Frakes, Prosecuting Attorney's Office

Frakes stated she recommends they follow the code and nominate before they appoint.

Byrd stated that his motion to appoint Troy Muljat stands.

Councilmembers discussed the motion.

Browne withdrew his second for Byrd's motion.

Nixon answered how many vacancies there are.

Frazey moved to nominate Candice Leonard. The motion was seconded by Donovan.

Browne moved to nominate Troy Muljat. The motion was seconded by Buchanan.

Muljat was appointed by the following vote:

Muljat: 5 - Browne, Buchanan, Byrd, Elenbaas, and Kershner

Leonard: 2 - Donovan and Frazey

Appointed:

Food Processing: Brad Rader

Manufacturing: Gail Buce

Recreation: Clark Campbell

Other for Profit: Troy Muljat

3. [AB2021-032](#) Council appointment to fill vacancies on the Climate Impact Advisory Committee - Applicant(s): Ellen Murphy, Katherine Kissinger, Licia Sahagun, Tracy Petroske, William Bethel, Eddy Ury, Imran Sheikh, Amanda Monthei, Fletcher Wilkinson, Ginny Broadhurst

Buchanan read the purpose of the Committee.

Browne moved to nominate all the applicants. The motion was seconded by Frazey.

The following applicants addressed the Councilmembers and answered questions:

- Katherine Kissinger
- William Bethel

Kissinger, Murphy, Ury, Bethel, Sheikh, and Broadhurst were appointed by the following vote:

- Ellyn Murphy: 6 - Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
- Katherine Kissinger: 7 - Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
- Tracy Petroske: 2 - Frazey and Kershner

- William Bethel: 5 - Buchanan, Byrd, Elenbaas, Frazey, and Kershner
- Eddy Ury: 6 - Browne, Buchanan, Byrd, Donovan, Elenbaas, and Kershner
- Imran Sheikh: 4 - Browne, Buchanan, Donovan, and Frazey
- Ginny Broadhurst: 4 - Browne, Buchanan, Donovan, and Frazey
- Ray Kamada: 3 - Browne, Donovan, and Kershner

Licia Sahagun, Amanda Monthei, Fletcher Wilkinson, Hunter Hassig, and Irena Lambrou did not receive votes.

Appointed Katherine Kissinger, Ellyn Murphy, Eddy Ury, William Bethel, Imran Sheikh, and Ginny Broadhurst

4. [AB2021-033](#) Council appointment to fill vacancies on the Flood Control Zone District Advisory Committee - Applicant(s): Jesse Clawson and Ron Bronsema (Council Acting as the Flood Control Zone District Board of Supervisors)

Special Districts

Browne moved to appoint both applicants (Ron Bronsema and Jeff DeJong) by acclamation. The motion was seconded by Donovan.

The motion carried by the following vote:

Aye: 7 - Byrd, Donovan, Elenbaas, Frazey, Kershner, Browne, and Buchanan
Nay: 0

Impacted Cities

Frazey moved to nominate all three applicants (Jesse Clawson, John Perry, and Kyle Christensen). The motion was seconded by Browne.

Perry and Christensen were appointed by the following vote:

Clawson: 1 - Frazey

Perry: 6 - Elenbaas, Kershner, Browne, Buchanan, Byrd, and Donovan

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

Appointed:

Special Districts: Ron Bronsema and Jeff Dejong

Impacted Cities: John Perry and Kyle Christensen

7. [AB2021-037](#) Council appointment to fill vacancies on the Planning Commission - Applicant(s): Kimberley Lund, Atul Deshmane, Stephen Jackson, and Candice Leonard

Buchanan started to discuss AB2021-037 then they realized that he had skipped two agenda items. He went to those items and returned to this item below.

5. [AB2021-034](#) Council appointment to fill vacancies on the Horticulture Pest and Disease Board - Applicant(s): Troy Kortus and John Grubb

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

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

Nay: 0

Absent: 0

6. [AB2021-036](#) Council appointment to fill vacancies on the Lummi Island Ferry Advisory Committee - Applicant(s): Jim Dickinson, Steven Lurenz, and Mike McKenzie

Frazey moved to nominate all three applicants. The motion was seconded by Elenbaas.

Dickinson and McKenzie were appointed by the following vote:

Dickinson: 5 - Kershner, Browne, Buchanan, Byrd, and Elenbaas

Lurenz: 3 - Frazey, Buchanan, and Donovan

McKenzie: 6 - Frazey, Kershner, Browne, Byrd, Donovan, and Elenbaas

Appointed Jim Dickinson and Mike McKenzie

7. [AB2021-037](#) Council appointment to fill vacancies on the Planning Commission - Applicant(s): Kimberley Lund, Atul Deshmane, Stephen Jackson, and Candice Leonard

Donovan moved to appoint Lund and Jackson to District 1 and District 4 respectively by acclamation. The motion was seconded by Frazey.

Byrd stated that Donovan can not be the maker of the motion since he is from District 2.

Buchanan moved to appoint Lund and Jackson to District 1 and District 4 respectively by acclamation. The motion was seconded by Frazey.

The motion carried by the following vote:

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

Nay: 0

Abstain: 1 - Elenbaas

Byrd moved to nominate Candice Leonard for District 3. The motion was seconded by Donovan.

Browne nominated Atul Deshmane but could not do so because of the district he is in.

Buchanan moved to nominate Atul Deshmane for District 3. The motion was seconded by Frazey.

Councilmembers discussed an email sent to Councilmembers by Candice Leonard and whether she is ineligible for the position because of a possible declaration of candidacy.

Jill Nixon, Council Staff, read language from the Whatcom County Code and the Revised Code of Washington regarding the issue.

Deshmane was appointed for District 3 by the following vote:

Deshmane: 4 - Browne, Buchanan, Donovan, and Frazey

Leonard: 3 - Byrd, Elenbaas, and Kershner

Appointed Atul Deshmane

8. [AB2021-040](#) Council appointment to fill vacancies on the Portage Bay Shellfish Protection District Advisory Committee - Applicant(s): Dorie Belisle

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

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

Nay: 0

Absent: 0

9. [AB2021-043](#) Council appointment to fill vacancies on the Solid Waste Advisory Committee - Applicant(s): Brandi Hutton

Frazey moved and Donovan seconded that the applicant be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

10. [AB2021-044](#) Council appointment to fill vacancy on the Sumas/Everson/Nooksack Flood Subzone Advisory Committee - Applicant(s): Aaron Kurashige (Council Acting as the Flood Control Zone District Board of Supervisors)

Donovan moved and Frazey seconded that the applicant be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

11. [AB2021-045](#) Council appointment to fill vacancy on the Birch Bay Watershed and Aquatic Resource Management District (BBWARM) Advisory Committee - Applicant(s): Robert Shanabarger (Council Acting as the Flood Control Zone District Board of Supervisors)

Donovan moved and Buchanan seconded that the applicant be appointed.

Councilmembers discussed the motion.

Donovan's motion that the Council Appointment be APPOINTED carried by the following vote:

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

Nay: 0

Absent: 0

12. [AB2021-046](#) Council appointment to fill vacancy on the Acme/VanZandt Flood Subzone Advisory Committee - Applicant(s): Candice Leonard (Council Acting as the Flood Control Zone District Board of Supervisors)

Browne moved and Frazey seconded that the applicant be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

1. [AB2021-018](#) Ordinance amending the 2021 Whatcom County Budget, request no. 2, in the amount of \$5,839,516

Donovan moved and Browne seconded that the Ordinance be introduced.

Councilmembers discussed the motion.

Donovan's motion that the Ordinance be INTRODUCED carried by the following vote:

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

Enactment No: ORD 2021-002

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

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

Cathy Halka, Council Legislative Analyst, read into the record the statistics provided by the Health Department today about the chances of COVID-19 exposure in various sizes of gatherings.

ADJOURN

The meeting adjourned at 11:12 p.m.

The County Council approved these minutes on February 9, 2021.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE