

Whatcom County Council Committee of the Whole

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



Committee Minutes - Final

**VIRTUAL MEETING - ENDS NO LATER THAN 5 P.M. (TO
PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010)
Tuesday, March 9, 2021**

2 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.

Call To Order

Council Chair Barry Buchanan called the meeting to order at 2:01 p.m. in a virtual meeting.

Roll Call

Present: 6 - Rud Browne, Barry Buchanan, Todd Donovan, Carol Frazey, Ben Elenbaas and Kathy Kershner

Absent: 1 - Tyler Byrd

Committee Discussion

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

Erika Lautenbach, Health Department Director updated the Councilmembers on the following

- March 10, 2021 marks one year since the first case of COVID-19 was discovered in Whatcom County
- The COVID-19 vaccine status, including a recent pilot for a large-scale testing site held at Bellingham Technical College, additional pipelines for vaccine supply besides the allocation that comes from the State and a more stable supply coming soon from the State
- A work group on which she has been serving and which is working with the State on what phase three and beyond might look like for the Roadmap to Recovery re-opening plan
- A subgroup of the Public Health Advisory Board (PHAB) formed to look at what role the PHAB can play and how they can engage in a community effort toward a broader pandemic recovery

She answered questions about volunteers at the large scale testing site, whether there can be a coordinated response with fellow jurisdictions in allocating and sharing vaccine supply, how long it will take to get all adults vaccinated in Whatcom County, when the supply of vaccine will be more consistent and whether the PHAB will be working with the regional economic partnership on economic impact issues.

This agenda item was DISCUSSED.

2. [AB2021-149](#) Discussion of the Planning Commission request to adopt an emergency moratorium on the acceptance of applications for outdoor cannabis growing and processing operations

Buchanan moved to allow a 15-minute public comment period. The motion

was seconded by Donovan.

The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

The following people provided information to the Councilmembers and answered questions:

- Mark Personius, Planning and Development Services Department Director, read the motion and recommendation to the Council from the Planning Commission.
- Karen Frakes, Prosecuting Attorney's Office, asked Councilmembers to read an email that she sent them.

Buchanan opened the meeting for public comment and the following people spoke:

- Mark Ambler
- Joshua Rutherford
- Todd Baker

Buchanan closed the public comment period.

Councilmembers and staff discussed State and County authority and regulations regarding the issue, whether a moratorium should be considered, and inviting the industry to get together and come up with a proposal of how they are going to police themselves.

Browne moved that they invite the industry (list of permitted applicants) to form their own committee and come back in 90 days with a proposal for how they are going to deal with ongoing citizen complaints. The motion failed for lack of a second.

Councilmembers and staff continued to discuss the item, how to move forward and whether it should be proposed as an emergency moratorium.

This agenda item was DISCUSSED.

3. [AB2021-153](#) Discussion of previously proposed no-shooting zones in the Drayton Harbor area
Browne updated the Councilmembers on his discussions with tribal members and the City of Blaine.

Michael Jones, Blaine City Manager, briefed the Councilmembers and gave the status and history of the item proposed by the City of Blaine.

Donovan moved that they request the Administration to bring forward a revised version of this for introduction.

Dana Brown-Davis, Clerk of the Council, stated the ordinances originate from the Council Office and not the Administration and stated there are two no-shooting zone items to consider (“Dearborn” and “Drayton”).

Browne moved to bring forward an ordinance for the City of Blaine (“Drayton”) proposal for introduction. The motion was seconded by Frazey.

Councilmembers discussed the motion.

Bonnie Onyon, City of Blaine Mayor, spoke about the proposal by the City of Blaine.

The motion carried by the following vote:

Aye: 4 - Donovan, Frazey, Browne and Buchanan

Nay: 1 - Elenbaas

Abstain: Kershner

Absent: Byrd

Browne moved to bring forward an ordinance for the Dearborn proposal for introduction. The motion was seconded by Donovan.

Dana Brown-Davis, Clerk of the Council, stated they will be separate ordinances.

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 4 - Donovan, Frazey, Browne and Buchanan

Nay: 1 - Elenbaas

Abstain: 1 - Kershner

Absent: 1 - Byrd

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

4. [AB2021-150](#) Discussion regarding a redistribution of staff responsibilities for processing road vacation and franchise applications

Cathy Halka, Council Legislative Analyst, briefed the Councilmembers and

answered a question about how the workload would change for the Public Works Department and how the Public Works has responded to the proposal.

Jon Hutchings, Public Works Department Director, stated they have figured out a process that should reduce the workload for everybody involved.

Kershner moved to request Council consider a motion of support for adjusting staff responsibilities between Council Office staff and Public Works Staff for processing Franchise applications and Road Vacation petitions. The motion was seconded by Donovan.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Byrd

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

5. [AB2021-154](#) Discussion of proposed ordinance amending Whatcom County Code 3.08 Purchasing System to include nondiscrimination by county contractors

Frazey briefed the Councilmembers.

Karen Frakes, Prosecuting Attorney's Office, spoke about preparing contracts and nondiscrimination language. She and Councilmembers discussed the proposed added language in the substitute ordinance, Exhibit A.

Browne suggested that it be amended to read:

or deny an individual or business any service or benefits under this Agreement unless otherwise allowed specified by applicable law;

Kershner suggested an amendment to line 28 of Exhibit A of the Substitute ordinance to use the word "ensure" instead of "insure."

28 the Contractor shall take affirmative action to ~~insure~~ ensure that applicants are

Elenbaas moved to amend to add the words "political affiliation" to the list in the first the whereas statement of the ordinance and anywhere the list appears in Exhibit A:

WHEREAS, Whatcom County residents value all people without

regard to race, color, creed, religion, national origin, sex, sexual orientation, gender identity or expression, age, marital status, neurodiversity, disability, political affiliation, or veteran status; and

The motion was seconded by Kershner.

Councilmembers and Frakes discussed the motion.

Kershner suggested a friendly amendment to the motion to expand the phrase to “political affiliation or diversity of thought.”

Elenbaas accepted the friendly amendment.

Councilmembers discussed the motion with Frakes, whether the amendment should just be in the ordinance or also in the exhibit and whether the word "creed" in the list already covers the intent.

Elenbaas reinstated his original motion and amended it to amend the proposed substitute ordinance to add to the list the words "political affiliation" after the word “disability” in first the whereas statement of the ordinance and in Exhibit A Chapter 3.08.125 Section A, Subsection 1 (line 24).

Councilmembers discussed the motion.

The motion carried by the following vote:

Aye: 4 - Kershner, Browne, Buchanan and Elenbaas

Nay: 1 - Frazey

Abstain: 1 - Donovan

Absent: 1 - Byrd

Donovan moved to recommend the substitute ordinance for introduction as amended. The motion was seconded by Elenbaas.

The motion carried by the following vote:

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

Nay: 0

Abstain:

Absent: 1 - Byrd

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

Items Added by Revision

There were no agenda items added by revision.

Other Business

The following people briefed the Councilmembers on affordable housing and House Bill (HB) 1590.

- Satpal Sidhu, County Executive
- Anne Deacon, Health Department

Buchanan moved to recommend a proposed ordinance from the Administration regarding HB 1590 (Housing and Related Services) for introduction tonight. The motion was seconded by Donovan.

The speakers discussed the motion with Councilmembers and answered questions.

The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 1 - Byrd

Adjournment

The meeting adjourned at 4:32 p.m.

The County Council approved these minutes on March 23, 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