

Whatcom County Council

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



Minutes - Final

**Tuesday, August 10, 2021
6 PM
Virtual Meeting**

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010)**

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 6:02 p.m. in a virtual meeting.

ROLL CALL

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

Absent: None

FLAG SALUTE

ANNOUNCEMENTS

The Council is accepting applications to a vacancy on the Lummi Island Ferry Advisory Committee. The vacancy must be filled by someone who does not live on or own property on Lummi Island. If you're interested in participating in this group and meet the qualifications, please let us know at 360-778-5010 or email the Council at council@co.whatcom.wa.us

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, gave a presentation (on file under AB2021-482) concerning the Priorities and Policy Framework for use of the American Rescue Plan Act (ARPA) funds.

Donovan spoke about leveraging the dollars for permanent affordable housing and childcare.

SPECIAL ORDER OF BUSINESS

1. [AB2021-485](#) Council appointment of interim District Court Judge
Donovan moved that they put this on the agenda so that it is after the public comment. The motion was seconded by Byrd.

The motion carried by the following vote:

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

Nay: 0

MINUTES CONSENT

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

1. [MIN2021-061](#) Committee of the Whole Executive Session for July 27, 2021

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

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

Nay: 0

Absent: 0

2. [MIN2021-062](#) Committee of the Whole for July 27, 2021

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

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

Nay: 0

Absent: 0

3. [MIN2021-063](#) Regular County Council for July 27, 2021

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

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

Nay: 0

Absent: 0

4. [MIN2021-064](#) Special Council for August 2, 2021

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

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

Nay: 0

Absent: 0

PUBLIC HEARINGS

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

1. [AB2021-413](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for FY2021 Byrne Justice Assistance Grant (JAG) Program Award, in the amount of \$14,001

Doug Chadwick, Undersheriff, briefed the Councilmembers.

Buchanan opened the Public Hearing and, hearing no one, closed the Public

Hearing.

Donovan moved and Byrd seconded that the Agreement Requiring a Public Hearing be AUTHORIZED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

2. [AB2021-417](#) Resolution transferring a Whatcom County Flood Control Zone District property to the Lummi Nation (Council acting as the Flood Control Zone District Board of Supervisors)

Andrew Hester, Public Works Department, briefed the Councilmembers.

Buchanan opened the Public Hearing and the following person spoke:

- Wendy Harris

Hearing no one else, Buchanan closed the Public Hearing.

Byrd moved and Frazey seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2021-026

3. [AB2021-422](#) Ordinance for reestablishing a speed limit for a portion of Bay Road

Buchanan opened the Public Hearing and, hearing no one, closed the Public Hearing.

Byrd moved and Donovan seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Elenbaas stated he thinks it is a good idea.

Byrd's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-050

4. [AB2021-424](#) Ordinance adopting amendments to the Whatcom County Code Title 20, Zoning to allow and regulate Battery Energy Storage Systems

Mark Personius, Planning and Development Services Department Director, briefed the Councilmembers and answered whether there have been any applications for such an item yet.

Councilmembers discussed the item.

Donovan moved to hold this item for a month or two. The motion was seconded by Byrd.

Dana Brown-Davis, Clerk of the Council, stated this item was advertised as a scheduled public hearing so if the Council is agreeable, it would be better to have the public hearing and then vote whether to hold it after that.

Donovan withdrew his motion and Councilmembers and Personius discussed the timing of the item.

Buchanan opened the Public Hearing and the following people spoke:

- Wendy Harris
- David MacLeod
- Brad Brown

Hearing no one else, Buchanan closed the Public Hearing.

Donovan moved to hold the item. The motion was seconded by Byrd.

Councilmembers and Personius discussed the motion.

Chris Powers, NextEra Energy, addressed the Council and Councilmembers continued to discuss.

The motion to hold carried by the following vote:

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

Nay: 2 - Browne and Elenbaas

Councilmembers discussed with Personius what additional information the Council is looking for.

Dana Brown-Davis, Clerk of the Council, asked what committee they would

like it to be referred to. They concurred to put it in Planning and Development Committee.

This agenda item was HEARD PUBLIC TESTIMONY AND REFERRED TO COMMITTEE.

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

Nay: 2 - Browne, and Elenbaas

Absent: 0

5. [AB2021-433](#) Resolution declaring Whatcom County real property as surplus

Tyler Schroeder, Executive's Office, briefed the Councilmembers and answered whether it will be opened up so that anyone who is interested in bidding on the project could bid on it.

Buchanan opened the Public Hearing and, hearing no one, closed the Public Hearing.

Frazey moved and Donovan seconded that the Resolution Requiring a Public Hearing be APPROVED.

Schroeder answered why it is only open to one non-profit (Lake Whatcom Treatment Center) and not open to anyone.

Satpal Sidhu, County Executive, stated there was a head-nod for this process in Executive Session.

Frazey's motion that the Resolution Requiring a Public Hearing be APPROVED carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2021-027

6. [AB2021-420](#) Ordinance amending the Whatcom County Comprehensive Plan Map and zoning code for the Nooksack Falls Exclave within the Mount Baker-Snoqualmie National Forest

Mark Personius, Planning and Development Services Department Director, briefed the Councilmembers and stated this would have to be forwarded for concurrent review.

Buchanan opened the Public Hearing and the following person spoke:

- Ali Taysi

Hearing no one else for this item, Buchanan closed the Public Hearing.

Buchanan moved and Byrd seconded that the Ordinance Requiring a Public Hearing be FORWARDED FOR CONCURRENT REVIEW. The motion carried by the following vote:

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

Nay: 0

Absent: 0

OPEN SESSION (20 MINUTES)

The following people spoke:

- Marcus Sanders
- Megan Wiseman
- Leah Sauter
- Robert Bystrom
- Misty Flowers
- Richard Tran
- Don Warner
- Lindy McDonough
- Jack Hovenier
- Nancy Bergman
- Shean Halley
- Natalie Chavez
- Jean Purcell
- Christie Duque
- Enoch Mann
- Brad Brown
- Stephen Jackson
- Cliff Langlely
- Hannah Ortis
- Heather Katahdin

Hearing no one else, Buchanan closed the Open Session.

SPECIAL ORDER OF BUSINESS

1. [AB2021-485](#) Council appointment of interim District Court Judge

Cathy Halka, Council Legislative Analyst, discussed with Councilmembers the work done to validate the options for voting and how to proceed tonight.

Kershner moved to use the ranked choice voting system but down to the level of four choices. The motion was seconded by Byrd.

Councilmembers discussed the motion.

Donovan suggested a friendly amendment that the ranked vote be non-binding and then they can make a motion to affirm the results and ***Kershner accepted*** the friendly amendment.

Byrd suggested that it be a blind vote, but ***Kershner did not accept*** that suggestion.

Councilmembers continued to discuss the motion.

Dana Brown-Davis, Clerk of the Council, answered a question about whether they would need to rescind their prior vote on July 27 on how to vote tonight.

Kershner withdrew her motion but Byrd did not withdraw his second and stated as the seconder he would not accept the friendly amendment to make it non-binding.

Councilmembers discussed whether they would need to rescind the July 27 motion and decided they needed to, but no one made a motion to rescind which made tonight's motion moot. They went back to the original motion from the Committee of the Whole on July 27, 2021.

Buchanan moved to nominate all the candidates for consideration. The motion was seconded by Browne.

Councilmembers discussed the motion and voted as follows:

Donovan voted for Angela Anderson
Elenbaas voted for Jeffrey Lustick
Frazey voted for Angela Anderson
Kershner voted for Royce Buckingham
Browne voted for Angela Anderson
Buchanan voted for Angela Anderson
Byrd voted for Angela Anderson

Angela Anderson was appointed with five votes.

Councilmembers continued to discuss the process and the candidates.

Angela Anderson was APPOINTED.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Browne reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items 1-13. Councilmembers discussed and voted on those items (see votes on individual items below).

1. [AB2021-427](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Cascadia Youth Mental Health to assess and support regional school substance use discipline policies and practice needs, in the amount of \$22,760 for a total amended contract amount of \$40,000

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

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

Nay: 0

Absent: 0

2. [AB2021-428](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Northwest Educational Service District 189 for participation in the Regional Youth Marijuana Prevention and Education Program, in the amount of \$15,000

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

3. [AB2021-442](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Tacoma Pierce County Health Department for administration of the food handler permit program, in an estimated amount of \$80,732 per year

Browne reported for the Finance and Administrative Services Committee and

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

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

Nay: 0

Absent: 0

4. [AB2021-443](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Skagit Valley College for the use of the Plantation Rifle Range to train personnel, in the amount of \$17,486.40

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

5. [AB2021-444](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Sedro-Woolley Police Department for the use of the Plantation Rifle Range to train personnel, in the amount of \$6,289.30

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

6. [AB2021-445](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Bellingham Police Department for the use of the Plantation Rifle Range to train personnel, in the amount of \$26,381.85

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

7. [AB2021-446](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Mount Vernon Police Department for the use of

the Plantation Rifle Range to train personnel, in the amount of \$6,764.05

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

8. [AB2021-448](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Marysville Police Department for the use of the Plantation Rifle Range to train personnel, in the amount of \$12,868.22

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

9. [AB2021-449](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Skagit County Sheriff's Office for the use of the Plantation Rifle Range to train personnel, in the amount of \$15,286.73

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

10. [AB2021-452](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology for solid waste management compliance and litter and/or illegal dumping enforcement activities, in the amount of \$236,340

Browne reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

11. [AB2021-468](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Trantech Engineering, LLC to provide engineering services to implement rehabilitation efforts on the existing Nulle Road/Friday Creek Bridge No. 106

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

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

Nay: 0

Absent: 0

12. [AB2021-472](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Helmsman Management Services, LLC to provide administration of the County's self-insured Worker's Compensation Program in the amount of \$173,090

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

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

Nay: 0

Absent: 0

13. [AB2021-478](#) Request approval for the County Executive to enter into a contract for a 3-year subscription to KnowBe4 for cyber security awareness training and simulated phishing software platform with SHI International Corporation, using the Washington State Contract #06016, in an amount not to exceed \$50,409.22

Browne reported for the Finance and Administrative Services Committee and moved that the Bid Award be AUTHORIZED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2021-412](#) Ordinance amending the 2021 Whatcom County Budget, request no. 12, in the amount of \$1,506,763

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-051

2. [AB2021-390](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and the Bellingham Housing Authority for the purposes of funding an EDI loan for phase 3 of the Samish Commons redevelopment project in the amount of \$750,000

Browne reported for the Finance and Administrative Services Committee and **moved** that the Interlocal be AUTHORIZED.

Dana Brown-Davis, Clerk of the Council, spoke about the title of this item (Tyler Schroeder, Deputy Administrator, corrected the title for this item to reflect an amount of \$725,000 instead of \$750,000).

Councilmembers discussed the motion.

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

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

Nay: 2 - Byrd, and Elenbaas

Absent: 0

3. [AB2021-410](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County Flood Control Zone District and the Lummi Nation for the transfer of real property (Council acting as the Flood Control Zone District Board of Supervisors)

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

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

Nay: 0

Absent: 0

4. [AB2021-430](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Housing Authority of the City of Bellingham to receive American Rescue Plan Act (ARPA) funds in the amount of \$525,000 to construct phase 3 of the Samish Commons Project

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

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

Nay: 3 - Byrd, Elenbaas, and Kershner

Absent: 0

5. [AB2021-441](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology to administer and enforce sealing, tagging, and decommissioning of water wells, in an estimated annual amount of \$13,500

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

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

Nay: 0

Absent: 0

6. [AB2021-454](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Unity Care Northwest to provide reimbursement of professional and support services provided at Whatcom County's Community Vaccine Clinics, in the amount of \$55,950

Browne 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, Donovan, Elenbaas, Frazey, and Kershner

Nay: 0

Absent: 0

7. [AB2021-458](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County, the City of Bellingham Fire Department and Fire Protection District No. 7 for costs associated with the implementation of the 5th medic unit in the amount of \$1,917,500

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

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

Nay: 0

Absent: 0

8. [AB2021-459](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Snohomish Health District to provide COVID-related isolation and quarantine to Snohomish County residents, in the amount of \$200 per resident, per day

Browne reported for the Finance and Administrative Services Committee and **moved** that the Interlocal be AUTHORIZED.

Councilmembers discussed how much this cost each resident that used it in Whatcom County and whether they can mitigate the risk of bringing COVID-19-positive people into the County, and they discussed the motion.

Satpal Sidhu, County Executive, spoke about the facility being an insurance policy.

Buchanan moved the call the question. The motion was seconded by Browne.

The motion to call the question carried by the following vote:

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

Nay: 1 - Donovan

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

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

Nay: 0

Absent: 0

9. [AB2021-476](#) Resolution to adopt the Whatcom County Employee's Personnel Handbook

Browne reported for the Finance and Administrative Services Committee and **moved** that the Resolution be APPROVED.

Councilmembers discussed the motion, thanked Karen Goens for the handbook, and wished her well in her retirement.

Clerk's note: Buchanan stated the vote on this item was 6-1 with Donovan out of the meeting. He did not hear Donovan's affirmative vote and Donovan stated that he voted yes. The record was corrected to reflect a vote of 7-0.

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

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

Nay: 0

Absent: 0

Enactment No: RES 2021-028

10. [AB2021-477](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Social and Health Services to provide an advance in funding for DSHS-funded Developmental Disabilities Administration Programs, in an amount authorized of up to \$470,230

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

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

Nay: 0

Absent: 0

11. [AB2021-483](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lydia Place to provide funding for additional motel rooms for families experiencing unsheltered homelessness in the amount of \$236,470 for a total amended contract amount of \$354,922

Browne 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, Donovan, Elenbaas, Frazey, and Kershner

Nay: 0

Absent: 0

NOTE:

Byrd asked whether AB2021-410 and AB2021-417 are different from each other since they have similar titles and the following people spoke:

- Dana Brown-Davis, Clerk of the Council
- Tyler Schroeder, Executive's Office

One item is a resolution transferring the property and the other is an interlocal.

(From Council Public Works and Health Committee)

12. [AB2021-464](#) Resolution in the matter of considering vacating a portion of Wynn Road

Frazezy reported for the Public Works and Health Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2021-029

13. [AB2021-465](#) Resolution in the matter of considering vacating a portion of Thomas Road

Frazezy reported for the Public Works and Health Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2021-030

14. [AB2021-466](#) Resolution in the matter of considering vacating a portion of Horton Road

Frazezy reported for the Public Works and Health Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2021-031

15. [AB2021-467](#) Resolution in the matter of considering vacating a portion of Boxwood Road

Frazezy reported for the Public Works and Health Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2021-032

(No Committee Assignment)

16. [AB2021-469](#) Request to authorize Karen Frakes, Chief Civil Deputy Prosecuting Attorney, to vote on behalf of Whatcom County in favor of the Joint Plan of Reorganization of Mallinckrodt PLC and its debtor affiliates under Chapter 11 of the Bankruptcy Code in Case No. 20-12522 (JTD) in the US Bankruptcy Court for the District of Delaware

Karen Frakes, Prosecuting Attorney's Office, briefed the Councilmembers.

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

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

Nay: 0

Absent: 0

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2021-461](#) Request confirmation of the County Executive's appointment of Jagwinder Gill to the Agricultural Advisory Committee

Donovan moved and Frazey seconded that the Executive Appointment be CONFIRMED.

Satpal Sidhu, County Executive, answered a question about who the applicant would be replacing.

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

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

Nay: 0

Absent: 0

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

Donovan moved to introduce items one through three. The motion was

seconded by Frazey (see votes on individual items below).

1. [AB2021-451](#) Ordinance amending the 2021 Whatcom County Budget, request no. 13, in the amount of \$1,615,450

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

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-054

2. [AB2021-408](#) Ordinance adopting amendments to Whatcom County Code Title 17 Flood Damage Prevention

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

Nay: 0

Absent: 0

Enactment No: ORD 2021-053

3. [AB2021-450](#) Resolution amending the Flood Control Zone District 2021 budget, request no. 2, in the amount of \$1,142,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Donovan moved and Frazey seconded that the Resolution (FCZDBS) be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

Absent: 0

Enactment No: RES 2021-036

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave committee reports.

Browne read the following title for AB2021-156 into the record and **moved** that they have another executive session for the item or bring it out into the open for a public discussion at a future meeting either in September or

October:

Discussion of pending litigation with Civil Deputy Prosecutor Chris Quinn: Ericksen v. Whatcom County Flood Control Zone District, Whatcom County Superior Court Cause No. 20-2-00650-37

The motion was seconded by Donovan to bring the item back to executive session.

Browne clarified his motion and stated his preference is to have an executive session on September 28, 2021.

The motion carried by the following vote:

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

Nay: 0

Councilmembers discussed listening to other people with differing opinions, children wearing masks and other things related to COVID-19.

Dana Brown-Davis, Clerk of the Council, answered a question about the time of the Special Council meeting on August 16, 2021.

ADJOURN

The meeting adjourned at 10:27 p.m.

The County Council approved these minutes on September 14, 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