

# Whatcom County Council Committee of the Whole

COUNTY COURTHOUSE  
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## Committee Minutes - Final

Tuesday, September 27, 2022

2 PM

Hybrid Meeting

HYBRID MEETING - ADJOURNS BY 4:30 P.M.; MAY BEGIN EARLY  
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010)

### COUNCILMEMBERS

Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kaylee Galloway  
Kathy Kershner

### CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

## Call To Order

Council Chair Todd Donovan called the meeting to order at 2 p.m. in a hybrid meeting.

## Roll Call

**Present:** 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Carol Frazey, Kaylee Galloway, and Kathy Kershner

**Absent:** None

## Announcements

### Special Presentation

1. [AB2022-520](#) Update from the Administration on the American Rescue Plan Act (ARPA)  
Tyler Schroeder, Director of Administrative Services, read from a memo (on file) and answered how to read the numbers in the matrix, what a “Dibble Building” is as referenced under “Criminal Justice Backlog” on the matrix, what “Revenue Loss” means as referenced on the matrix, whether the \$1,410,223 for “Revenue Loss/Gov’t Services” in the “Remaining to Allocate” column could be back-filling revenue we did not collect, and whether a budget lapse (should we have one) is going to follow any special American Rescue Plan Act (ARPA) rules or whether it will just be normal County re-appropriation through the lapse process.

Galloway spoke about getting creative with the \$4 million of allocated expenditures proposed for broadband and thinking about how we can best use those dollars to achieve our goals.

Kayla Schott-Bresler, Administrative Services Strategic Initiatives Manager, and Schroeder answered what the three additional childcare positions funded “to advance community-based childcare and child wellbeing efforts” will be doing, who they will work for, and what the outcomes should be.

Ann Beck, Health Department, spoke about the hiring of the positions.

**This agenda item was REPORTED.**

### Committee Discussion

1. [AB2022-507](#) Update from the Health Department on severe weather shelter plans  
Ann Beck, Health Department, reported and answered how Road2Home will find people at short-term notice to staff an overnight severe weather

shelter, whether they will have people that will be able to be on call, how much the Road2Home contract will be for and what the funding source will be, whether they might use the Depot Market or the County's Garden Level Conference Room for a shelter on the fly, the timeline for the Way Station as mentioned in AB2022-520, whether we have considered updating the severe weather shelter's guiding assumptions to include other unhealthy weather patterns (extreme heat or smoke) besides just the cold, and whether it would make sense to raise the 28°F temperature threshold for activating the opening of a severe weather shelter.

**This agenda item was DISCUSSED.**

2. [AB2022-508](#) Discussion of draft Interlocal Agreement between Whatcom County and the seven cities relating to procedures for amending the Countywide Planning Policies

Matt Aamot, Planning and Development Services Department, briefed the Councilmembers and answered questions about the possible routes to ratification as presented in the chart in the staff memo (on file), including how it compares to what is in the short term interlocal right now, and whether it would change County involvement in policy amendments. He also answered how long it will take for the interlocal to go through the review process before coming back to the Council.

**This agenda item was DISCUSSED.**

3. [AB2022-522](#) Discussion and presentation on Whatcom Racial Equity Commission Ordinance from Chuckanut Health Foundation

The following people presented:

- Heather Flaherty, Chuckanut Health Foundation Executive Director
- Shu-Ling Zhao, Chuckanut Health Foundation

Donovan asked a question about the language in Exhibit A, Section 2.107.060 Additional Appointed Members that states, "Candidates under this section shall apply for appointment to the Commission..." and whether that is the "chicken before the egg" since they have not passed the Ordinance that sets up the Commission and the Commission has not yet been populated.

Zhao stated it would be spelled out in a transition plan.

Donovan asked about language in the exhibit stating that some members will be appointed by the Mayor and the County Executive and asked if a process would be described in the interlocal (referred to in the Staff Report) in the event that they do not agree.

Zhao and Kayla Schott-Bresler, Administrative Services Strategic Initiatives Manager, answered questions about Section 2.107.110 Staff and Funding Support, including how this will be funded, whether the County will be funding this or whether they would be pursuing their own funding, what “support from Whatcom County Staff” means, what department might give staff support, whether that would be included in the County’s budget, how much money it would be, and whether it would come out of the General Fund.

The speakers and Councilmembers discussed what the Commission will do, an example of how their work would come to fruition and how it would look, how this work would be different than if they just organized as a service-based non-profit, and whether they have a plan for how to make quorum and make sure members show up.

Kershner stated she would like to suggest they remove the word “racial” from this Commission because they are talking today about equity across all groups.

***Kershner moved*** that they remove the word “racial” from this Commission and Ordinance. The motion was seconded by Byrd.

Councilmembers discussed the motion.

***Kershner amended*** her motion ***and moved*** to ask the committee to consider that they remove the word "racial" from this Commission and Ordinance and come back to the Council.

Dr. Pamela Wheeler, stakeholder in the development of the Racial Equity Commission, spoke about why they decided to keep racial equity specifically.

Councilmembers discussed the amended motion.

***Kershner*** clarified her comments and ***withdrew*** the motion.

Councilmembers and the speakers continued to discuss how the Commission is going to function and what will happen if it recommends a policy change but the County does not agree.

***Buchanan moved*** to recommend to the Council that they introduce the Ordinance tonight. The motion was seconded by Frazey.

The motion carried by the following vote:

**Aye:** 5 - Buchanan, Byrd, Donovan, Frazey, and Galloway

**Nay:** 1 - Elenbaas

**Abstain:** 1 - Kershner

*Clerk's note:* The Ordinance was already on the Council agenda for introduction so this motion did not change the Council agenda.

Dana Brown-Davis, Clerk of the Council, answered whether a motion to suggest that they have a public hearing on this item be best suited for this meeting or the Council meeting tonight. No motion was made.

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

### **Committee Discussion and Recommendation to Council**

1. [AB2022-454](#) Ordinance amending Whatcom County Code to restructure the Public Health Advisory Board

Steve Bennett, Public Health Advisory Board (PHAB), stated this Ordinance is just essentially updating us to meet the State requirements.

***Galloway moved*** and Buchanan seconded that the Ordinance be RECOMMENDED FOR ADOPTION.

Bennett answered whether we met state requirements by January 1, 2022 and are just making it more clear with this Ordinance and stated technically we did not meet the requirements by January. We did not have the membership and we needed to update roles and responsibilities. But this is what we are rectifying currently.

Erika Lautenbach, Health Department Director, stated the previous bylaws stated that the Executive would appoint and Council would confirm members of the PHAB and now Councilmembers both appoint and confirm and that is a distinct change in terms of governance. Also, our Health Officer is an ex-officio member now and that was a requirement to include in the bylaws that was not in place before.

Karen Frakes, Prosecuting Attorney's Office, stated from a legal perspective, we were substantially in compliance with State law but we had to make these changes to fully come into compliance.

Councilmembers voted on the motion (see vote below after the final comments).

Dana Brown-Davis, Clerk of the Council, and Jill Nixon, Council Office Staff, clarified that this is a substitute version and Nixon spoke about the differences between the substitute and the original version.

**Galloway's motion that the SUBSTITUTE Ordinance be RECOMMENDED FOR ADOPTION carried by the following vote:**

**Aye:** 5 - Buchanan, Donovan, Frazey, Galloway, and Kershner

**Nay:** 2 - Byrd, and Elenbaas

**Absent:** 0

**Items Added by Revision**

There were no agenda items added by revision.

**Other Business**

Galloway briefed the Councilmembers on an email sent to them on her behalf by the Clerk of the Council that included a link to a call for open comment from the Washington State Broadband Office and a draft letter for a way in which we as Council could potentially weigh in on that call for comment. She wanted to bring it up today to see if Councilmembers had any feedback.

Councilmembers discussed whether the Port of Bellingham is also interested in sending a letter, having more time to look at the letter, and whether they should discuss it at tonight’s meeting or after the October fourth Health Board meeting.

**Adjournment**

The meeting adjourned at 4:02 p.m.

The County Council approved these minutes on October 11, 2022.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Todd Donovan, Council Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE