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WHATCOM COUNTY COUNCIL  
**Special Committee of the Whole**

November 14, 2017

**CALL TO ORDER**

Council Chair Barry Buchanan called the meeting to order at 1:30 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

**ROLL CALL**

**Present:** Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, and Barry Buchanan.

**Absent:** Rud Browne

**COMMITTEE DISCUSSION**

**1. DISCUSSION REGARDING A PROPOSED ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 16.16 (CRITICAL AREAS) AND WHATCOM COUNTY CODE CHAPTER 23.10 (SHORELINE MANAGEMENT PROGRAM – PURPOSE AND INTENT) PERTAINING TO THE PROTECTION AND REGULATION OF ENVIRONMENTALLY CRITICAL AREAS (AB2016-276L)**

The following Planning and Development Services Department staff answered questions:

- Cliff Strong
- Ryan Ericson

Councilmembers and staff discussed amending the definition of ongoing agriculture.

Buchanan stated they would hold discussion of the definition of ongoing agriculture to the next meeting on November 21, 2017.

*(Clerk's Note: Councilmember Weimer left the meeting.)*

Strong stated staff agrees with proposed amendment items 20 and 24, which are proposed by Councilmember Brenner as shown in the Council packet. Councilmember Brenner agreed to withdraw proposed amendment items 25 and 30. The definition in item 34 can be deleted.

**Donovan moved** to approve the following proposed amendments:

- ITEM 20: 16.16.640(D), "The applicant implements all reasonable measures to reduce minimize the adverse effects of..."
- ITEM 24: 16.16.720 (J)(4), "Private trails shall not exceed 5 4 feet in width, and public trails shall not exceed 10 feet in width, and shall be made of pervious material or on an elevated structure where feasible. Trails may

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1 include limited viewing platforms that shall not exceed ~~12~~ 8 feet in width and  
2 shall be made of pervious materials where feasible."

- 3 • ITEM 34: delete the definition of "overnight accommodation"  
4

5 The motion was seconded.  
6

7 The motion carried by the following vote:

8 **Ayes:** Brenner, Mann, Sidhu, Buchanan, and Donovan (5)

9 **Nays:** None (0)

10 **Absent:** Weimer and Browne (2)  
11

12 **Brenner moved** to amend 16.16.235(B)(4-5) to not require notification to remove  
13 hazard trees. If there are problems, it should be complaint-driven, but not illegal.  
14

15 The motion was seconded.  
16

17 Councilmembers and staff discussed a property owner's ability to fell hazardous trees  
18 in critical areas.  
19

20 The motion failed by the following vote:

21 **Ayes:** Brenner and Mann (2)

22 **Nays:** Sidhu, Buchanan, and Donovan (3)

23 **Absent:** Weimer and Browne (2)  
24

25 **Brenner moved** to amend 16.16.262(C)(1), "The plan shall be reviewed... other  
26 local, state, **and/or** federal, ~~and/or tribal agencies or experts."~~  
27

28 The motion was seconded.  
29

30 Councilmembers and staff discussed whether or not it's appropriate for a technical  
31 administrator (TA) to consult tribal officials.  
32

33 The motion failed by the following vote:

34 **Ayes:** Brenner (1)

35 **Nays:** Sidhu, Buchanan, Mann, and Donovan (4)

36 **Absent:** Weimer and Browne (2)  
37

38 Strong reported on whether the County will develop an in-lieu-of-fee program.  
39

40 **Brenner moved** to amend 16.16.264, "~~To aid in the implementation of offsite~~  
41 ~~mitigation, the County may develop an in-lieu fee program."~~  
42

43 The motion was seconded.  
44

45 Councilmembers and staff discussed whether the County will develop an in-lieu-of-  
46 fee program, the State setting the credit price, comparisons with mitigation banking  
47 programs, and whether the offsite mitigation would benefit some residents.  
48

49 **Brenner withdrew** the motion.  
50

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1           **Brenner moved** to amend 16.16.264(4), "Land acquisition and initial physical and  
2 biological improvements of the mitigation site must be completed within ~~three~~ **five** years of  
3 the credit sale."  
4

5           The motion was seconded.  
6

7           Councilmembers and staff discussed the County's ability to vary from State  
8 Department of Ecology (DOE) standards.  
9

10          The motion carried by the following vote:

11          **Ayes:**     Brenner, Mann, Sidhu, Buchanan, and Donovan (5)

12          **Nays:**     None (0)

13          **Absent:**  Weimer and Browne (2)  
14

15           **Brenner moved** to amend 16.16.265(A), "The signs shall be posted near primary  
16 access points and approximately every 200 feet along the critical area boundary ~~unless the~~  
17 ~~technical administrator determines that more or less frequent spacing is adequate~~  
18 ~~considering the size and location of the site."~~  
19

20          The motion was seconded.  
21

22          Staff agreed with the proposed amendment.  
23

24          The motion carried by the following vote:

25          **Ayes:**     Brenner, Mann, Sidhu, Buchanan, and Donovan (5)

26          **Nays:**     None (0)

27          **Absent:**  Weimer and Browne (2)  
28

29           **Brenner moved** to amend 16.16.265(B), "This requirement ~~may~~ **shall** be waived ...."  
30

31          The motion was seconded.  
32

33          Councilmembers and staff discussed the decisions of the geologist and technical  
34 administrator.  
35

36          The motion carried by the following vote:

37          **Ayes:**     Brenner, Mann, Sidhu, and Buchanan (4)

38          **Nays:**     Donovan (1)

39          **Absent:**  Weimer and Browne (2)  
40

41          Councilmembers and staff discussed an appropriate length of time a variance  
42 applicant should have before an application expires due to lack of activity and given codes  
43 that change over time.  
44

45           **Brenner moved** to amend 16.16.273 (C)(d), "Any application for a variance that  
46 remains inactive for a period of 180 days shall expire and a new application and repayment  
47 of fees shall be required to reactivate the proposal; provided, that the technical  
48 administrator may grant ~~a single 90-day extension~~ **5 one-year extensions** for good cause.  
49 Delays such as those caused by public notice requirements, environmental (SEPA) review,

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1 litigation directly related to the proposal, or changes in government regulations shall not be  
2 considered as part of the inactive period.”

3  
4 The motion was seconded.

5  
6 The motion failed by the following vote:

7 **Ayes:** Brenner (1)

8 **Nays:** Donovan, Sidhu, and Buchanan (3)

9 **Absent:** Mann (out of the room), Weimer, and Browne (3)

10  
11 Councilmembers and staff discussed what an applicant needs to do to keep an  
12 application active.

13  
14 **Brenner moved** to amend 16.16.273 (C)(d), “Any application for a variance that  
15 remains inactive for a period of 180 days shall expire and a new application and repayment  
16 of fees shall be required to reactivate the proposal; provided, that the technical  
17 administrator may grant ~~a single 90-day extension~~ **2 one-year extensions** for good cause.  
18 Delays such as those caused by public notice requirements, environmental (SEPA) review,  
19 litigation directly related to the proposal, or changes in government regulations shall not be  
20 considered as part of the inactive period.”

21  
22 The motion was seconded.

23  
24 The motion failed for a lack of a majority of the full Council, by the following vote:

25 **Ayes:** Brenner, Sidhu, and Buchanan (3)

26 **Nays:** Donovan (1)

27 **Absent:** Mann (out of the room), Weimer, and Browne (3)

28  
29 **Sidhu moved** to amend 16.16.273 (C)(d), “Any application for a variance that  
30 remains inactive for a period of ~~180 days~~ **one year** shall expire and a new application and  
31 repayment of fees shall be required to reactivate the proposal; provided, that the technical  
32 administrator may grant ~~a single 90-day extension~~ **2 one-year extensions** for good cause.  
33 Delays such as those caused by public notice requirements, environmental (SEPA) review,  
34 litigation directly related to the proposal, or changes in government regulations shall not be  
35 considered as part of the inactive period.”

36  
37 The motion was seconded.

38  
39 The motion carried by the following vote:

40 **Ayes:** Mann, Brenner, Sidhu, and Buchanan (4)

41 **Nays:** Donovan (1)

42 **Absent:** Weimer and Browne (2)

43  
44 **Brenner moved** to amend 16.16.300, “The purpose of this Article is to ~~reduce~~  
45 **minimize** risks to human life and safety and ~~reduce~~ **minimize** the risk of damage to  
46 structures and property from geologic hazards, to allow for natural geologic processes  
47 supportive of forming and maintaining fish and wildlife habitat, and to regulate and inform  
48 land use and planning decisions. It is recognized that the elimination of all risk from  
49 geologic hazards is not feasible to achieve but the purpose of this Article is to ~~reduce~~  
50 **minimize** the risk to acceptable levels.”

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1  
2 Councilmembers and staff discussed the definitions of "reduce" and "minimize."  
3

4 The motion failed for a lack of a majority of the full Council, by the following vote:

5 **Ayes:** Brenner, Donovan, and Mann (3)

6 **Nays:** Sidhu and Buchanan (2)

7 **Absent:** Weimer and Browne (2)  
8

9 **Brenner moved** to amend 16.16.325(C)(3), "The setback shall include  
10 consideration of vegetation on the potential landslide area and in areas above and below the  
11 potential landslide area. The technical administrator shall have the authority to require  
12 vegetation or other measures to protect ~~or improve~~ slope stability and shall have the  
13 authority to require a mitigation plan developed in accordance with 16.16.260, and a  
14 conservation easement in accordance with WCC 16.16.265(C) to ensure appropriate  
15 vegetation improvements are installed, maintained, and preserved."  
16

17 The motion was seconded.

18  
19 Councilmembers and staff discussed whether the motion would prohibit some people  
20 from doing any project that requires improvements on unstable slopes.  
21

22 The motion failed by the following vote:

23 **Ayes:** Brenner (1)

24 **Nays:** Sidhu, Buchanan, Donovan, and Mann (4)

25 **Absent:** Weimer and Browne (2)  
26

27 **Brenner moved** to amend 16.16.420:  
28

29 16.16.420 Frequently Flooded Areas – General Standards.

30 A. ...

31 B. ...

32 a. FEMA's National Flood Insurance Program (NFIP), ~~including the~~  
33 ~~protection standards for critical habitats for listed species;~~

34 b-d. ....

35 C. The technical administrator shall have the authority to require ~~a habitat~~  
36 ~~assessment, and if necessary,~~ a mitigation plan ~~prepared by a qualified~~  
37 ~~professional, in accordance with the FEMA Regional Guidance for the Puget~~  
38 ~~Sound Basin and mitigate for adverse impacts to the ecological functions~~  
39 of Frequently Flooded Areas; provided, that such mitigation shall be  
40 consistent and compatible with the goal of protecting health and safety  
41 and minimizing risks to property.  
42

43 The motion was seconded.  
44

45 Councilmembers and staff discussed whether the motion gives the technical  
46 administrator the ability to require consistency and mitigation with other programs in  
47 addition to the Federal Emergency Management Agency (FEMA) National Flood Insurance  
48 Program (NFIP).  
49

50 The motion failed by the following vote:

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1       **Ayes:**     Brenner (1)  
2       **Nays:**     Sidhu, Buchanan, Donovan, and Mann (4)  
3       **Absent:**  Weimer and Browne (2)

4  
5       *(Clerk's Note: Councilmember Mann left the meeting.)*

6  
7       **Brenner moved** to amend 16.16.430(C) & (F):

8       C. In addition to the requirements of WCC 16.16.225, critical areas  
9       assessment reports for frequently flooded areas shall:

10       1. Identify any federally listed species and associated habitats, and  
11       demonstrate that ~~no harm will occur to such species or habitats as~~  
12       ~~a result of development (inclusive of mitigation)~~ **will minimize**  
13       **impacts** within frequently flooded areas.

14       2-3.     ...

15       F. Critical areas assessment report requirements may be waived for single-  
16       family developments and structures accessory to agricultural uses when  
17       the technical administrator and the public works department determine  
18       that ~~no adverse impacts or~~ **they will minimize** risks to life, property, or  
19       ecological functions ~~will occur~~.

20  
21       The motion was seconded.

22  
23       Councilmembers and staff discussed whether it's possible to prove there would be no  
24       adverse impacts and whether the law requires that no harm will occur to federally-listed  
25       species.

26  
27       The motion failed by the following vote:

28       **Ayes:**     Brenner (1)  
29       **Nays:**     Sidhu, Buchanan, and Donovan (3)  
30       **Absent:**  Mann, Weimer and Browne (3)

31  
32       Councilmembers and staff discussed how to show loss of wildlife habitat is  
33       minimized, the standard for no net loss.

34  
35       **Brenner moved** to amend 16.16.710(C)(1)(B)(ii), "The waterway is used by  
36       anadromous or resident salmonid or other resident fish populations; ~~or~~ **and,**"

37  
38       The motion was seconded.

39  
40       Councilmembers discussed restrictions on manmade ditches that now mimic  
41       streams, being consistent with state law, and the original definitions.

42  
43       The motion failed by the following vote:

44       **Ayes:**     Brenner (1)  
45       **Nays:**     Sidhu, Buchanan, and Donovan (3)  
46       **Absent:**  Mann, Weimer and Browne (3)

47  
48       Councilmembers and staff discussed identifying suitable habitat for listed species,  
49       which may be subjective.

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1           **Brenner moved** to amend 16.16.820(D), so that row, berry, and orchard crops are  
2 defined as type 1 by their impacts, not their size.  
3

4           The motion was seconded.  
5

6           Councilmembers and staff discussed whether small hobby farms with orchards or  
7 berries qualify for a type 1 or 2 farm plan; whether the qualifier should be about amount of  
8 fertilizers used, not farm size; what is the threshold between a type 1 hobby berry farm and  
9 type 2 berry farm; and disclosure of farming practices.  
10

11           **Brenner amended her motion** to amend 16.16.820(D)(a), "...of grazable pasture  
12 (~~row and berry crops do not qualify as Type 1~~). These operations...."  
13

14           The amended motion was seconded.  
15

16           The motion carried by the following vote:

17           **Ayes:** Brenner, Sidhu, Buchanan, and Donovan (4)

18           **Nays:** None (0)

19           **Absent:** Mann, Weimer and Browne (3)  
20

21  
22           **OTHER BUSINESS**  
23

24           There was no other business.  
25

26  
27           **ADJOURN**  
28

29           The meeting adjourned at 3:20 p.m.  
30

31           The Council approved these minutes on \_\_\_\_\_, 2017.  
32

33           ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

34  
35  
36  
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38  
39           \_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

40  
41  
42  
43           \_\_\_\_\_  
Jill Nixon, Minutes Transcription  
44

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1 WHATCOM COUNTY COUNCIL  
2 **Special Committee of the Whole**  
3

4 November 21, 2017  
5  
6

7 **CALL TO ORDER**  
8

9 Council Chair Barry Buchanan called the meeting to order at 2:27 p.m. in the Council  
10 Chambers, 311 Grand Avenue, Bellingham, Washington.  
11

12 **ROLL CALL**  
13

14 **Present:** Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd  
15 Donovan, Rud Browne and Barry Buchanan.  
16

17 **Absent:** None.  
18  
19

20 **COMMITTEE DISCUSSION**  
21

22 **1. DISCUSSION REGARDING PROPOSED RESOLUTION ADOPTING THE 2018**  
23 **BUDGET FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT AND**  
24 **SUBZONES (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL**  
25 **ZONE DISTRICT BOARD OF SUPERVISORS) (PROPOSED RESOLUTION WAS**  
26 **INTRODUCED ON NOVEMBER 8; IF AMENDED, COUNCIL WILL INTRODUCE A**  
27 **NEW VERSION THIS EVENING) (AB2017-321)**  
28

29 - AND -  
30

31 **2. DISCUSSION REGARDING PROPOSED RESOLUTION AUTHORIZING THE LEVY**  
32 **OF TAXES FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT**  
33 **FOR 2018 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL**  
34 **ZONE DISTRICT BOARD OF SUPERVISORS) (PROPOSED RESOLUTION WAS**  
35 **INTRODUCED ON NOVEMBER 8; IF AMENDED, COUNCIL WILL INTRODUCE A**  
36 **NEW VERSION THIS EVENING) (AB2017-331)**  
37

38 Gary Stoyka, Public Works Department, submitted a handout of level of service  
39 options (*on file*), gave a staff report, and answered questions.  
40

41 The following staff also answered questions:

- 42 • Jon Hutchings, Public Works Department Director  
43

44 Staff and Councilmembers discussed using the flood fund just for flood issues; using  
45 the flood tax for other projects as allowed, which may be misleading to the public; fees  
46 versus taxes; adjusting the level of service; and adding language to the levy resolution  
47 similar to the last whereas on Council packet page 479, which demonstrates that the County  
48 is allowed to pay for stormwater management and water resources from the flood fund, per  
49 the Revised Code of Washington (RCW).  
50



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1           **Weimer moved** to amend the flood levy resolution (*AB2017-331*) to raise the flood  
2 levy by a minimum of \$1 million per year.

3  
4           The motion was seconded.

5  
6           Brenner suggested a friendly amendment to put the increase on the ballot.

7  
8           Weimer did not accept the friendly amendment.

9  
10          Councilmembers discussed how much revenue would be raised if the County forms a  
11 Lake Whatcom stormwater service area; whether residents in the city of Bellingham receive  
12 any benefit from the flood fund; options for funding a large flood event; and whether the  
13 flood fund is reliant on funds from the state's capital budget.

14  
15          **Browne suggested a friendly amendment** to raise the flood levy by \$1.2 million  
16 per year.

17  
18          **Weimer accepted** the friendly amendment.

19  
20          The motion to amend carried by the following vote:

21          **Ayes:**     Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

22          **Nays:**     Brenner (1)

23  
24          **Donovan moved** to recommend Introduction of the levy resolution (*AB2017-331*)  
25 as amended to the Board of Supervisors.

26  
27          The motion was seconded.

28  
29          The motion to Introduce as amended carried by the following vote:

30          **Ayes:**     Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

31          **Nays:**     Brenner (1)

32  
33          **Donovan moved** to further amend the levy resolution (*AB2017-331*) to add a  
34 Whereas statement, "Whereas RCW 86.15 and RCW 39.34.190 authorize expenditures to  
35 pay for flood control stormwater management and other water resource work consistent  
36 with the powers of the district."

37  
38          The motion to amend was seconded.

39  
40          The motion to amend carried by the following vote:

41          **Ayes:**     Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

42          **Nays:**     Brenner (1)

43  
44          **Donovan moved** again to introduce the levy resolution (*AB2017-331*) as amended.

45  
46          The motion was seconded.

47  
48          The motion to amend carried by the following vote:

49          **Ayes:**     Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

50          **Nays:**     Brenner (1)

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1  
2 **3. DISCUSSION REGARDING A PROPOSED ORDINANCE AMENDING WHATCOM**  
3 **COUNTY CODE CHAPTER 16.16 (CRITICAL AREAS) AND WHATCOM COUNTY**  
4 **CODE CHAPTER 23.10 (SHORELINE MANAGEMENT PROGRAM – PURPOSE**  
5 **AND INTENT) PERTAINING TO THE PROTECTION AND REGULATION OF**  
6 **ENVIRONMENTALLY CRITICAL AREAS (AB2016-276L)**  
7

8 The following staff answered questions:

- 9
  - Cliff Strong, Planning and Development Services Department
  - Ryan Ericson, Planning and Development Services Department

10  
11  
12 ***Brenner moved*** to amend 16.16.710(2), (3), and (5):

- 13 2. Areas in which federally listed species are found, **or** have a primary association  
14 with, ~~or contain suitable habitat for said listed species,~~ as listed in the US Fish &  
15 Wildlife's Threatened & Endangered Species List or Critical Habitat List  
16 (<http://ecos.fws.gov/ecp/>), as amended.  
17 3. Areas in which state listed priority species are found, **or** have a primary  
18 association with, ~~or contain suitable habitat for said listed species,~~ as listed in the  
19 Washington Department of Fish and Wildlife's Priority Habitats and Species list  
20 (<http://wdfw.wa.gov/mapping/phs/> or  
21 <http://wdfw.wa.gov/conservation/phs/list/>), as amended.  
22 5. Areas in which state-listed rare plant species are found, ~~or contain suitable~~  
23 ~~habitat for said listed species,~~ as listed in the Department of Natural Resources'  
24 Natural Heritage Program (<http://www1.dnr.wa.gov/nhp/refdesk/plants.html>), as  
25 amended.  
26

27 The motion was seconded.  
28

29 Councilmembers and staff discussed federal listing of habitat for listed species;  
30 whether the State requires the County to protect these areas, regardless of whether or not  
31 the clause is in the Code; the material impacts of the regulation; and what happens in  
32 habitat conservation areas (HCAs).  
33

34 The motion failed by the following vote:

35 **Ayes:** Brenner, Donovan, and Sidhu (3)

36 **Nays:** Mann, Browne, Buchanan, and Weimer (4)  
37

38 ***Brenner moved*** to amend the definitions, "'Clearing" means ~~destruction~~ **removal** of  
39 vegetation by manual, mechanical, or chemical methods resulting in exposed soils."  
40

41 The motion was seconded.  
42

43 Councilmembers and staff discussed the problem with the word "destruction."  
44

45 The motion failed by the following vote:

46 **Ayes:** Brenner (1)

47 **Nays:** Mann, Browne, Buchanan, Weimer, Donovan, and Sidhu (6)  
48

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1 Councilmembers and staff discussed the definition of "ongoing agriculture," working  
2 with the farming community, the timeline for completing and adopting the ordinance, and  
3 revising the definition.  
4

5 Dannon Traxler, attorney, submitted her response to the staff's recommendation (*on*  
6 *file*) and spoke about reclassification of agricultural land and creating a proposal for the  
7 Council in conjunction with the agricultural community within six months. Retain the  
8 revised definition of ongoing agriculture proposed by Councilmember Browne.  
9

10 Browne moved to recommend approval of the ordinance as amended, with the  
11 understanding they will address the ongoing agriculture issue not later than June 30, 2018.  
12 The motion was not seconded.  
13

14 **Donovan moved** to revert to the existing definition of "ongoing agriculture,"  
15 "'Ongoing agriculture" means those activities conducted on lands defined in RCW  
16 84.34.020(2), and those activities involved in the production of crops and livestock,  
17 including, but not limited to, operation and maintenance of existing farm and stock ponds or  
18 drainage ditches, irrigation systems, changes between agricultural activities, and  
19 maintenance or repair of existing serviceable structures and facilities. Activities that bring  
20 an area into agricultural use are not part of an ongoing activity. An operation ceases to be  
21 ongoing when the area on which it was conducted has been converted to a nonagricultural  
22 use, or has lain idle for more than five consecutive years unless that idle land is registered  
23 in a federal or state soils conservation program. Forest practices are not included in this  
24 definition."  
25

26 The motion was seconded.

27  
28 The motion carried by the following vote:

29 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

30 **Nays:** Brenner (1)  
31

32 **Browne moved** to amend the ordinance to include the following language in Section  
33 3 as proposed by Ms. Traxler, "Planning and Development Services staff shall work directly  
34 with the agriculture community to develop creative solutions that would allow farmers to  
35 maintain or attain ongoing agriculture status pursuant to applicable laws, through extensive  
36 educational outreach, town hall meetings, and the like. Proposed code amendments to the  
37 Critical Areas Ordinance shall be processed with all due haste, but the first proposal shall be  
38 brought to Council for consideration no later than July 1, 2018."  
39

40 The motion was seconded.  
41

42 Councilmembers and staff discussed whether the agricultural community or the  
43 County must take the lead to develop the definition; and allowing the agricultural  
44 community to come up with solutions beyond the definition of ongoing agriculture.  
45

46 **Browne amended his motion and moved** to include the following language in  
47 Section 3 as proposed by Ms. Traxler, "Planning and Development Services staff shall work  
48 directly with the agriculture community to develop creative solutions that would allow  
49 farmers to maintain or attain ongoing agriculture status pursuant to applicable laws,  
50 ~~through extensive educational outreach, town hall meetings, and the like.~~ Proposed code

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1 amendments to the Critical Areas Ordinance related to ongoing agriculture shall be  
2 processed with all due haste, but the first proposal shall be brought to Council for  
3 consideration no later than July 1, 2018.”

4  
5 The motion was seconded.

6  
7 Councilmembers, staff, and Ms. Traxler continued to discuss public education and  
8 engaging the farming community.

9  
10 The motion to amend carried by the following vote:

11 **Ayes:** Sidhu, Browne, Buchanan, Weimer and Donovan (5)

12 **Nays:** Brenner (1)

13 **Absent:** Mann (out of the room) (1)

14  
15 Buchanan stated the amended ordinance will be Introduced at the evening Council  
16 meeting.

17  
18  
19 **OTHER BUSINESS**

20  
21 There was no other business.

22  
23  
24 **ADJOURN**

25  
26 The meeting adjourned at 4:05 p.m.

27  
28 The Council approved these minutes on \_\_\_\_\_, 2017.

29  
30 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

31  
32  
33  
34  
35 \_\_\_\_\_  
36 Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

37  
38  
39  
40 \_\_\_\_\_  
41 Jill Nixon, Minutes Transcription

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1 WHATCOM COUNTY COUNCIL  
2 **Regular County Council Meeting**  
3

4 November 21, 2017  
5

6 **CALL TO ORDER**  
7

8 Council Chair Barry Buchanan called the meeting to order at 7:00 p.m. in the Council  
9 Chambers, 311 Grand Avenue, Bellingham, Washington.  
10

11  
12 **ROLL CALL**  
13

14 **Present:** Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd  
15 Donovan, Rud Browne and Barry Buchanan.

16 **Absent:** None.  
17

18  
19 **FLAG SALUTE**  
20

21  
22 **ANNOUNCEMENTS**  
23

24  
25 **MINUTES CONSENT**  
26

27 ***Brenner moved*** to approve Minutes Consent items one through 12.

28 The motion was seconded.

29  
30  
31 Browne withdrew item four.

32  
33 The motion to approve items one through three and five through 12 carried by the  
34 following vote:

35 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

36 **Nays:** None (0)  
37

38 **1. COMMITTEE OF THE WHOLE FOR SEPTEMBER 12, 2017**

39  
40 **2. SPECIAL COMMITTEE OF THE WHOLE FOR SEPTEMBER 12, 2017**

41  
42 **3. REGULAR COUNTY COUNCIL FOR SEPTEMBER 12, 2017**

43  
44 **4. SURFACE WATER WORK SESSION FOR SEPTEMBER 19, 2017**  
45

46 ***Brenner moved*** to approve Minutes Consent item four.

47 The motion was seconded.

48  
49 The motion carried by the following vote:  
50

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1       **Ayes:**       Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)  
2       **Nays:**       None (0)  
3       **Abstains:**   Browne (1)  
4

- 5       **5.       COMMITTEE OF THE WHOLE FOR SEPTEMBER 26, 2017**  
6  
7       **6.       SPECIAL COMMITTEE OF THE WHOLE FOR SEPTEMBER 26, 2017**  
8  
9       **7.       REGULAR COUNTY COUNCIL FOR SEPTEMBER 26, 2017**  
10  
11       **8.       BOARD OF HEALTH FOR OCTOBER 3, 2017**  
12  
13       **9.       COMMITTEE OF THE WHOLE FOR OCTOBER 10, 2017**  
14  
15       **10.      SURFACE WATER WORK SESSION FOR OCTOBER 17, 2017**  
16  
17       **11.      SPECIAL COMMITTEE OF THE WHOLE FOR OCTOBER 17, 2017**  
18  
19       **12.      COMMITTEE OF THE WHOLE FOR OCTOBER 24, 2017**  
20

21  
22       **PUBLIC HEARINGS**  
23

- 24       **1.       ORDINANCE ADOPTING WHATCOM COUNTY ZONING CODE AMENDMENTS**  
25       **RELATING TO THE RESORT COMMERCIAL DISTRICT, PLANNED UNIT**  
26       **DEVELOPMENT CHAPTER, AND A NEW DENSITY CREDITS CHAPTER**  
27       **(AB2017-319)**  
28

29       Mark Personius, Planning and Development Services Department, gave a staff  
30       report.

31  
32       Buchanan opened the public hearing, and the following person spoke:  
33

34       Maureen Wilson submitted and read a handout from the Birch Bay Resort community  
35       (*on file*). They support the proposed ordinance.  
36

37       Hearing no one else, Buchanan closed the public hearing.  
38

39       ***Donovan moved*** to adopt the ordinance.  
40

41       The motion was seconded.  
42

43       Councilmembers discussed the cost and the impact on affordable housing.  
44

45       The motion carried by the following vote:

46       **Ayes:**       Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)  
47       **Nays:**       Brenner (1)  
48

- 49       **2.       RESOLUTION TO SELL COUNTY TAX TITLE PROPERTY BY NEGOTIATION -**  
50       **REQUEST NO. 2017-04 (AB2017-311A)**

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---

1  
2 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

3  
4 ***Brenner moved*** to adopt the ordinance.

5  
6 The motion was seconded.

7  
8 The motion carried by the following vote:

9 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

10 **Nays:** None (0)

11  
12 **3. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 10.04,**  
13 **ESTABLISHING THE SPEED LIMIT ON A PORTION OF LAKE WHATCOM**  
14 **BOULEVARD (AB2017-323)**

15  
16 Joe Rutan, Public Works Department, gave a staff report and answered questions  
17 about the existing 25 miles per hour speed limit.

18  
19 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

20  
21 ***Donovan moved*** to adopt the ordinance.

22  
23 The motion was seconded.

24  
25 The motion carried by the following vote:

26 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

27 **Nays:** None (0)

28  
29 **4. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY AND STATE**  
30 **PURPOSES IN WHATCOM COUNTY, WASHINGTON, FOR THE YEAR OF 2018**  
31 **(AB2017-327)**

32  
33 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

34  
35 ***Brenner moved*** to adopt the ordinance.

36  
37 The motion was seconded.

38  
39 The motion carried by the following vote:

40 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

41 **Nays:** None (0)

42  
43 **5. ORDINANCE LIMITING THE 2018 GENERAL FUND PROPERTY TAX LEVY**  
44 **(AB2017-328)**

45  
46 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

47  
48 ***Browne moved*** to adopt the ordinance.

49  
50 The motion was seconded.

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1  
2 The motion carried by the following vote:

3 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

4 **Nays:** None (0)

5  
6 **6. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR CONSERVATION**  
7 **FUTURES PURPOSES FOR 2018 (AB2017-329)**

8  
9 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

10  
11 *Donovan moved* to adopt the ordinance.

12  
13 The motion was seconded.

14  
15 The motion carried by the following vote:

16 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

17 **Nays:** None (0)

18  
19 **7. ORDINANCE AUTHORIZING THE LEVY OF 2018 PROPERTY TAXES FOR**  
20 **COUNTY ROAD PURPOSES (AB2017-330)**

21  
22 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

23  
24 *Donovan moved* to adopt the ordinance.

25  
26 The motion was seconded.

27  
28 The motion carried by the following vote:

29 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

30 **Nays:** None (0)

31  
32  
33 **OPEN SESSION**

34  
35 The following people spoke about the ordinance forwarding Charter Amendment 1 to  
36 the County Auditor, for inclusion on the 2018 General Election ballot, to require a  
37 supermajority of the County Council to propose any Charter amendment pertaining to the  
38 method of nominating and electing Council members (AB2017-356) and/or the proposed  
39 ordinance forwarding Charter Amendment 2 to the County Auditor, for inclusion on the 2018  
40 General Election ballot, to provide that each member of the Whatcom County Council be  
41 elected by majority vote of the registered voters of Whatcom County at general elections  
42 (AB2017-357):

- 43 • John Westerfield
- 44 • Josh Summers
- 45 • Kit Muehlman, Fair Vote Washington
- 46 • Stas Dorokhov
- 47 • Stony Bird
- 48 • Jacob Lamont
- 49 • Daryl Probst
- 50 • Chet Dow



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- 1 • Pam Brady
- 2 • Pat Simons
- 3 • Kris Halterman
- 4 • Derek Grambin
- 5 • Chris Pullen
- 6 • Michelle Smith
- 7 • Amy Glasser
- 8 • Karl Uppiano
- 9 • Max Perry
- 10 • Cliff Langly submitted a handout (*on file*)
- 11 • Eric Wiesen
- 12 • Carol Perry
- 13 • Brian Wagner
- 14 • Leslie Hanson
- 15 • Tyler Byrd

16  
17 The following people spoke about other issues:

- 18 • Bob Burr spoke about options to alleviate overcrowding in the jail.
- 19 • Kathleen Sabel submitted a handout (*on file*) and spoke about the Wildlife
- 20 Advisory Committee and the request for additional staff for the Planning
- 21 Department.
- 22 • Christopher Bruce Diele submitted a handout (*on file*) and spoke about code
- 23 requirements regarding aggressive and dangerous dogs.
- 24 • Carley Storm spoke about the climate change and proposed ordinance
- 25 establishing Whatcom County Code 2.126, Climate Impact Advisory
- 26 Committee (AB2017-351)
- 27 • Pam Brady, BP Cherry Point Refinery, spoke about the proposed ordinance
- 28 establishing Whatcom County Code 2.126, Climate Impact Advisory
- 29 Committee (AB2017-351)
- 30 • Kris Halterman spoke about appointing someone to Councilmember
- 31 Donovan's position when he resigns and alternatives to a proposed Lake
- 32 Whatcom stormwater service area.
- 33 • Joy Gilfilen, Restorative Community Coalition, submitted a handout (*on file*)
- 34 and spoke about recommendations regarding jail issues.
- 35 • Carol Perry spoke about jail issues and a proposed ordinance establishing
- 36 Whatcom County Code 2.126, Climate Impact Advisory Committee (AB2017-
- 37 351)
- 38 • Judith Akins spoke about a proposed ordinance establishing Whatcom County
- 39 Code 2.126, Climate Impact Advisory Committee (AB2017-351)
- 40
- 41

## 42 **INTRODUCTION ITEMS**

43  
44 Councilmembers discussed the legal process for Introducing proposed ballot  
45 measures, the history of district only voting and reasons for introducing the proposed ballot  
46 measures, district-only voting at the federal level, giving the voters a chance to vote  
47 district-only in the current process, the benefits versus detriments of district-only and  
48 countywide voting, reconciling contradictory ballot amendments, the proposed Charter  
49 amendments from the 2015 Charter Review Commission, the County councilmembers  
50 positions being nonpartisan, and the timing of the proposed ordinances.

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1  
2        *Brenner moved* to not Introduce items ten and 11.  
3

4        The motion was seconded.  
5

6        Councilmembers continued to discuss process, the merits of the proposed  
7 ordinances, the differences between items ten and 11, and getting clarification from legal  
8 counsel on the conflict in the ballot measures remedied in item ten.  
9

10       The motion to withdraw Introduction Items ten and eleven from Introduction carried  
11 by the following vote:

12        **Ayes:**     Brenner, Mann, Sidhu, and Buchanan (4)

13        **Nays:**     Browne, Weimer, and Donovan (3)  
14

15        **10.        ORDINANCE FORWARDING CHARTER AMENDMENT 1 TO THE COUNTY**  
16 **AUDITOR, FOR INCLUSION ON THE 2018 GENERAL ELECTION BALLOT, TO**  
17 **REQUIRE A SUPERMAJORITY OF THE COUNTY COUNCIL TO PROPOSE ANY**  
18 **CHARTER AMENDMENT PERTAINING TO THE METHOD OF NOMINATING AND**  
19 **ELECTING COUNCIL MEMBERS (AB2017-356)**  
20

21        *Browne moved* to Introduce the ordinance.  
22

23        The motion was seconded.  
24

25        Councilmembers discussed whether the motion is appropriate.  
26

27        *Donovan moved* to call the question.  
28

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

30        **Ayes:**     Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

31        **Nays:**     Brenner (1)  
32

33        The motion to Introduce the ordinance failed by the following vote:

34        **Ayes:**     Browne and Donovan (2)

35        **Nays:**     Brenner, Mann, Sidhu, Buchanan, and Weimer (5)  
36

37        **11.        ORDINANCE FORWARDING CHARTER AMENDMENT 2 TO THE COUNTY**  
38 **AUDITOR, FOR INCLUSION ON THE 2018 GENERAL ELECTION BALLOT, TO**  
39 **PROVIDE THAT EACH MEMBER OF THE WHATCOM COUNTY COUNCIL BE**  
40 **ELECTED BY MAJORITY VOTE OF THE REGISTERED VOTERS OF WHATCOM**  
41 **COUNTY AT GENERAL ELECTIONS (AB2017-357)**  
42  
43

#### 44        INTRODUCTION ITEMS 45

46        Browne stated there are substitute documents for Introduction Items five, six, eight,  
47 nine, 12, 13, and 14.  
48

49        *Buchanan moved* to accept Introduction Items one through nine and 11 through  
50 14, with the substitute versions.

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1  
2 The motion was seconded.  
3

4 The motion to Introduce Items one through nine and 12 through 14 carried by the  
5 following vote:

6 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

7 **Nays:** None (0)  
8

- 9 **1. RECEIPT OF APPLICATION(S) FOR THE LUMMI ISLAND FERRY ADVISORY**  
10 **COMMITTEE, APPLICANT: SCOTT ASPMAN (COMMITTEE PROVIDES REVIEW**  
11 **AND RECOMMENDATIONS TO THE COUNTY COUNCIL AND EXECUTIVE ON**  
12 **ISSUES THAT AFFECT THE ONGOING OPERATIONS AND INFRASTRUCTURE**  
13 **OF THE FERRY SERVICE) (APPLICATION DEADLINE FOR ANY OTHER**  
14 **APPLICANTS TO THIS VACANCY IS 10 A.M. NOVEMBER 28, 2017) (AB2017-**  
15 **334)**  
16  
17 **2. ORDINANCE AMENDING THE 2017 WHATCOM COUNTY BUDGET,**  
18 **FOURTEENTH REQUEST, IN THE AMOUNT OF \$165,948 (AB2017-345)**  
19  
20 **3. ORDINANCE AMENDING THE 2018 WHATCOM COUNTY BUDGET, SECOND**  
21 **REQUEST, IN THE AMOUNT OF \$290,000 (AB2017-346)**  
22  
23 **4. ORDINANCE AMENDING (SECOND AMENDMENT) ORDINANCE 2016-049,**  
24 **WHATCOM COUNTY'S 2017 UNIFIED FEE SCHEDULE (AB2017-347)**  
25  
26 **5. ORDINANCE ADOPTING A SECURE MEDICINE RETURN REGULATION**  
27 **(AB2017-348)**  
28  
29 **6. ORDINANCE ESTABLISHING THE LAKE WHATCOM STORMWATER UTILITY**  
30 **DISTRICT (AB2017-251C)**  
31  
32 **7. ORDINANCE REPEALING WHATCOM COUNTY CODE 3.26, SOLID WASTE**  
33 **DISPOSAL DISTRICT TAX, IN ITS ENTIRETY (AB2017-349)**  
34  
35 **8. ORDINANCE ESTABLISHING WHATCOM COUNTY CODE 2.126, CLIMATE**  
36 **IMPACT ADVISORY COMMITTEE (AB2017-351)**  
37  
38 **9. ORDINANCE AMENDING WHATCOM COUNTY CODE 2.02, COUNTY COUNCIL**  
39 **(AB2017-352)**  
40  
41 **12. RESOLUTION AUTHORIZING THE LEVY OF TAXES FOR THE WHATCOM**  
42 **COUNTY FLOOD CONTROL ZONE DISTRICT FOR 2018 (COUNCIL ACTING AS**  
43 **THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF**  
44 **SUPERVISORS) (AB2017-331)**  
45  
46 **13. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 16.16**  
47 **(CRITICAL AREAS) AND WHATCOM COUNTY CODE CHAPTER 23.10**  
48 **(SHORELINE MANAGEMENT PROGRAM – PURPOSE AND INTENT)**  
49 **PERTAINING TO THE PROTECTION AND REGULATION OF**  
50 **ENVIRONMENTALLY CRITICAL AREAS (AB2016-276L)**

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1  
2 **14. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTYWIDE**  
3 **EMERGENCY MEDICAL PURPOSES FOR 2018 (AB2017-358)**  
4  
5

6 **CONSENT AGENDA**  
7

8 *Browne* reported for the Finance and Administrative Services Committee and  
9 *moved* to approve Consent Agenda items one through five.

10 The motion carried by the following vote:

11 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

12 **Nays:** None (0)  
13  
14

- 15 **1. RESOLUTION APPROVING THE 2018 RECOMMENDED CONVENTION CENTER**  
16 **ALLOCATIONS FOR TOURISM-RELATED FACILITIES AND ACTIVITIES AS**  
17 **DEFINED THROUGH RCW 67.28.18.16 (AB2017-340)**  
18
- 19 **2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
20 **CONTRACT BETWEEN WHATCOM COUNTY AND THYSSENKRUPP ELEVATOR**  
21 **CORPORATION FOR ELEVATOR MAINTENANCE, IN THE AMOUNT OF**  
22 **\$60,576.20 (AB2017-341)**  
23
- 24 **3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
25 **CONTACT AMENDMENT BETWEEN WHATCOM COUNTY AND SHEARER**  
26 **DESIGN, LLC TO PROVIDE FOR ON-CALL STRUCTURAL ENGINEERING**  
27 **SUPPORT TO THE WHATCOM COUNTY BRIDGE PROGRAM DURING 2018, IN**  
28 **THE AMOUNT OF \$45,000 FOR A TOTAL AMENDED CONTRACT AMOUNT OF**  
29 **\$85,000 (AB2017-342)**  
30
- 31 **4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
32 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND SARGENT**  
33 **ENGINEERS, INC. TO PROVIDE FOR ON-CALL STRUCTURAL ENGINEERING**  
34 **SUPPORT TO THE WHATCOM COUNTY BRIDGE PROGRAM DURING 2018, IN**  
35 **THE AMOUNT OF \$45,000 FOR A TOTAL AMENDED CONTRACT AMOUNT OF**  
36 **\$85,000 (AB2017-343)**  
37
- 38 **5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
39 **LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND PIONEER HUMAN**  
40 **SERVICES FOR THE BEHAVIORAL HEALTH TRIAGE CENTER AT 2030**  
41 **DIVISION STREET, IN THE AMOUNT OF \$838 PER MONTH, FOR A TWO YEAR**  
42 **TOTAL CONTRACT AMOUNT OF \$20,112 (AB2017-344)**  
43  
44

45 **OTHER ITEMS**  
46

- 47 **1. RESOLUTION APPROVING RECOMMENDATIONS FOR OPEN SPACE CURRENT**  
48 **USE ASSESSMENT APPLICATIONS (AB2017-336)**  
49

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1            **Donovan** reported for the Natural Resources Committee and **moved** to approve the  
2 resolution.  
3

4            The motion carried by the following vote:

5            **Ayes:**     Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

6            **Nays:**     None (0)  
7

8            **2.     ORDINANCE AMENDING WHATCOM COUNTY CODE 2.118, REACTIVATING**  
9            **THE WHATCOM COUNTY WILDLIFE ADVISORY COMMITTEE (AB2017-318)**

10           **Donovan** reported for the Natural Resources Committee and **moved** to adopt the  
11 substitute ordinance.  
12

13           Councilmembers discussed whether the advisory committee is meant to bolster the  
14 County against the Hirst decision.  
15

16           **Sidhu moved** to amend to include members from agriculture, business, and  
17 farmers, 2.118.050(B), "...and tribal representatives. **Two of the remaining representatives**  
18 **shall represent the agriculture community or agriculture business.** Agriculture or land  
19 development representatives are encouraged to apply for at least two of the remaining four  
20 positions."  
21

22           The motion was seconded.  
23

24           The motion to amend carried by the following vote:

25           **Ayes:**     Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

26           **Nays:**     None (0)  
27

28           The motion to approve the substitute as amended carried by the following vote:

29           **Ayes:**     Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

30           **Nays:**     Brenner (1)  
31

32           **3.     ORDINANCE AMENDING ORDINANCE 2012-050 (ESTABLISHMENT OF THE**  
33           **BIRCH BAY DRIVE AND PEDESTRIAN FACILITY PROJECT FUND AND**  
34           **ESTABLISHING A PROJECT BASED BUDGET FOR CRP NO. 907001) FOR THE**  
35           **FOURTH TIME TO INCREASE THE PROJECT BASED BUDGET FOR THE BIRCH**  
36           **BAY DRIVE AND PEDESTRIAN FACILITY PROJECT BY \$7,850,000, FOR A**  
37           **TOTAL PROJECT BUDGET AMOUNT OF \$11,450,000 (AB2017-320)**  
38

39           **Browne** reported for the Finance and Administrative Services Committee and  
40 **moved** to adopt the ordinance.  
41

42           The motion carried by the following vote:

43           **Ayes:**     Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

44           **Nays:**     None (0)  
45

46           **4.     RESOLUTION AMENDING THE 2017 FLOOD CONTROL ZONE DISTRICT AND**  
47           **SUBZONES BUDGETS, FOURTH REQUEST, IN THE AMOUNT OF \$83,765**  
48           **(COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE**  
49           **DISTRICT BOARD OF SUPERVISORS) (AB2017-324)**  
50

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1  
2 **Browne** reported for the Finance and Administrative Services Committee and  
3 **moved** to approve the resolution.

4  
5 The motion carried by the following vote:

6 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

7 **Nays:** None (0)

8  
9 **5. ORDINANCE AMENDING THE 2017 WHATCOM COUNTY BUDGET,**  
10 **THIRTEENTH REQUEST, IN THE AMOUNT OF \$4,330,977 (AB2017-325)**

11  
12 **Browne** reported for the Finance and Administrative Services Committee and  
13 **moved** to adopt the substitute ordinance.

14  
15 The motion carried by the following vote:

16 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

17 **Nays:** None (0)

18  
19 **6. ORDINANCE AMENDING THE 2018 WHATCOM COUNTY BUDGET, FIRST**  
20 **REQUEST, IN THE AMOUNT OF \$20,456,067 (AB2017-326)**

21  
22 **Browne** reported for the Finance and Administrative Services Committee and  
23 **moved** to adopt the substitute ordinance.

24  
25 **Buchanan moved** to amend to include \$100,000 to the general fund for a Council  
26 criminal justice and safety committee for public outreach and any planning efforts.

27  
28 The motion was seconded.

29  
30 Jack Louws, County Executive, stated the money will be a line item in the County  
31 Council budget.

32  
33 **Buchanan restated his motion** to amend to include \$100,000 to the general fund  
34 for a Council criminal justice and safety committee for public outreach and any planning  
35 efforts, with the money being a line item in the County Council budget.

36  
37 Councilmembers and staff discussed how much the committee would need over time,  
38 how the committee would interact with other jail-related advisory committees, how the  
39 Council would take a leadership role on decisions related to jail issues, the cost of public  
40 outreach, and using funds from the jail fund for those efforts.

41  
42 The motion to amend carried by the following vote:

43 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

44 **Nays:** None (0)

45  
46 Tyler Schroeder, Administrative Services Department, answered questions.

47  
48 Councilmembers and staff discussed the hiring of a hydrogeologist, budgeting  
49 enough to address life safety issues in the jail, and whether there is capacity in the old  
50 Skagit County jail.

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1  
2 The motion to adopt the substitute as amended carried by the following vote:

3 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

4 **Nays:** None (0)

- 5  
6 **7. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
7 **CONTRACT BETWEEN WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT**  
8 **AND WATERSHED SCIENCE & ENGINEERING TO PROVIDE FULL EQUATIONS**  
9 **(FEQ) HYDRAULIC MODELING SERVICES AND ASSISTANCE TO RIVER AND**  
10 **FLOOD STAFF IN REVISING AND RUNNING THE HYDRAULIC MODEL**  
11 **DEVELOPED FOR THE LOWER NOOKSACK RIVER TO EVALUATE INTEGRATED**  
12 **FLOOD HAZARD MANAGEMENT ALTERNATIVES, IN THE AMOUNT OF \$75,000**  
13 **(COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE**  
14 **DISTRICT BOARD OF SUPERVISORS) (AB2017-337)**

15  
16 *Browne* reported for the Finance and Administrative Services Committee and  
17 *moved* to approve the request.

18  
19 The motion carried by the following vote:

20 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)

21 **Nays:** None (0)

22 **Absent:** Donovan (out of the room) (1)

- 23  
24 **8. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
25 **CONTRACT BETWEEN WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT**  
26 **AND LANDC, ETC., LLC TO PROVIDE FULL EQUATIONS (FEQ) HYDRAULIC**  
27 **MODELING SERVICES AND ASSISTANCE TO RIVER AND FLOOD STAFF IN**  
28 **REVISING AND RUNNING THE HYDRAULIC MODEL DEVELOPED FOR THE**  
29 **LOWER NOOKSACK RIVER TO EVALUATED INTEGRATED FLOOD HAZARD**  
30 **MANAGEMENT ALTERNATIVES, IN THE AMOUNT OF \$75,000 (COUNCIL**  
31 **ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT**  
32 **BOARD OF SUPERVISORS) (AB2017-338)**

33  
34 *Browne* reported for the Finance and Administrative Services Committee and  
35 *moved* to approve the request.

36  
37 The motion carried by the following vote:

38 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)

39 **Nays:** None (0)

40 **Absent:** Donovan (out of the room) (1)

- 41  
42 **9. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
43 **JOINT FUNDING AGREEMENT BETWEEN WHATCOM COUNTY FLOOD**  
44 **CONTROL ZONE DISTRICT AND THE U.S. DEPARTMENT OF THE INTERIOR,**  
45 **U.S. GEOLOGICAL SURVEY, TO PROVIDE FOR COLLECTION AND**  
46 **PUBLICATION OF SURFACE WATER DATA AT EIGHT USGS STREAM GAGES IN**  
47 **THE NOOKSACK RIVER BASIN FOR THE 2018 WATER YEAR (OCTOBER 1,**  
48 **2017 THROUGH SEPTEMBER 30, 2018), IN THE AMOUNT OF \$83,765**  
49 **(COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE**  
50 **DISTRICT BOARD OF SUPERVISORS) (AB2017-339)**

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1  
2 **Browne** reported for the Finance and Administrative Services Committee and  
3 **moved** to approve the request.

4  
5 The motion carried by the following vote:

6 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)

7 **Nays:** None (0)

8 **Absent:** Donovan (out of the room) (1)

9  
10 **10. RESOLUTION UPDATING THE CAPITAL PROJECT SECTION OF THE LAKE**  
11 **WHATCOM COMPREHENSIVE STORMWATER PLAN (AB2017-322)**

12  
13 Kirk Christensen, Public Works Department, gave a staff report.

14  
15 **Browne moved** to approve the resolution.

16  
17 The motion was seconded.

18  
19 The motion carried by the following vote:

20 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

21 **Nays:** None (0)

22  
23  
24 **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

25  
26 **1. APPOINTMENT TO THE WHATCOM COUNTY PLANNING COMMISSION,**  
27 **PARTIAL TERM ENDING JANUARY 31, 2021, REPRESENTING DISTRICT 2,**  
28 **APPLICANT: STEPHEN JACKSON (THE PLANNING COMMISSION ASSISTS THE**  
29 **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT IN CARRYING OUT**  
30 **ITS DUTIES, WHICH INCLUDE HELPING TO PREPARE AND EXECUTE THE**  
31 **COMPREHENSIVE PLAN AND MAKING RECOMMENDATIONS FOR ADOPTION**  
32 **OF OFFICIAL CONTROLS AND/OR AMENDMENTS) (AB2017-309)**

33  
34 **Browne moved** to nominate and appoint Stephen Jackson.

35  
36 Councilmembers discussed recruiting applicants.

37  
38 The motion was seconded.

39  
40 The motion carried by the following vote:

41 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

42 **Nays:** None (0)

43  
44  
45 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

46  
47 Browne reported for the Finance and Administrative Services Committee.

48  
49 Donovan reported for the Natural Resources Committee.



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24

Brenner reported for the Public Works, Health, and Safety Committee.

Councilmembers gave updates on recent activities and upcoming events.

**ADJOURN**

The meeting adjourned at 10:16 p.m.

The County Council approved these minutes on \_\_\_\_\_, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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

\_\_\_\_\_  
Barry Buchanan, Council Chair

\_\_\_\_\_  
Jill Nixon, Minutes Transcription

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1 WHATCOM COUNTY COUNCIL  
2 **Special Committee of the Whole**  
3

4 December 5, 2017  
5  
6

7 **CALL TO ORDER**  
8

9 Council Chair Barry Buchanan called the meeting to order at 2:20 p.m. in the Council  
10 Chambers, 311 Grand Avenue, Bellingham, Washington.  
11

12  
13 **ROLL CALL**  
14

15 **Present:** Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd  
16 Donovan, Rud Browne and Barry Buchanan.

17 **Absent:** None.  
18  
19

20 **SPECIAL PRESENTATION**  
21

22 **1. PRESENTATION OF FINAL PHASE III REPORT OF THE INCARCERATION**  
23 **PREVENTION AND REDUCTION TASK FORCE (AB2017-202A)**  
24

25 Jill Bernstein, Incarceration Prevention and Reduction Task Force (IPRTF) Co-Chair,  
26 gave a presentation on the mission of the Task Force; the direct and indirect changes  
27 resulting from the work of the Task Force; examples of leadership from Task Force  
28 members and officials from the County and cities; new programs at the City, County, and  
29 State levels that include book-and-release, drug court housing, and electric home  
30 monitoring; and the projects and work of the three Task Force subcommittees as described  
31 in the report.  
32

33 Councilmembers and Bernstein discussed participation from the District Court and  
34 Superior Court Judges, focusing on changes that the Council can effect, the level of detail  
35 and funding in the Task Force recommendations, funding sources for programs, next steps  
36 in prioritizing recommendations, the possibility of creating a sobering center within the  
37 triage facility, the dedication of Ms. Bernstein working on the Task Force, and bringing  
38 forward recommendations to the County Council.  
39

40  
41 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**  
42

43 **1. DISCUSSION REGARDING RESIGNATION OF COUNCILMEMBER TODD**  
44 **DONOVAN FROM HIS CURRENT POSITION ON THE WHATCOM COUNTY**  
45 **COUNCIL (EFFECTIVE JANUARY 8, 2018) AND THE PROCESS/TIMELINE FOR**  
46 **FILLING THE VACANT POSITION (AB2017-389)**  
47

48 Councilmembers discussed the process for filling the Council position that will be  
49 vacated by Councilmember Donovan. The applicants can reside anywhere in the county  
50 because the position will be at-large. The proposed timeline includes:

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- A December 20 noon application deadline
- Appointment dates would be at a brief evening meeting either January 8 or January 9.

Dana Brown-Davis, Clerk of the Council, explained the proposed timeline and stated the applications will be publicly available the afternoon of the deadline.

**Sidhu moved** to put out a call for the appointment today, set an application deadline by noon on December 20, and hold a Council meeting on January 9 at 6:00 p.m.

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Weimer, Buchanan, Brenner, Donovan, Browne, Mann, and Sidhu (7)

**Nays:** None (0)

**3. ORDINANCE ESTABLISHING WHATCOM COUNTY CODE 2.126, CLIMATE IMPACT ADVISORY COMMITTEE (AB2017-351)**

Councilmembers discussed whether convening the advisory committee will subject the County to lawsuits and how political are this and other advisory committees.

Brenner moved to withdraw the ordinance from consideration. The motion was not seconded.

**Mann moved** to recommend approval to the full Council.

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Weimer, Buchanan, Donovan, Browne, Mann, and Sidhu (6)

**Nays:** Brenner (1)

Linda Twitchell, Building Industry Association, stated include language in the purpose statement of all advisory committees that indicates the committee is advisory only, and the Council is not legally bound to follow its recommendations.

Ed Ury, ReSources for Sustainable Communities, stated he supports the proposed advisory committee. Reconsider the goal for 100 percent clean energy. Make the goal more specific.

**4. ORDINANCE AMENDING WHATCOM COUNTY CODE 2.02, COUNTY COUNCIL (AB2017-352)**

**Donovan moved** to recommend approval to the full Council.

The motion was seconded.

Dana Brown-Davis, Clerk of the Council, answered questions.

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1 Staff and Councilmembers discussed the sources of the suggested changes and  
2 clarifications, whether or not some ordinances require public hearing, incorporating Charter  
3 amendments into the Code, limiting the number of times someone can attend a meeting by  
4 speakerphone or video, listing which ordinances don't require public hearings, having a  
5 public hearing on this ordinance, and whether or not there should be a term limit on the  
6 position of Council Chair.

7  
8 ***Browne moved*** to hold the ordinance to early next year.

9  
10 The motion to hold was seconded.

11  
12 The motion to hold failed by the following vote:

13 **Ayes:** Buchanan and Browne (2)

14 **Nays:** Brenner, Weimer, Donovan, Mann, and Sidhu (5)

15  
16 ***Sidhu moved*** to withdraw the changes to 2.02.110(B) regarding a list of required  
17 public hearing topics. Have a discussion about those changes later.

18  
19 The motion was seconded.

20  
21 ***Brenner suggested a friendly amendment*** to also withdraw and consider later  
22 changes to 2.02.040(G).

23  
24 ***Sidhu accepted*** the friendly amendment.

25  
26 ***Brenner suggested a friendly amendment*** to change the term limit of the Council  
27 Chair position to a maximum of four years.

28  
29 ***Sidhu accepted*** the friendly amendment.

30  
31 Buchanan stated the second friendly amendment is a different type of motion and  
32 must be voted on separately. He restated the motion: withdraw the changes to  
33 2.02.110(B) regarding a list of required public hearing topics and withdraw and consider  
34 later changes to 2.02.040(G).

35  
36 The motion carried by the following vote:

37 **Ayes:** Brenner, Mann, Sidhu, Buchanan, and Donovan (5)

38 **Nays:** Weimer and Browne (2)

39  
40 ***Sidhu moved*** to amend the term limit of the Council Chair position to a maximum of  
41 four consecutive years.

42  
43 The motion was seconded.

44  
45 The motion carried by the following vote:

46 **Ayes:** Brenner, Sidhu, Donovan, and Buchanan (4)

47 **Nays:** Weimer, Mann, and Browne (3)

48  
49 ***Sidhu moved*** to recommend approval as amended.

50

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1 The motion was seconded.

2  
3 The motion carried by the following vote:

4 **Ayes:** Brenner, Sidhu, Buchanan, Weimer and Donovan (5)

5 **Nays:** Mann and Browne (2)

6  
7  
8 **COMMITTEE DISCUSSION**

9  
10 **1. DISCUSSION WITH CHIEF CIVIL DEPUTY PROSECUTOR DANIEL GIBSON**  
11 **REGARDING SPECIFIC AMENDMENTS THAT WERE INCORPORATED INTO THE**  
12 **WHATCOM COUNTY CHARTER IN 2015 (AB2017-390)**

13  
14 Dan Gibson, Prosecutor's Office, submitted a handout (*on file*) and answered  
15 questions. He stated he, in consultation with other lawyers, determined there was no  
16 conflict between the three proposals that were adopted by the voters. After consultation  
17 with other legal staff in the Prosecutor's Office, he is satisfied that when one looked at all of  
18 these together, there is not a conflict.

19  
20 Councilmembers and Gibson discussed the Washington State standard for resolving  
21 conflicting ballot measures; how the Council could propose a ballot measure with a  
22 supermajority; determining a conflict through what the language says, not what someone  
23 intends to happen; the current options for changing the language that creates a perceived  
24 conflict; and how to write a ballot measure that resolves the conflict between the two  
25 Charter sections.

26  
27 **2. REVIEW OF PREVIOUSLY APPROVED CONTRACT AMENDMENT BETWEEN**  
28 **WHATCOM COUNTY AND CASCADIA LAW GROUP PLLC (AB2017-301)**

29  
30 Buchanan gave a staff report and read the original scope of work from the contract  
31 and of the amendment. He described the reason for the amendment and expanded scope in  
32 the amendment due to additional research required and extending the timeline. He  
33 suggested they rescind the motion from two weeks ago, and amend the amendment to  
34 terminate the agreement on March 31, 2018.

35  
36 Dana Brown-Davis, Clerk of the Council, submitted a handout (*on file*) of the contract  
37 with the proposed amendment to extend the deadline to March 31, 2018.

38  
39 Karen Frakes, Prosecutor's Office, stated that the correct motion is to add to the  
40 agreement to extend the deadline.

41  
42 ***Donovan moved*** to recommend that the Council to rescind the previous motion  
43 approving the contract.

44  
45 The motion was seconded.

46  
47 The motion carried by the following vote:

48 **Ayes:** Brenner, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

49 **Nays:** None (0)

50 **Absent:** Mann (out of the room) (1)

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1  
2        **Donovan moved** to recommend to the full Council that the contract term be  
3 extended to March 2018.

4  
5            The motion was seconded.

6  
7            Jack Louws, County Executive, stated adding to the contract for \$25,000 for more  
8 research is acceptable at this time out of respect for the Council, but not necessarily in  
9 general without a change in scope.

10  
11            Councilmembers discussed how this contract is to help the Council learn what it can  
12 and can't do in terms of maintaining the health and safety of the public.

13  
14            The motion carried by the following vote:

15        **Ayes:**     Sidhu, Browne, Buchanan, Weimer and Donovan (5)

16        **Nays:**     None (0)

17        **Absent:**  Mann and Brenner (out of the room) (2)

18  
19            Louws asked that the Council include the letter requesting the additional funds to the  
20 scope of work.

21  
22        **OTHER BUSINESS**

23  
24            There was no other business.

25  
26  
27        **ADJOURN**

28  
29            The meeting adjourned at 4:48 p.m.

30  
31            The Council approved these minutes on \_\_\_\_\_, 2018.

32  
33        ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

34  
35  
36  
37  
38  
39        \_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

40  
41  
42  
43        \_\_\_\_\_  
Jill Nixon, Minutes Transcription

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1 WHATCOM COUNTY COUNCIL  
2 **Regular County Council Meeting**  
3

4 December 5, 2017  
5

6 **CALL TO ORDER**  
7

8 Council Chair Barry Buchanan called the meeting to order at 7:00 p.m. in the Council  
9 Chambers, 311 Grand Avenue, Bellingham, Washington.  
10

11  
12 **ROLL CALL**  
13

14 **Present:** Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd  
15 Donovan, Rud Browne and Barry Buchanan.

16 **Absent:** None.  
17

18  
19 **FLAG SALUTE**  
20

21  
22 **ANNOUNCEMENTS**  
23

24 The Councilmembers and County Executive Jack Louws thanked Councilmembers  
25 Weimer and Mann for their service to Whatcom County on the County Council.  
26

27  
28 **PUBLIC HEARINGS**  
29

30 **1. ORDINANCE AMENDING (SECOND AMENDMENT) ORDINANCE 2016-049,**  
31 **WHATCOM COUNTY'S 2017 UNIFIED FEE SCHEDULE (AB2017-347)**  
32

33 Buchanan opened the public hearing, and hearing no one, closed the public hearing.  
34

35 *Sidhu moved* to adopt the ordinance.  
36

37 The motion was seconded.  
38

39 The motion carried by the following vote:

40 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

41 **Nays:** Brenner (1)  
42

43 **2. ORDINANCE ADOPTING A SECURE MEDICINE RETURN REGULATION**  
44 **(AB2017-348)**  
45

46 Buchanan opened the public hearing, and hearing no one, closed the public hearing.  
47

48 *Donovan moved* to adopt the ordinance.  
49

50 The motion was seconded.

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1  
2 Councilmembers thanked the Health Department staff for creating the ordinance.

3  
4 Erika Neurenberg, Health Department, answered questions about the possibility of a  
5 medicine recycling program.

6  
7 The motion carried by the following vote:

8 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

9 **Nays:** None (0)

10  
11 **3. ORDINANCE REPEALING WHATCOM COUNTY CODE 3.26, SOLID WASTE**  
12 **DISPOSAL DISTRICT TAX, IN ITS ENTIRETY (AB2017-349)**

13  
14 Jeff Hegedus, Health Department, gave a staff report.

15  
16 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

17  
18 ***Mann moved*** to adopt the ordinance.

19  
20 The motion was seconded.

21  
22 The motion carried by the following vote:

23 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

24 **Nays:** None (0)

25  
26 **4. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTYWIDE**  
27 **EMERGENCY MEDICAL PURPOSES FOR 2018 (AB2017-358)**

28  
29 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

30  
31 ***Browne moved*** to adopt the ordinance.

32  
33 The motion was seconded.

34  
35 The motion carried by the following vote:

36 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

37 **Nays:** None (0)

38  
39 **5. RESOLUTION AUTHORIZING THE LEVY OF TAXES FOR THE WHATCOM**  
40 **COUNTY FLOOD CONTROL ZONE DISTRICT FOR 2018 (COUNCIL ACTING AS**  
41 **THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF**  
42 **SUPERVISORS) (AB2017-331)**

43  
44 Buchanan opened the public hearing, and the following person spoke:

45  
46 Patrick Alesse asked if this was a tax or fee.

47  
48 Hearing no one else, Buchanan closed the public hearing.

49  
50 ***Donovan moved*** to approve the resolution.



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1  
2 The motion was seconded.  
3

4 The motion carried by the following vote:

5 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

6 **Nays:** None (0)  
7

8 **6. RESOLUTION ADOPTING THE 2018 BUDGET FOR THE WHATCOM COUNTY**  
9 **FLOOD CONTROL ZONE DISTRICT AND SUBZONES (COUNCIL ACTING AS THE**  
10 **WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF**  
11 **SUPERVISORS) (AB2017-321)**  
12

13 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

14 **Mann moved** to approve the resolution.  
15

16 The motion was seconded.  
17

18 The motion carried by the following vote:

19 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

20 **Nays:** None (0)  
21

22 **7. ORDINANCE ESTABLISHING THE LAKE WHATCOM STORMWATER UTILITY**  
23 **DISTRICT (AB2017-251C)**  
24

25 Buchanan opened the public hearing, and the following people spoke:  
26

27 Dena Jensen stated she supports the proposed district to fund water quality.  
28 Continue to improve systems and practices to protect the watershed.  
29

30 Rick Kiene, Coronado Heights Association, submitted and read from a handout (*on*  
31 *file*) and stated the Association's Board of Directors believes credit should be given for  
32 building and maintaining its existing infrastructure.  
33

34 Ronald Colson, Sierra Club, stated his organization supports the proposed district.  
35 People who live in the watershed should pay for their impacts.  
36

37 Todd Citron submitted and read from a handout (*on file*) and stated he supports the  
38 proposed district. Protect the public source of drinking water from harm.  
39

40 Bob Aegerter submitted and read from a handout (*on file*) and stated he supports  
41 the proposed district. People in the watershed who have an impact are responsible for  
42 correcting it or paying for it.  
43

44 Kris Halterman stated the amount collected will be far more than the cost of  
45 improving water quality in Lake Whatcom. Instead, re-aerate the lake using technology  
46 used around the world. She is opposed to the proposed district.  
47

48 Gwen Hunter stated she supports the proposed district to protect clean drinking  
49 water, however don't allow it to encourage more development in the watershed.  
50

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1  
2 Jerry Whitten stated he supports the comments from Rick Kiene. The Council should  
3 identify the details of the district, including costs, when creating the district  
4

5 Krista Rome, ReSources, stated she supports the proposed district.  
6

7 Bob Hollingsworth submitted a handout (*on file*) and stated work more closely with  
8 the City and water districts. The County is approving development in the watershed.  
9

10 E.J. Ledit submitted a handout (*on file*) and stated there are other solutions,  
11 including lake aeration. He does not support the proposed district.  
12

13 Karlee Deatherage stated she supports the proposed district. Community outreach  
14 should be thorough. Create a fair and equitable funding mechanism.  
15

16 Mike Sennett stated he supports the proposed district to protect drinking water and  
17 Lake Whatcom water quality.  
18

19 John Campbell stated emphasize source control and the homeowner improvement  
20 program (HIP). Determine a budget for the service area before creating the district.  
21

22 David McLain stated set fees based on the impact the property has on the lake.  
23

24 Judith Akins stated she supports the proposed district. The public needs more  
25 education about safe practices in the watershed.  
26

27 Larry Brown, Sudden Valley Community Association Board Member, stated increased  
28 public education, cleanup, and prevention of further deterioration needs more money. He  
29 supports the proposed district with fair and equitable assessment. Develop a budget for the  
30 funds.  
31

32 Dave Onkels spoke about oxygen levels in the lake and the proposal to aerate the  
33 lake.  
34

35 Wendy Harris stated she doesn't support the proposed district, because people not in  
36 the district will become complacent about water quality and it will justify more development  
37 in the watershed. Holistic solutions are the most cost-effective, such as preventing future  
38 development and protecting tree retention.  
39

40 Jim Henson stated he supports the proposed district. Prevent additional development  
41 and recreational use on the lake.  
42

43 Lisa McShane stated she supports the proposed district to protect Lake Whatcom and  
44 clean drinking water.  
45

46 Dan McShane stated he supports the proposed district because people in the district  
47 will become more engaged in protecting the lake.  
48

49 Natasha (*last name not provided*) stated don't impose the tax if they don't know how  
50 to spend it, and review how various practices impact drinking water in the county.

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1  
2 Hearing no one else, Buchanan closed the public hearing.  
3

4 Gary Stoyka, Public Works Department, gave a staff report and answered questions  
5 on what the money would be spent on, the City of Bellingham's existing stormwater fees,  
6 calculating the fee structure based on amount of impervious surface, the estimated amount  
7 collected annually, the possibility of a funding structure that credits people with  
8 infrastructure and other efforts to protect water quality, whether aeration technology would  
9 work for Lake Whatcom, whether the service area would encourage more development in  
10 the watershed, defining the service area so they can study how to develop the area, and  
11 whether they should pay people to make improvements on their property.

12 **Weimer moved** to adopt the ordinance.  
13

14 The motion was seconded.  
15

16 The motion carried by the following vote:  
17

18 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

19 **Nays:** Brenner (1)  
20

21 **8. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 16.16**  
22 **(CRITICAL AREAS) AND WHATCOM COUNTY CODE CHAPTER 23.10**  
23 **(SHORELINE MANAGEMENT PROGRAM – PURPOSE AND INTENT)**  
24 **PERTAINING TO THE PROTECTION AND REGULATION OF**  
25 **ENVIRONMENTALLY CRITICAL AREAS (AB2016-276L)**  
26

27 Cliff Strong, Planning and Development Services Department, gave a staff report.  
28

29 Buchanan opened the public hearing, and the following people spoke:  
30

31 Dena Jensen stated uphold no net loss to critical areas value and function, consult  
32 with Coast Salish nations, and rely on best available science.  
33

34 Sandy Robson stated don't approve the ordinance, because the County planner  
35 working on the ordinance used to work for Gateway Pacific and SSA Marine, which appear  
36 to be a conflict of interest.  
37

38 Suzanne Snyder stated she is opposed to the requirement that youth farming groups  
39 complete a farm plan, the definition of "ongoing agriculture," and the five-year limit on  
40 fallow land.  
41

42 Leslie Honcoop, Whatcom County Farm Bureau, stated she is opposed to the five-  
43 year limit on fallow land and to the critical areas ordinance (CAO).  
44

45 Melody Kirk stated don't back off of making amendments based on threats from  
46 potential lawsuits.  
47

48 Troy Lenssen stated he is opposed to farm plans written by non-agricultural people  
49 and making them available online to be read by people who aren't involved in agriculture.  
50

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1 Kris Halterman stated she is opposed to the requirement that youth farming groups  
2 complete a farm plan, the definition of "ongoing agriculture" and the five-year limit on  
3 fallow land,  
4

5 Dymond Nicon stated increase the square footage limit from 2,500 square feet to  
6 4,000 square feet.  
7

8 Seth Woolson, Mt. Baker Bibleway Camp, stated he supports the changes the  
9 councilmembers made on the lahar hazard area and in creating reasonable safety measures  
10 without unduly restricting his client's property.  
11

12 Dannon Traxler, agriculture community representative, stated the critical areas  
13 ordinance doesn't balance environmental protection with agricultural use. She is opposed  
14 to the definition of "ongoing agriculture" and the five-year limit on fallow land. Include farm  
15 plan exemptions for farms that have no impacts. Don't publish who has farm plans and  
16 where those farms are located.  
17

18 Karlee Deatherage stated generate baseline information on critical areas and monitor  
19 whether regulations are working to meet standards.  
20

21 Charlie Storrs stated take more time with the science. The critical areas ordinance is  
22 the minimum protection for nature, not a balance between nature and other uses.  
23

24 Donna Kelleher stated continue to work on the CAO and develop specific protection  
25 measures that create no net loss of critical functions.  
26

27 Roger Almskaar, Citizens Alliance for Property Rights, stated there are goals in the  
28 Growth Management Act about efficient permit processes and protecting property rights.  
29 Regulations are costly and time-consuming. He referenced his letter to the Council (*on file*)  
30 and suggested changes.  
31

32 Wendy Harris stated she does not support the ordinance because it doesn't provide a  
33 thorough scientific foundation using best available science. Protect against a net loss of  
34 function and value using best available science.  
35

36 Lars Holeen, Ferndale Future Farmers of America (FFA) member, stated a farm plan  
37 shouldn't be necessary for youth groups on very small farms with only one or two animals.  
38 Protect agriculture in the community.  
39

40 Jim Hansen stated best available science wasn't used, however enact the ordinance  
41 as it is rather than start over.  
42

43 Carol Perry stated there isn't any solution to being fair to both farmers and  
44 environmentalists in this process.  
45

46 Natalie McClendon stated the ordinance must be based on best available science. No  
47 one is happy with this document. However, adopt the ordinance to pass important updates  
48 that are included. The best available science should be the same for all the counties in the  
49 state.  
50

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1 Patrick Alesse stated the Council should do what it needs to do.

2  
3 Stan Hudson described the difficulty of building his home because of the farm plan  
4 and critical areas requirements. People have to give their private property to the  
5 environmentalists for nothing.

6  
7 Natasha (*no last name given*) stated delay in adopting the ordinance to make sure  
8 the best available science is used to make the updates and to collect baseline data. Make  
9 farm plans available to the public.

10  
11 Kathy McDevitt stated she is confused about what is considered a critical area and  
12 what isn't.

13  
14 Hearing no one else, Buchanan closed the public hearing.

15  
16 ***Browne moved*** to adopt the ordinance.

17  
18 The motion was seconded.

19  
20 The following staff answered questions:

- 21 • Cliff Strong, Planning and Development Services Department
- 22 • Karen Frakes, Prosecuting Attorney's Office
- 23 • Ryan Ericson, Planning and Development Services Department

24  
25 Councilmembers and staff discussed the allegation of State law violations when  
26 disclosing certain information about individual farm plans, Public Records Act exemptions  
27 regarding farm plans, the farm plan requirements for small farms in critical areas, the  
28 possibility of gathering baseline data, assigning the Wildlife Advisory Committee, and hiring  
29 a consultant in 2018 to create a methodology for establishing baseline data.

30  
31 ***Donovan*** submitted a proposed motion (*on file*) and ***moved*** to amend Page 607,  
32 "Section 4: PDS will continue to implement Whatcom County Comp Plan policies 10K-15,  
33 10K-16, 10L-17 and 10L-18 in order to monitor the functions and values of critical areas,  
34 and to develop baseline data to use for such monitoring. An update of the implementation  
35 of these policies will be presented to Council not later than January 2019."

36  
37 ***Weimer suggested a friendly amendment*** to add language to the motion to  
38 amend, "...10L-18 and goal 10G as well as bring forward a plan to enhance groundwater  
39 quality sampling as called for in best available science, in order to monitor...."

40  
41 ***Donovan accepted*** the friendly amendment.

42  
43 The motion to amend carried by the following vote:

44 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

45 **Nays:** Brenner (1)

46  
47 Councilmembers continued to discuss findings of fact statements regarding best  
48 available science, the potential impact of removing finding 13 of the ordinance, and  
49 Department of Ecology commitment to do well sampling.

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1 The motion carried by the following vote:

2 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

3 **Nays:** Brenner (1)

4  
5 *(Clerk's Note: The Council took a break from 10:29 to 10:43 p.m.)*

6  
7  
8 **OPEN SESSION**

9  
10 The following people spoke:

- 11 • Max Perry spoke about the Climate Impact Advisory Committee (AB2017-351)
- 12
- 13 • Wendy Harris spoke about the Wildlife Advisory Committee's report not being
- 14 included in the critical areas ordinance.
- 15 • Dave Onkels submitted and read from a handout (*on file*) and spoke about an
- 16 old task force on energy resources and the proposed Climate Impact Advisory
- 17 Committee (AB2017-351)
- 18 • Kathy McDevitt spoke about regulations regarding commercial signs installed
- 19 along county roads.
- 20 • Evan Schuster, Environment Washington, spoke about the Climate Impact
- 21 Advisory Committee (AB2017-351).
- 22 • Pam Brady, BP Cherry Point Refinery, spoke about the Climate Impact
- 23 Advisory Committee (AB2017-351).
- 24 • Cliff Langley spoke about the Climate Impact Advisory Committee (AB2017-
- 25 351).
- 26 • Patrick Alesse thanked the councilmembers for their work.
- 27

28  
29 **CONSENT AGENDA**

30  
31 **Browne** reported for the Finance and Administrative Services Committee and  
32 **moved** to approve Consent Agenda items one through 17 and 20 through 25.

33  
34 The motion carried by the following vote:

35 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

36 **Nays:** None (0)

- 37
- 38 **1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
  - 39 **CONTRACT BETWEEN WHATCOM COUNTY AND BIRCH BAY CHAMBER OF**
  - 40 **COMMERCE IN SUPPORT OF OPERATIONS AS RECOMMENDED BY THE**
  - 41 **LODGING TAX ADVISORY COMMITTEE, IN THE AMOUNT OF \$100,000**
  - 42 **(AB2017-361)**
  - 43
  - 44 **2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
  - 45 **CONTRACT BETWEEN WHATCOM COUNTY AND MOUNT BAKER FOOTHILLS**
  - 46 **CHAMBER OF COMMERCE IN SUPPORT OF OPERATIONS AS RECOMMENDED**
  - 47 **BY THE LODGING TAX ADVISORY COMMITTEE, IN THE AMOUNT OF \$100,000**
  - 48 **(AB2017-362)**
  - 49

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- 1 3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
2 CONTRACT BETWEEN WHATCOM COUNTY AND BELLINGHAM WHATCOM  
3 COUNTY TOURISM IN SUPPORT OF OPERATIONS AS RECOMMENDED BY THE  
4 LODGING TAX ADVISORY COMMITTEE, IN THE AMOUNT OF \$290,000  
5 (AB2017-363)  
6
- 7 4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN  
8 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND NORTHWEST  
9 EDUCATIONAL SERVICE DISTRICT 189 TO SUPPORT THEIR PARTICIPATION  
10 IN PLANNING AND IMPLEMENTING REGIONAL YOUTH MARIJUANA  
11 PREVENTION STRATEGIES AND ACTIVITIES, IN THE AMOUNT OF \$15,000  
12 (AB2017-364)  
13
- 14 5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN  
15 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND SAN JUAN  
16 COUNTY TO SUPPORT THEIR PARTICIPATION IN PLANNING AND  
17 IMPLEMENTING REGIONAL YOUTH MARIJUANA PREVENTION STRATEGIES  
18 AND ACTIVITIES, IN THE AMOUNT OF \$15,555 (AB2017-365)  
19
- 20 6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
21 CONTRACT BETWEEN WHATCOM COUNTY AND MARVIN WAYNE, M.D., P.S.,  
22 FOR MEDICAL PROGRAM DIRECTOR SERVICES FOR THE COUNTYWIDE EMS  
23 SYSTEM AS DEFINED IN THE WASHINGTON STATE MEDICAL PROGRAM  
24 DIRECTOR HANDBOOK, IN THE AMOUNT OF \$105,000 (AB2017-366)  
25
- 26 7. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
27 GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND WASHINGTON  
28 STATE OFFICE OF PUBLIC DEFENSE TO RECEIVE FUNDING TO COVER TWO  
29 ATTORNEY POSITIONS IN THE WHATCOM COUNTY PUBLIC DEFENDER'S  
30 OFFICE, IN THE AMOUNT OF \$194,550, AND AUTHORIZE COST SHARING IN  
31 THE AMOUNT OF \$33,000 (AB2017-367)  
32
- 33 8. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
34 CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND WASHINGTON  
35 STATE DEPARTMENT OF TRANSPORTATION TO OBLIGATE FEDERAL FUNDS  
36 FOR CONTRACT CONSTRUCTION, CONSULTANT AND AGENCY  
37 CONSTRUCTION ENGINEERING SUPPORT, MATERIAL TESTING, AND  
38 CONSTRUCTION INSPECTION FOR THE HANNEGAN ROAD/TEN MILE CREEK  
39 BRIDGE NO. 236 REPLACEMENT PROJECT, IN THE AMOUNT OF \$1,435,045,  
40 FOR A TOTAL AMENDED CONTRACT AMOUNT OF \$1,565,045 (AB2017-368)  
41
- 42 9. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
43 CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND WASHINGTON  
44 STATE DEPARTMENT OF TRANSPORTATION TO OBLIGATE FEDERAL FUNDS  
45 FOR CONSTRUCTION OF THE ROBERTS ROAD/ANDERSON CREEK BRIDGE  
46 NO. 249 REPLACEMENT PROJECT, IN THE AMOUNT OF \$1,777,495, FOR A  
47 TOTAL AMENDED CONTRACT AMOUNT OF \$1,947,945 (AB2017-369)  
48
- 49 10. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN  
50 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND SKAGIT

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- 1 COUNTY TO PROVIDE FUNDING FOR THE SKAGIT COUNTY HEALTH  
2 DEPARTMENT TO SUPPORT THEIR PARTICIPATION IN PLANNING AND  
3 IMPLEMENTING REGIONAL YOUTH MARIJUANA PREVENTION STRATEGIES  
4 AND ACTIVITIES, IN THE AMOUNT OF \$20,550 (AB2017-370)  
5
- 6 11. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN  
7 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND SNOHOMISH  
8 COUNTY TO PROVIDE FUNDING FOR SNOHOMISH HEALTH DISTRICT TO  
9 SUPPORT THEIR PARTICIPATION IN PLANNING AND IMPLEMENTING  
10 REGIONAL YOUTH MARIJUANA PREVENTION STRATEGIES AND ACTIVITIES,  
11 IN THE AMOUNT OF \$52,185 (AB2017-371)  
12
- 13 12. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
14 CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND OPPORTUNITY  
15 COUNCIL TO PROVIDE REFERRAL AND CONNECTION TO SERVICES FOR  
16 FAMILIES AND PROFESSIONALS SEEKING RESOURCES FOR CHILDREN AND  
17 YOUTH AGES 3-21 WITH SUSPECTED DEVELOPMENTAL DISABILITIES AND  
18 DELAYS, IN THE AMOUNT OF \$77,939, FOR A TOTAL AMENDED CONTRACT  
19 AMOUNT OF \$144,939 (AB2017-372)  
20
- 21 13. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
22 CONTRACT BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM TO  
23 PROVIDE FUNDING FOR ONGOING MAINTENANCE AND OPERATIONS OF THE  
24 CRISIS TRIAGE FACILITY LOCATED AT 2030 DIVISION STREET, IN THE  
25 AMOUNT OF \$59,000 (AB2017-373)  
26
- 27 14. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
28 CONTRACT BETWEEN WHATCOM COUNTY AND CDW GOVERNMENT LLC  
29 PURSUANT TO THE STATE OF WASHINGTON MASTER CONTRACT NO. 06016  
30 FOR THE RENEWAL OF THE 3-YEAR MICROSOFT ENTERPRISE AGREEMENT,  
31 IN THE AMOUNT OF \$168,879.35 PER YEAR (AB2017-374)  
32
- 33 15. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
34 CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM  
35 FAMILY & COMMUNITY NETWORK TO PROVIDE FUNDING TO DELIVER  
36 PREVENTION STRATEGIES THAT WILL REDUCE RISK FACTORS FOR  
37 SUBSTANCE ABUSE AND OTHER PROBLEM BEHAVIORS IN THE MT. BAKER  
38 SCHOOL DISTRICT GEOGRAPHIC AREA, IN THE AMOUNT OF \$129,250, FOR  
39 A TOTAL AMENDED CONTRACT AMOUNT OF \$163,000 (AB2017-375)  
40
- 41 16. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #17-69  
42 AND ENTER INTO A CONTRACT WITH BIDDER DIMENSIONAL  
43 COMMUNICATIONS TO COMPLETE THE COUNCIL CHAMBERS AUDIO VIDEO  
44 SYSTEM UPGRADES, IN THE AMOUNT OF \$54,996.77 (AB2017-376)  
45
- 46 17. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN  
47 INTERLOCAL COOPERATIVE PURCHASING AGREEMENT BETWEEN WHATCOM  
48 COUNTY AND KING COUNTY TO UTILIZE KING COUNTY'S COMPETITIVELY  
49 BID SUPPLIES, GOODS, SERVICES AND EQUIPMENT PER RCW CHAPTER  
50 39.34, INTERLOCAL COOPERATION ACT (AB2017-377)



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- 1  
2 18. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #17-71  
3 FOR THE SUPPLY OF TWO MINI EXCAVATORS TO THE LOWEST BIDDER,  
4 PAPE' MACHINERY, IN THE AMOUNT OF \$167,307 (AB2017-378)  
5

6 This item was withdrawn from the agenda.  
7

- 8 19. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE THE  
9 PURCHASE OF TWO TILT BED TRAILERS FROM VENDOR PAPE' MACHINERY,  
10 USING WASHINGTON STATE CONTRACT #00816, IN THE AMOUNT OF  
11 \$71,966.64 (AB2017-379)  
12

13 This item was withdrawn from the agenda.  
14

- 15 20. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE THE  
16 PURCHASE OF 25 REPLACEMENT TASERS AND RELATED ACCESSORIES FROM  
17 VENDOR AXON ENTERPRISE, USING WASHINGTON STATE CONTRACT  
18 #02315, IN THE AMOUNT OF \$40,590.67 (AB2017-380)  
19

- 20 21. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE THE  
21 PURCHASE OF FOUR TRUCK-MOUNTED SNOW PLOWS FROM VENDOR  
22 NORTHEND TRUCK EQUIPMENT, USING WASHINGTON STATE CONTRACT  
23 #12304, IN THE AMOUNT OF \$27,928.03 (AB2017-381)  
24

- 25 22. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AUTHORIZE THE  
26 PURCHASE OF A 2WD CREW CAB PICKUP TRUCK FROM VENDOR COLUMBIA  
27 FORD, USING WASHINGTON STATE CONTRACT #05916, IN THE AMOUNT OF  
28 \$36,457.09 (AB2017-382)  
29

- 30 23. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
31 CONTRACT BETWEEN WHATCOM COUNTY AND KEPRO FOR EMPLOYEE  
32 ASSISTANCE PROGRAM SERVICES FOR WHATCOM COUNTY'S EMPLOYEES  
33 AND FAMILIES, IN THE AMOUNT OF \$2.45 PER EMPLOYEE PER MONTH FOR  
34 YEARS 2018 THROUGH 2020 (AB2017-383)  
35

- 36 24. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ACCEPT SUN  
37 LIFE STOP LOSS POLICY FOR INSURANCE PROTECTION FOR THE SELF-  
38 INSURED MEDICAL PROGRAM FOR 2018 (AB2017-384)  
39

- 40 25. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER IN TO AN  
41 AGREEMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM COUNTY  
42 DEPUTY SHERIFF'S GUILD FOR THE PERIOD OF DECEMBER 5, 2017,  
43 THROUGH DECEMBER 31, 2019 (AB2017-385)  
44

45  
46 **OTHER ITEMS**  
47

- 48 1. ORDINANCE AMENDING THE 2017 WHATCOM COUNTY BUDGET,  
49 FOURTEENTH REQUEST, IN THE AMOUNT OF \$165,948 (AB2017-345)  
50

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1 **Browne** reported for the Finance and Administrative Services Committee and  
2 *moved* to adopt the ordinance.  
3

4 The motion carried by the following vote:

5 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

6 **Nays:** None (0)  
7

8 **2. ORDINANCE AMENDING THE 2018 WHATCOM COUNTY BUDGET, SECOND**  
9 **REQUEST, IN THE AMOUNT OF \$290,000 (AB2017-346)**

10  
11 **Browne** reported for the Finance and Administrative Services Committee and  
12 *moved* to adopt the ordinance.  
13

14 The motion carried by the following vote:

15 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

16 **Nays:** None (0)  
17

18 **5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
19 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY FLOOD CONTROL**  
20 **ZONE DISTRICT AND WATERSHED SCIENCE & ENGINEERING TO DEVELOP**  
21 **FINAL DESIGNS, BID-READY PLANS AND SPECIFICATIONS, ASSIST IN BID**  
22 **PREPARATION AND PROVIDE CONSTRUCTION SUPPORT FOR THE**  
23 **PREFERRED OPTION IDENTIFIED IN THE HIGH CREEK MANAGEMENT PLAN,**  
24 **IN THE AMOUNT OF \$38,416, FOR A TOTAL AMENDED CONTRACT AMOUNT**  
25 **OF \$192,720 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD**  
26 **CONTROL ZONE DISTRICT BOARD OF SUPERVISORS) (AB2017-359)**  
27

28 **Browne** reported for the Finance and Administrative Services Committee and  
29 *moved* to approve the request.  
30

31 The motion carried by the following vote:

32 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

33 **Nays:** None (0)  
34

35 **6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**  
36 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY FLOOD CONTROL**  
37 **ZONE DISTRICT AND PUBLIC UTILITY DISTRICT NO. 1 OF WHATCOM**  
38 **COUNTY TO RECEIVE FUNDING FOR SURFACE AND GROUNDWATER**  
39 **MONITORING ACTIVITIES, IN THE AMOUNT OF \$100,000 (COUNCIL ACTING**  
40 **AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF**  
41 **SUPERVISORS) (AB2017-360)**  
42

43 **Browne** reported for the Finance and Administrative Services Committee and  
44 *moved* to approve the request.  
45

46 The motion carried by the following vote:

47 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

48 **Nays:** None (0)  
49

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1 7. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A  
2 SEVEN YEAR INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY, THE  
3 CITY OF BELLINGHAM, AND FIRE PROTECTION DISTRICT #7 FOR ADVANCED  
4 LIFE SUPPORT (ALS) SERVICES, IN THE AMOUNT OF \$8,010,789 FOR 2017,  
5 \$8,251,116 FOR 2018, WITH A CONSUMER PRICE INFLATION ADJUSTER  
6 INCREASE NOT TO BE LESS THAN 2.5% FOR SUBSEQUENT YEARS (AB2017-  
7 386)

8  
9 *Browne* reported for the Finance and Administrative Services Committee and  
10 *moved* to approve the request with the substitute page.

11  
12 The motion carried by the following vote:

13 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

14 **Nays:** None (0)

15  
16 8. DISCUSSION REGARDING RESIGNATION OF COUNCILMEMBER TODD  
17 DONOVAN FROM HIS CURRENT POSITION ON THE WHATCOM COUNTY  
18 COUNCIL (EFFECTIVE JANUARY 8, 2018) AND POSSIBLE DECISION ON  
19 PROCESS AND TIMELINE FOR FILLING THE VACANT POSITION (AB2017-  
20 389)

21  
22 *Buchanan* reported for the Special Committee of the Whole and *moved* to put out a  
23 call for applications today, set an application deadline of noon on December 20, and hold a  
24 Council meeting on January 9 at 6:00 p.m.

25  
26 The motion carried by the following vote:

27 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

28 **Nays:** None (0)

29  
30 3. ORDINANCE ESTABLISHING WHATCOM COUNTY CODE 2.126, CLIMATE  
31 IMPACT ADVISORY COMMITTEE (AB2017-351)

32  
33 *Buchanan* reported for the Special Committee of the Whole and *moved* to adopt  
34 the ordinance.

35  
36 *Browne moved* to amend 2.126.040, "...energy conservation, energy sector, waste  
37 reduction...."

38  
39 The motion to amend carried by the following vote:

40 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

41 **Nays:** None (0)

42  
43 *Sidhu moved* to amend 2.126.040, "...experience in one or more subjects  
44 including...."

45  
46 The motion was seconded.

47  
48 Councilmembers discussed how many skills and qualifications the applicants must  
49 have.

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1           *Sidhu withdrew* the motion to amend.  
2

3           Councilmembers discussed the public perception of climate change.  
4

5           The motion carried by the following vote:

6           **Ayes:**     Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

7           **Nays:**     Brenner (1)  
8

9   **4.     ORDINANCE AMENDING WHATCOM COUNTY CODE 2.02, COUNTY COUNCIL**  
10 **(AB2017-352)**  
11

12           *Buchanan* reported for the Special Committee of the Whole and *moved* to adopt  
13 the substitute ordinance.  
14

15           Councilmembers discussed whether changes to Council procedures having a public  
16 hearing, the impact on new councilmembers, the flexibility of allowing a good Council chair  
17 to continue, and the benefits of councilmembers rotating the position of Council chair.  
18

19           *Sidhu moved* to amend the term limit for the Chair to be the current maximum of  
20 two years.  
21

22           The motion was seconded.  
23

24           The motion to amend carried by the following vote:

25           **Ayes:**     Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

26           **Nays:**     Brenner (1)  
27

28           *Browne moved* to table ordinance until a public hearing on this ordinance can be  
29 scheduled.  
30

31           The motion was seconded.  
32

33           Councilmembers discussed compliance with the County Charter and whether the  
34 public would have concerns with the changes.  
35

36           *Browne withdrew* his motion to table and *moved* to adopt the ordinance with the  
37 substitute Exhibit A as amended.  
38

39           The motion carried by the following vote:

40           **Ayes:**     Browne, Mann, Sidhu, Buchanan, and Weimer (5)

41           **Nays:**     Brenner and Donovan (2)  
42  
43

44 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**  
45

46 **REVIEW OF PREVIOUSLY APPROVED CONTRACT AMENDMENT BETWEEN WHATCOM**  
47 **COUNTY AND CASCADIA LAW GROUP PLLC (AB2017-301)**  
48

49           *Buchanan* reported for the Special Committee of the Whole and *moved* to rescind  
50 the previous motion approving the contract.

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1  
2 The motion to rescind carried by the following vote:

3 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

4 **Nays:** Brenner (1)

5  
6 ***Buchanan moved*** to approve the substitute amendment.

7  
8 The motion was seconded.

9  
10 The motion carried by the following vote:

11 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

12 **Nays:** Brenner (1)

13  
14  
15 **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

- 16  
17 1. **APPOINTMENT TO THE LUMMI ISLAND FERRY ADVISORY COMMITTEE,**  
18 **COUNTY RESIDENT NOT LIVING OR OWNING PROPERTY ON LUMMI ISLAND,**  
19 **PARTIAL TERM ENDING JANUARY 31, 2019, APPLICANT: SCOTT ASPMAN,**  
20 **(COMMITTEE PROVIDES REVIEW AND RECOMMENDATIONS TO THE COUNTY**  
21 **COUNCIL AND EXECUTIVE ON ISSUES THAT AFFECT THE ONGOING**  
22 **OPERATIONS AND INFRASTRUCTURE OF THE FERRY SERVICE) (AB2017-**  
23 **334)**

24  
25 ***Brenner moved*** to appoint Scott Aspman.

26  
27 The motion was seconded.

28  
29 The motion carried by the following vote:

30 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

31 **Nays:** None (0)

32  
33  
34 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

35  
36 Donovan reported for the Natural Resources Committee.

37  
38 Brenner reported for the Public Works, Health, and Safety Committee.

39  
40 Buchanan reported for the Special Committee of the Whole.

41  
42 Councilmembers gave updates on recent activities and upcoming events and on the  
43 passing of County building inspector Carl Bertapelle.

44  
45 Weimer stated his appreciation for his opportunity to serve and spoke about his  
46 accomplishments while on the County Council.

47  
48 Mann stated his appreciation to Councilmembers, Clerk of the Council Dana Brown-  
49 Davis, Legislative Coordinator Jill Nixon, and Deputy Executive Tyler Schroeder for their  
50 work and expertise.

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**ADJOURN**

The meeting adjourned at 12:05 a.m. on Wednesday, December 6, 2017.

The County Council approved these minutes on \_\_\_\_\_, 2018.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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

\_\_\_\_\_  
Barry Buchanan, Council Chair

\_\_\_\_\_  
Jill Nixon, Minutes Transcription

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1 WHATCOM COUNTY COUNCIL  
2 **Special County Council Meeting**  
3

4 January 4, 2018  
5

6 **CALL TO ORDER**  
7

8 Council Chair Barry Buchanan called the meeting to order at 1:00 p.m. in the Council  
9 Chambers, 311 Grand Avenue, Bellingham, Washington.  
10

11  
12 **ROLL CALL**  
13

14 **Present:** Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd  
15 Donovan, Rud Browne and Barry Buchanan. Also present was  
16 Councilmember-elect Tyler Byrd.  
17

18 **Absent:** None.  
19

20  
21 **DISCUSSION AND ACTION**  
22

23 **1. DISCUSSION AND FINALIZATION OF PROCESS TO BE FOLLOWED WHEN**  
24 **COUNCIL APPOINTS TO FILL AT-LARGE (B) POSITION VACANCY ON THE**  
25 **COUNTY COUNCIL (AB2017-389) (APPOINTMENT SCHEDULED TO TAKE**  
26 **PLACE AT A SPECIAL MEETING ON JANUARY 9, 2018, AT 6 P.M. IN THE**  
27 **COUNTY COUNCIL CHAMBERS)**  
28

29 Dan Gibson, Prosecutor's Office, answered questions. There must be  
30 nominations from all the applicants. Appointment is required by an affirmative roll call  
31 vote of a majority of the Council, at least four votes.  
32

33 Dana Brown-Davis, Clerk of the Council, answered questions on Council  
34 reorganization requirements and the timeline for appointing a new councilmember.  
35

36 Councilmembers and staff discussed the proposed process for appointment  
37 submitted by Councilmember Sidhu in an email (*on file*), the term of the vacant  
38 position, parameters they must follow for an appointment process, defining the final roll  
39 call vote and nomination process, whether people who did not submit an application  
40 can also be nominated, ranking the nominations, and nominating and voting in  
41 separate meetings to allow interviews with the nominees.  
42

43  
44 ***Brenner moved*** for each councilmember to submit the names of three  
45 applicants to be nominated on January 9. The appointment would be made at the  
46 January 16 regular Council meeting.  
47

48 The motion was seconded.  
49

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1 Councilmembers and staff discussed how to narrow down the field of applicants  
2 and nominees.

3  
4 *(Clerk's Note: Mann left the meeting at 2:05 p.m.)*

5  
6 ***Brenner withdrew her motion.***

7  
8 ***Buchanan moved*** to allow each councilmember to submit three choices from  
9 the list of applicants to the Clerk of the Council at the meeting on January 9. At that  
10 time, the Clerk would read those names into the record, and the top five vote-getters  
11 will be in the final pool. After that, any councilmember may nominate any other  
12 applicants to the final pool.

13  
14 The motion was seconded.

15  
16 The motion carried by the following vote:

17 **Ayes:** Brenner, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

18 **Nays:** None (0)

19 **Absent:** Mann (1)

20  
21 ***Buchanan moved*** that the final pool of applicants be allowed to give a 3-  
22 minute oral presentation to the Council on January 16.

23  
24 The motion was seconded.

25  
26 Councilmembers discussed giving all the applicants an opportunity to speak on  
27 January 9 before narrowing the final pool of nominees.

28  
29 The motion carried by the following vote:

30 **Ayes:** Brenner, Sidhu, Buchanan, Weimer and Donovan (5)

31 **Nays:** Browne (1)

32 **Absent:** Mann (1)

33  
34  
35 **OTHER BUSINESS**

36  
37 There was no other business.

38  
39  
40 **ADJOURN**

41  
42 The meeting adjourned at 2:26 p.m.

43  
44 The County Council approved these minutes on \_\_\_\_\_, 2018.

45  
46  
47 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON



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

\_\_\_\_\_  
Barry Buchanan, Council Chair

\_\_\_\_\_  
Jill Nixon, Minutes Transcription

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WHATCOM COUNTY COUNCIL  
**Special County Council Meeting**

January 9, 2018

**CALL TO ORDER**

Council Chair Barry Buchanan called the meeting to order at 1:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

**ROLL CALL**

**Present:** Barbara Brenner, Tyler Byrd, Satpal Sidhu, Todd Donovan, Rud Browne and Barry Buchanan.

**Absent:** None.

**SPECIAL ORDER OF BUSINESS**

**1. NOMINATION TO FILL AT-LARGE (B) VACANCY ON THE COUNTY COUNCIL (AB2017-389A)**

Buchanan described the voting process the Council will use to make nominations.

Councilmembers selected three applicants each to be nominees.

**First Nomination Tally Sheet**

NAME							TOTAL
Carolyn <b>Anderson</b>							-
Michael <b>Ashby</b>							-
Timothy <b>Ballew II</b>	Buchanan	Brenner	Donovan	Sidhu	Browne		5
Ellen <b>Barnes</b>							-
Richard <b>Berglund</b>							-
Rhayma <b>Blake</b>							-
Eric <b>Bostrom</b>							-
"Bobby" <b>Burr</b>							-
Eileen <b>Coughlin</b>							-
Patricia <b>Dunn</b>	Byrd	Brenner					2
George Porter <b>Edwards III</b>							-
Jasmine <b>Fast</b>							-
Seth <b>Fleetwood</b>	Buchanan	Donovan	Browne				3
Carol <b>Frazey</b>							-
Victor <b>Gotelaere</b>							-

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1

Keegan	<b>Kenfield</b>						-
Kathleen	<b>Kershner</b>	Byrd					1
John	<b>Kole</b>						-
Cliff	<b>Langley</b>	Brenner					1
Mason	<b>Luvera</b>						-
Robert	<b>Lynch</b>						-
Natalie	<b>McClendon</b>	Buchanan	Donovan	Sidhu	Browne		4
Jim	<b>Moren</b>						-
Nicholas	<b>Moss</b>						-
Alicia	<b>Rule</b>	Sidhu					1
"Stan"	<b>Snapp</b>						-
Aaron	<b>Thomas</b>						-
Emily	<b>Weaver</b>						-

2  
3  
4

Councilmembers voted to break the three-way tie for fifth place:

**Tie Breaker Vote**

NAME							TOTAL
Kathleen	<b>Kershner</b>						-
Cliff	<b>Langley</b>	Brenner	Byrd				2
Alicia	<b>Rule</b>	Browne	Buchanan	Donovan	Sidhu		4

5

Councilmembers selected additional nominees:

6  
7  
8  
9

- Brenner nominated Cliff Langley
- Byrd nominated former County Executive and County Councilmember Pete Kremen
- Donovan nominated Carol Frazey

10

11

**Buchanan moved** to nominate the selected eight candidates for a vote next week on the vacant position of the At-Large(B) County Council position.

12

13

14

15

16

17

18

19

20

21

22

23

24

- Timothy Ballew II
- Natalie McClendon
- Seth Fleetwood
- Patricia Dunn
- Alicia Rule
- Cliff Langley
- Pete Kremen
- Carol Frazey

The motion was seconded.

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1 The motion carried by the following vote:  
2 **Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
3 **Nays:** None (0)  
4  
5 Councilmembers thanked all the applicants who applied for the vacant position  
6 and suggested they apply for other vacancies on various boards and commissions.  
7

8  
9 **OTHER BUSINESS**

10  
11 There was no other business.  
12

13  
14 **ADJOURN**

15  
16 The meeting adjourned at 6:16 p.m.

17  
18 The County Council approved these minutes on \_\_\_\_\_, 2018.  
19

20  
21 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

22  
23  
24  
25  
26 \_\_\_\_\_  
27 Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

28  
29  
30  
31 \_\_\_\_\_  
32 Jill Nixon, Minutes Transcription  
33

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1 WHATCOM COUNTY COUNCIL  
2 **Special Committee of the Whole**  
3

4 January 16, 2018  
5  
6

7 **CALL TO ORDER**  
8

9 Council Member Barry Buchanan called the meeting to order at 6:00 p.m. in the  
10 Council Chambers, 311 Grand Avenue, Bellingham, Washington.  
11

12  
13 **ROLL CALL**  
14

15 **Present:** Barbara Brenner, Tyler Byrd, Satpal Sidhu, Todd Donovan, Rud  
16 Browne and Barry Buchanan.

17 **Absent:** None.  
18  
19

20 **SPECIAL ORDER OF BUSINESS**  
21

22 **1. ANNUAL REORGANIZATION OF THE WHATCOM COUNTY COUNCIL (AB2018-**  
23 **021)**  
24

25 Council Chair  
26

27 Brenner nominated Brenner.  
28

29 Sidhu nominated Browne.  
30

31 Browne was appointed by the following vote:

32 **Browne:** Sidhu, Browne, Buchanan, and Donovan (4)

33 **Brenner:** Brenner and Byrd (2)  
34

35 Council Vice-Chair  
36

37 Brenner *moved* to nominate and appoint Donovan.  
38

39 The motion to appoint carried by the following vote:

40 **Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

41 **Nays:** None (0)  
42

43 Executive Pro-Tempore  
44

45 Browne *moved* to nominate and appoint Buchanan.  
46  
47

48  
49 The motion to appoint carried by the following vote:

50 **Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

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1           **Nays:**     None (0)

2  
3 Council Criminal Justice and Public Safety Committee

4  
5           Browne *moved* to nominate and appoint Buchanan, Byrd, and Sidhu.

6  
7           The motion to appoint carried by the following vote:

8           **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

9           **Nays:**     None (0)

10  
11 Council Finance and Administrative Services Committee

12  
13          Browne *moved* to nominate and appoint Browne, Byrd, and Sidhu.

14  
15          The motion to appoint carried by the following vote:

16          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

17          **Nays:**     None (0)

18  
19 Council Planning and Development Committee

20  
21          Browne *moved* to nominate and appoint Brenner, Byrd, and Donovan.

22  
23          The motion to appoint carried by the following vote:

24          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

25          **Nays:**     None (0)

26  
27 Council Public Works and Health Committee

28  
29          Browne *moved* to nominate and appoint Brenner and Buchanan.

30  
31          Councilmembers discussed leaving open positions on the committees and advisory  
32 committees for the not-yet-appointed new councilmember.

33  
34          The motion to appoint carried by the following vote:

35          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

36          **Nays:**     None (0)

37  
38 Council Natural Resources Committee

39  
40          Browne *moved* to nominate and appoint Donovan and Sidhu.

41  
42          The motion to appoint carried by the following vote:

43          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

44          **Nays:**     None (0)

45  
46 Natural Resources Committee member to serve on the Lake Whatcom Policy Group.

47  
48          Browne *moved* to nominate and appoint Donovan.

49  
50          The motion to appoint carried by the following vote:

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1           **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

2           **Nays:**     None (0)

3  
4           Behavioral Health Advisory Committee

5  
6           Browne *moved* to nominate and appoint Brenner.

7  
8           The motion to appoint carried by the following vote:

9           **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

10          **Nays:**     None (0)

11  
12          Bellingham International Airport Advisory Committee

13  
14          Browne *moved* to nominate and appoint Byrd.

15  
16          The motion to appoint carried by the following vote:

17          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

18          **Nays:**     None (0)

19  
20          Bellingham/Whatcom Chamber of Commerce and Industry

21  
22          Browne *moved* to nominate and appoint Sidhu.

23  
24          The motion to appoint carried by the following vote:

25          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

26          **Nays:**     None (0)

27  
28          Birch Bay Shellfish Protection District Advisory Committee

29  
30          Browne *moved* to nominate and appoint Donovan.

31  
32          The motion to appoint carried by the following vote:

33          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

34          **Nays:**     None (0)

35  
36          Council of Governments (COG)

37  
38          Browne *moved* to nominate and appoint Donovan and Sidhu.

39  
40          The motion to appoint carried by the following vote:

41          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

42          **Nays:**     None (0)

43  
44          Council of Governments (COG) Executive Board and Transportation Policy Board

45  
46          Browne *moved* to nominate and appoint Sidhu.

47  
48  
49  
50          The motion to appoint carried by the following vote:

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1           **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

2           **Nays:**     None (0)

3  
4           Developmental Disabilities Board

5  
6           There were no nominations to this Board.

7  
8           Drayton Harbor Shellfish Protection District

9  
10          Browne *moved* to nominate and appoint Donovan.

11          The motion to appoint carried by the following vote:

12          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

13          **Nays:**     None (0)

14  
15  
16          EMS Oversight Board Representative

17  
18          Browne *moved* to nominate and appoint Buchanan.

19          The motion to appoint carried by the following vote:

20          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

21          **Nays:**     None (0)

22  
23  
24          EMS Oversight Board Alternate Representative

25  
26          Browne *moved* to nominate and appoint Byrd.

27          The motion to appoint carried by the following vote:

28          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

29          **Nays:**     None (0)

30  
31  
32          Flood Control Zone Committee (Ex Officio)

33  
34          Browne *moved* to nominate and appoint Browne.

35          The motion to appoint carried by the following vote:

36          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

37          **Nays:**     None (0)

38  
39  
40          Incarceration Prevention and Reduction Task Force

41  
42          Browne *moved* to nominate and appoint Donovan.

43          The motion to appoint carried by the following vote:

44          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

45          **Nays:**     None (0)

46  
47  
48          Intergovernmental Tribal Relations Committee

49  
50          Browne *moved* to nominate and appoint Buchanan.



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The motion to appoint carried by the following vote:  
**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
**Nays:** None (0)

LEOFF Board

Browne *moved* to nominate and appoint Buchanan.

The motion to appoint carried by the following vote:  
**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
**Nays:** None (0)

Reserve Officers Board of Trustees

Browne *moved* to nominate and appoint Brenner and Sidhu.

The motion to appoint carried by the following vote:  
**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
**Nays:** None (0)

Local Emergency Planning Committee (LEPC)

Browne *moved* to nominate and appoint Byrd.

The motion to appoint carried by the following vote:  
**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
**Nays:** None (0)

Lummi Island Ferry Advisory Committee

Browne *moved* to nominate and appoint Donovan.

The motion to appoint carried by the following vote:  
**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
**Nays:** None (0)

Lummi Island Ferry Advisory Committee Alternates

There were no nominations to this Board.

Marine Resources Committee

Browne *moved* to nominate and appoint Donovan.

The motion to appoint carried by the following vote:  
**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
**Nays:** None (0)

North Sound Behavioral Health Exec. Committee

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Browne *moved* to nominate and appoint Browne.

The motion to appoint carried by the following vote:

**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

**Nays:** None (0)

Northwest Clean Air Agency

Browne *moved* to nominate and appoint Sidhu.

The motion to appoint carried by the following vote:

**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

**Nays:** None (0)

Northwest Regional Council (NWRC)

Browne *moved* to nominate and appoint Byrd.

The motion to appoint carried by the following vote:

**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

**Nays:** None (0)

Opportunity Council

Browne *moved* to nominate and appoint Buchanan.

The motion to appoint carried by the following vote:

**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

**Nays:** None (0)

Portage Bay Shellfish Protection District

Browne *moved* to nominate and appoint Donovan.

The motion to appoint carried by the following vote:

**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

**Nays:** None (0)

Public Defense Advisory

Browne *moved* to nominate and appoint Brenner.

The motion to appoint carried by the following vote:

**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

**Nays:** None (0)

Public Health Advisory Board

Browne *moved* to nominate and appoint Buchanan.

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The motion to appoint carried by the following vote:  
**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
**Nays:** None (0)

Solid Waste Advisory

Browne *moved* to nominate and appoint Brenner.

The motion to appoint carried by the following vote:  
**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
**Nays:** None (0)

WSAC Alternate Board Member

Browne *moved* to nominate and appoint Browne.

Byrd stated he is also very interested in the position, but would like the opportunity to serve next year.

The motion to appoint carried by the following vote:  
**Ayes:** Byrd, Sidhu, Browne, Buchanan, and Donovan (5)  
**Nays:** Brenner (1)

WSAC Legislative Steering Committee

Browne *moved* to nominate and appoint Browne.

The motion to appoint carried by the following vote:  
**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
**Nays:** None (0)

Whatcom Transportation Authority

Browne *moved* to nominate and appoint Sidhu.

The motion to appoint carried by the following vote:  
**Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
**Nays:** None (0)

**OTHER BUSINESS**

Councilmembers discussed the purpose, need for, and potential meeting time for the new Council Committee and whether they need to change the Surface Water Work Sessions to the same week as Council.

- The following staff answered questions:
- Jack Louws, County Executive
  - Tyler Schroeder, Executive's Office



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1 WHATCOM COUNTY COUNCIL  
2 **Regular County Council Meeting**  
3

4 January 16, 2018  
5

6 **CALL TO ORDER**  
7

8 Councilmember Barry Buchanan called the meeting to order at 7:00 p.m. in the  
9 Council Chambers, 311 Grand Avenue, Bellingham, Washington.  
10

11  
12 **ROLL CALL**  
13

14  
15 **Present:** Barbara Brenner, Tyler Byrd, Satpal Sidhu, Todd Donovan, Rud  
16 Browne and Barry Buchanan.

17 **Absent:** None.  
18

19  
20 The motion carried by the following vote:

21 **Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

22 **Nays:** None (0)  
23

24  
25 **FLAG SALUTE**  
26

27  
28 **ANNOUNCEMENTS**  
29

30 Buchanan announced that the Council elected Councilmember Browne as Council  
31 Chair for 2018.  
32

33 *(Clerk's Note: Browne assumed his role as Chair for the remainder of the meeting.)*  
34  
35

36 **SPECIAL ORDER OF BUSINESS**  
37

38 **1. STATEMENTS BY APPLICANTS NOMINATED TO FILL VACANT AT-LARGE (B)**  
39 **POSITION ON THE COUNTY COUNCIL (AB2017-389A)**  
40

41 Timothy Ballew II spoke and answered questions on whether he intends to become a  
42 candidate for the position at the end of the year, his priority in the event of potential  
43 conflicts of interest between the County Council and the Lummi Nation, and the time  
44 demands of councilmembers who are also business owners.  
45

46 Patricia Dunn spoke and answered questions on handling potential conflicts of  
47 interest that may arise, her familiarity with the County budget, whether she intends to  
48 become a candidate for the position at the end of the year, and why she would be more  
49 qualified than past councilmembers.  
50

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1 Seth Fleetwood spoke.  
 2  
 3 Carol Frazey spoke.  
 4  
 5 Cliff Langley spoke and answered questions about potential conflicts of interest that  
 6 may arise.  
 7

8 Natalie McClendon spoke and answered questions on whether she intends to become  
 9 a candidate for councilmember in the future and about her experience on the Planning  
 10 Commission.  
 11

12 Alicia Rule spoke and answered questions on whether she will need to resign her  
 13 position on the Blaine City Council.  
 14

15 **2. APPOINTMENT TO FILL VACANT AT-LARGE (B) POSITION ON THE COUNTY**  
 16 **COUNCIL (AB2017-389A)**  
 17

18 *Sidhu moved* that each councilmember would nominate one or two people. The  
 19 two people receiving the most nominations would advance to the roll call vote.  
 20

21 The motion was seconded.  
 22

23 The motion carried by the following vote:

24 **Ayes:** Byrd, Sidhu, Browne, Buchanan, and Donovan (5)

25 **Nays:** None (0)

26 **Abstains:** Brenner (1)  
 27

28 Councilmembers discussed the qualifications of the applicants and potential conflicts  
 29 of interest, and voted to nominate two people:  
 30

**Nomination Tally Sheet**

NAME						TOTAL
Timothy	<b>Ballew II</b>	Browne	Donovan	Buchanan	Sidhu	4
Patricia	<b>Dunn</b>	Byrd	Brenner			2
Seth	<b>Fleetwood</b>	Byrd	Donovan	Buchanan		3
Carol	<b>Frazey</b>					-
Cliff	<b>Langley</b>	Brenner				1
Natalie	<b>McClendon</b>	Sidhu				1
Alicia	<b>Rule</b>					-

31 *Sidhu moved* to appoint Tim Ballew II to the vacant County Council position as At-  
 32 Large(B) representative.  
 33

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1  
2 The motion was seconded.  
3

4 The motion carried by the following vote:

5 **Ayes:** Brenner, Sidhu, Browne, Buchanan, and Donovan (5)

6 **Nays:** Byrd (1)  
7

8 Browne thanked everyone who applied.  
9

10  
11 **OPEN SESSION**  
12

13 The following people spoke:

- 14 • Jim Peterson, Homes Now Not Later President, spoke about housing the
- 15 homeless in Whatcom County.
- 16 • Doug (*no last name given*), Homes Now Not Later Co-Founder, spoke about
- 17 housing the homeless in Whatcom County.
- 18 • Paula Smith spoke about housing the homeless in Whatcom County.
- 19 • John Jollie spoke about housing the homeless in Whatcom County.
- 20 • Simon Grant spoke about the need for homeless services in Whatcom County.
- 21 • Hillary Cole spoke about the need for homeless services in Whatcom County.
- 22 • Joseph Dow spoke about Christianity.
- 23 • David Morris spoke about the need for homeless services in Whatcom County.
- 24 • Josh Bowman spoke about the need for homeless services in Whatcom
- 25 County.
- 26 • Amy Glasser spoke about the need for homeless services in Bellingham and
- 27 Whatcom County and answered councilmember questions about moveable
- 28 service buildings, building codes for homeless units, and finding property for a
- 29 homeless camp.
- 30 • Irene Morgan spoke about the different criteria used in the homeless point-in-
- 31 time count.
- 32 • Joy Gilfilen, Restorative Community Coalition President, submitted a handout
- 33 (*on file*) and spoke about incarceration issues and causes of homelessness
- 34 from abuse and trauma.
- 35 • Candace Wilson spoke about the selection of Tim Ballew II to the vacant
- 36 councilmember position.
- 37 • Mark Pearson spoke about including the homeless in developing solutions to
- 38 homeless issues.  
39

40 **Byrd** thanked the speakers for their advocacy on the homelessness topic. He  
41 **moved** to invite Mr. Ballew to participate in discussion of the issues with the  
42 councilmembers for the remainder of the meeting.  
43

44 The motion was seconded.  
45

46 The motion carried by the following vote:

47 **Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

48 **Nays:** None (0)  
49  
50

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1 **OTHER ITEMS**  
2

- 3 1. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
4 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND PACIFIC**  
5 **NORTHWEST GUARDIAN AD LITEM, LLC FOR THE PROVISION OF GUARDIAN**  
6 **AD LITEM SERVICES FOR YOUTH SUBJECT TO DEPENDENCIES IN WHATCOM**  
7 **COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$95.23 PER CASE, NOT TO**  
8 **EXCEED \$80,000 (AB2018-031)**  
9

10 *Buchanan moved* to approve the request.

11 The motion was seconded.  
12

13  
14 Dave Reynolds, Superior Court Administrator, answered questions about  
15 transitioning to the Court-Appointed Special Advocate (CASA) program.  
16

17 The motion carried by the following vote:

18 **Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

19 **Nays:** None (0)  
20

- 21 2. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
22 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND WASHINGTON**  
23 **STATE UNIVERSITY TO CONTINUE THE SHARED AGENT COSTS FOR THE WSU**  
24 **WHATCOM COUNTY EXTENSION FOR 2018, IN THE AMOUNT OF \$196,540,**  
25 **FOR A TOTAL AMENDED AMOUNT OF \$1,783,325.90 (AB2018-032)**  
26

27 *Brenner moved* to approve the request.

28 The motion was seconded.  
29

30 Brenner asked for a future presentation from the Whatcom County Extension Office.  
31

32 The motion carried by the following vote:

33 **Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

34 **Nays:** None (0)  
35

- 36  
37 3. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
38 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND THE**  
39 **OPPORTUNITY COUNCIL TO FUND ONE FULL-TIME PROFESSIONAL ON THE**  
40 **OPPORTUNITY COUNCIL'S HOMELESS OUTREACH TEAM, ADDING**  
41 **OPIATE/SUBSTANCE USE DISORDER (O/SUD) SERVICES TO CONTACT AND**  
42 **ACT AS CARE COORDINATOR FOR INDIVIDUALS WHO ARE READY TO**  
43 **ENGAGE IN TREATMENT AND PROVIDE SUPPORT SERVICES TO PEOPLE**  
44 **WITH OPIATE AND SUBSTANCE USE DISORDERS WHO REQUIRE A**  
45 **LENGTHIER ENGAGEMENT PROCESS, IN THE AMOUNT OF \$112,227, FOR A**  
46 **TOTAL AMENDED CONTRACT AMOUNT OF \$163,227 (AB2018-033)**  
47

48 *Brenner moved* to approve the request.

49 The motion was seconded.  
50



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1  
2 Perry Mowery, Health Department, answered questions on the newly-hired  
3 individual.

4  
5 The motion carried by the following vote:

6 **Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

7 **Nays:** None (0)

- 8  
9 **4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
10 **CONTRACT BETWEEN WHATCOM COUNTY AND COMPASS HEALTH TO FUND A**  
11 **COMMUNITY OUTREACH AND RECOVERY SUPPORT (CORS) TEAM TO**  
12 **PROVIDE SUPPORT TO INDIVIDUALS WHO EXPERIENCE MENTAL ILLNESS**  
13 **THAT DRAMATICALLY LIMITS THEIR ABILITY TO ACQUIRE AND/OR RETAIN**  
14 **STABLE HOUSING AND ACCESS BASIC RESOURCES FOR DAILY LIVING, IN**  
15 **THE AMOUNT OF \$41,585 (AB2018-034)**

16  
17 *Brenner moved* to approve the request.

18  
19 The motion was seconded.

20  
21 The motion carried by the following vote:

22 **Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

23 **Nays:** None (0)

- 24  
25 **5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**  
26 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND ISLAND**  
27 **COUNTY TO PROVIDE FUNDING FOR THE ISLAND COUNTY HEALTH**  
28 **DEPARTMENT TO SUPPORT THEIR PARTICIPATION IN PLANNING AND**  
29 **IMPLEMENTING REGIONAL YOUTH MARIJUANA PREVENTION STRATEGIES**  
30 **AND ACTIVITIES, IN THE AMOUNT OF \$18,330 (AB2018-035)**

31  
32 *Sidhu moved* to approve the request.

33  
34 The motion was seconded.

35  
36 Perry Mowery, Health Department, answered questions about funding sources and  
37 Whatcom County acting as lead county in the region.

38  
39 The motion carried by the following vote:

40 **Ayes:** Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

41 **Nays:** None (0)

- 42  
43 **6. APPROVAL OF SPECIAL STANDING COUNCIL MEETING DATES FOR 2018**  
44 **(AB2018-027)**

45  
46 *Buchanan moved* to approve the schedule.

47  
48 The motion was seconded.

49  
50 The motion carried by the following vote:

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1           **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
2           **Nays:**     None (0)  
3  
4

5           **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**  
6

7           **1.     ANNUAL APPOINTMENTS TO COUNCIL-APPOINTED POSITIONS ON CITIZEN**  
8           **BOARDS, COMMISSIONS, AND COMMITTEES (AB2018-029)**  
9

10           Councilmembers discussed the possibility of holding the appointments to the next  
11           meeting on January 30, 2018.

12           ***Sidhu moved*** to hold all appointments in Council to the next meeting on January 30  
13           and allow more people to apply.

14           The motion was seconded.

15           ***Browne suggested a friendly amendment*** to extend the application deadline to  
16           10:00 a.m. on January 23, 2018.

17           ***Sidhu accepted*** the friendly amendment.

18           The motion carried by the following vote:

19           **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
20           **Nays:**     None (0)  
21

22           **EXECUTIVE APPOINTMENTS**  
23

24           **1.     COUNTY EXECUTIVE JACK LOUWS REAPPOINTS SUSAN GRIBBIN FOR A**  
25           **SECOND TERM TO THE WHATCOM COUNTY HOUSING AUTHORITY BOARD OF**  
26           **COMMISSIONERS, CONCURRENT WITH THE CITY OF BELLINGHAM MAYOR'S**  
27           **REAPPOINTMENT OF MS. GRIBBIN TO THE BELLINGHAM HOUSING**  
28           **AUTHORITY BOARD OF COMMISSIONERS (AB2018-036)**  
29

30           Tyler Schroeder, Executive's Office, stated this is for information only. Council  
31           confirmation is not necessary.

32           ***Brenner moved*** to confirm the reappointment.

33           The motion was seconded.

34           The motion carried by the following vote:

35           **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)  
36           **Nays:**     None (0)  
37

38           **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**  
39

40           **2.     ANNUAL APPOINTMENTS TO FLOOD CONTROL ZONE DISTRICT ADVISORY**  
41           **COMMITTEE, AND FLOOD CONTROL SUB-ZONES ADVISORY COMMITTEE**  
42

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1           (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE  
2           DISTRICT BOARD OF SUPERVISORS) (AB2018-030)  
3

4           *Sidhu moved* to hold all appointments in Council to the next meeting on January 30  
5 and to extend the application deadline to 10:00 a.m. on January 23, 2018.  
6

7           The motion was seconded.  
8

9           The motion carried by the following vote:

10          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

11          **Nays:**     None (0)  
12  
13

14          **INTRODUCTION ITEMS**  
15

16          *Brenner moved* to accept Introduction Items one through six, including the  
17 substitute for item six.  
18

19          The motion was seconded.  
20

21          The motion carried by the following vote:

22          **Ayes:**     Brenner, Byrd, Sidhu, Browne, Buchanan, and Donovan (6)

23          **Nays:**     None (0)  
24

- 25          1.       **RECEIPT OF AN APPEAL OF THE HEARING EXAMINER'S DECISION ON FILE**  
26               **NO. CUP2015-0003, FILED BY JERRY PATE, REGARDING A PROPOSED NEW**  
27               **WIRELESS COMMUNICATIONS FACILITY WHICH INCLUDES A 150 FOOT**  
28               **TALL STEEL MONOPOLE, WITH AN INITIAL ANTENNA ARRAY CONSISTING**  
29               **OF TWELVE PANEL ANTENNAS AND ONE SIX FOOT WIDE MICROWAVE DISH**  
30               **ANTENNA (AB2017-355)**  
31
- 32          2.       **RECEIPT OF COMPLETED APPLICATIONS FOR NEWLY ESTABLISHED**  
33               **CLIMATE IMPACT ADVISORY COMMITTEE (COUNCIL SCHEDULED TO**  
34               **APPOINT COMMITTEE MEMBERS ON JANUARY 30, 2018) (AB2018-028)**  
35
- 36          3.       **ORDINANCE AMENDING THE 2018 WHATCOM COUNTY BUDGET, THIRD**  
37               **REQUEST, IN THE AMOUNT OF \$1,888,113 (AB2018-037)**  
38
- 39          4.       **ORDINANCE APPROVING THE FIRST AMENDMENT TO PROJECT BUDGET NO.**  
40               **2 (JAIL IMPROVEMENT FUND) OF THE 2011 BUDGET (AS ESTABLISHED**  
41               **THROUGH ORDINANCE 2011-031) TO ADD \$350,000 OF EXPENDITURE**  
42               **AUTHORITY, FOR A TOTAL AMENDED PROJECT BUDGET AMOUNT OF**  
43               **\$3,467,700 (AB2018-038)**  
44
- 45          5.       **ORDINANCE INCREASING TREASURER PETTY CASH FUND (AB2018-039)**  
46
- 47          6.       **RESOLUTION CLARIFYING 2018 PROPERTY TAX LEVY ORDINANCES**  
48               **(AB2018-040)**  
49  
50

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1 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

2  
3 Buchanan and Browne reported for the Special Committee of the Whole on the  
4 annual Council reorganization, committee assignments, and the new alternating schedule  
5 for the Public Works and Health Committee and the new Criminal Justice and Public Safety  
6 Committee.

7  
8 Buchanan gave an update on the Homeless Strategies Workgroup.

9  
10 Councilmembers discussed homeless housing site selection, development, and use  
11 and scheduling a discussion with the Planning staff on barriers in the County code regarding  
12 homeless housing.

13  
14 Councilmembers gave updates on recent activities and upcoming events.

15  
16 Tyler Schroeder, Administrative Services Department, answered questions about a  
17 citizen who is having flooding problems.

18  
19  
20 **ADJOURN**

21  
22 The meeting adjourned at 9:20 p.m.

23  
24 The County Council approved these minutes on \_\_\_\_\_, 2018.

25  
26  
27 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

28  
29  
30  
31  
32 \_\_\_\_\_  
33 Dana Brown-Davis, Council Clerk

\_\_\_\_\_

Rud Browne, Council Chair

34  
35  
36  
37 \_\_\_\_\_  
38 Jill Nixon, Minutes Transcription

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Whatcom County Council  
**Surface Water Work Session**

January 23, 2018

**CALL TO ORDER**

Council Chair Rud Browne called the meeting to order at 10:30 a.m. in the Civic Center Garden Level Conference Room, 322 Commercial Avenue, Bellingham, Washington.

**ROLL CALL**

**Present:** Tim Ballew, Barbara Brenner, Rud Browne, Tyler Byrd, Todd Donovan, and Satpal Sidhu.

**Absent:** Barry Buchanan

**SURFACE WATER WORK SESSION (AB2018-024)**

**2. BIRCH BAY SHELLFISH BED UPGRADE**

Erika Douglas, Public Works Department, reported on the pollution identification and correction (PIC) program and the State Department of Health review of shellfish beds in Birch Bay. The State upgraded 129 acres of shellfish beds. At the north end of Lummi Bay, the area will soon be identified as threatened near the mouth of Jordan Creek. They are beginning pollution identification and correction work in the Jordan Creek watershed.

**1. WATER PLANNING UPDATE**

Gary Stoyka, Public Works Department, submitted and read through a handout of the 2016 Interlocal Agreement flow chart (*on file, item 1*). He answered questions on the role of the Ag Water Board and the watershed improvement districts (WIDs) and the State law regarding the Planning Unit.

Linda Twitchell, Building Industry Association, spoke about the new State legislation Engrossed Senate Substitute Bill (ESSB) 6091.

Stoyka submitted a handout on the flow chart of water-related efforts in Whatcom County (*on file, item 2*) and stated ESSB 6091 changes the flowchart only slightly. He submitted a handout of the County Executive's summary of the Passage of Hirst Legislation - Whatcom County Highlights (*on file, item 3*) and stated the administration is implementing the new legislation.

Jack Louws, County Executive, reported on the State legislature's adoption of ESSB 6091 and described the emergency interim ordinance that will be presented for Council consideration at its meeting on January 30 to replace past ordinances and will allow the County to begin accepting exempt well applications the following day. It will also allow the Planning Commission to begin working on Code amendments to comply with the legislation. He answered councilmembers' questions.

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1  
2 The following staff also answered questions:

- 3 • Tyler Schroeder, Executive's Office  
4 • Karen Frakes, Prosecutor's Office  
5

6 Staff and councilmembers discussed getting into compliance with the Growth  
7 Management Hearings Board, restarting the application process, whether people whose  
8 applications were put on hold will receive priority attention from staff, the two options for  
9 restarting the application process, and what happens if the County doesn't have a  
10 watershed plan done by February 2019.  
11

12 Louws described the requirements to update the local watershed plan by February  
13 2019 and described the administration's commitment to put together the mitigation  
14 strategy.  
15

16 Staff and councilmembers continued to discuss whether the County can set more  
17 restrictive regulations than the State legislation requires, being in compliance with State  
18 law, getting Council consensus sooner rather than later, using this opportunity to solve  
19 other problems in addition to the exempt well requirements, whether the County could  
20 require water metering, and whether or not the Council should have an executive session  
21 with legal counsel to discuss items of potential litigation.  
22

23 The Council concurred that Ms. Frakes would prepare a confidential memo  
24 summarizing the issues to Council in lieu of an executive session at this time.  
25

26 Stoyka submitted a handout on ESSB 6091 - Update Watershed Plan through RCW  
27 90.82 (on file, item 4) and answered questions on whether State funding can be used to  
28 acquire water rights. The goal is consensus of the Planning Unit on the watershed plan. If  
29 the Planning Unit does not achieve consensus, the legislation requires unanimous approval  
30 from the governmental units and a majority approval of the non-governmental caucuses.  
31 Once approved, it will go to the initiating governments for approval, then to County Council  
32 for approval, then to the State Department of Ecology for approval. They will include a  
33 representative from the Department of Ecology and both tribes early in the process.  
34

35 Staff and councilmembers discussed conflicts of interest among the initiating  
36 governments and convening technical work groups.  
37

38 Stoyka submitted a handout of a memorandum to the County Council from Public  
39 Works Director Jon Hutchings dated August 23, 2017 regarding the recommendations to the  
40 County to Improve Water Resources Management (*on file, item 5*) and stated there is much  
41 work that has already been done.  
42

43 Larry Helm, Planning Unit Water Association Caucus, spoke about the history of the  
44 water resources inventory area (WRIA) structure and making sure the stakeholders remain  
45 included in the process.  
46

47 Staff and councilmembers discussed the Planning Unit membership, meeting  
48 schedule, and resources and hiring a hydrogeologist to support the process.  
49

50 **3. PLANNING UNIT PRESENTATION**

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1  
2 Linda Twitchell, Planning Unit Member, spoke about the requirements of the Open  
3 Public Meetings Act and avoiding executive session discussions whenever possible.  
4

5 Karen Frakes, Prosecutor's Office, answered questions on the purpose of executive  
6 session so she can advise her client as to the risk they're facing if someone files a lawsuit.  
7

8 Ellen Barton stated she would like the Council to announce the purpose of the  
9 executive session.  
10

11 Karen Brown, Planning Unit member, submitted a handout identifying her proxy for  
12 the Planning Unit, Paul Isaacson (*on file, item 6*).  
13

14 Paul Isaacson introduced himself and described his background.  
15

16 Tyler Schroeder, Executive's Office, stated the staff will update the Planning Unit on  
17 the next steps at its meeting tomorrow.  
18

19 **4. PRE-PROPOSAL FOR FLOODPLAINS BY DESIGN**  
20

21 Paula Harris, Public Works Department, described the State's Floodways by Design  
22 program history and background. She submitted and read from a presentation on the  
23 program (*on file, item 7*), answered questions on why State legislators didn't support the  
24 Nooksack project, and described the ideas for each 2019-2021 proposal projects. She  
25 answered questions on protecting the integrity of the Puget Sound battery backup project,  
26 reducing the water pressure on the levees, and the possibility of diverting and storing water  
27 as an alternative to building levees.  
28

29 Gary Stoyka, Public Works Department, described the need to use State funds for  
30 funding levee projects.  
31

32 Dick Whitmore, Planning Unit Member, spoke about coordinating the flood projects  
33 with the watershed plan.  
34

35 Staff and councilmembers discussed natural sedimentation drop and river dredging.  
36  
37

38 **ADJOURN**  
39

40 The meeting adjourned at 12:33 p.m.  
41

42 The Council approved these minutes on \_\_\_\_\_, 2018.  
43

44 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

45  
46  
47  
48  
49 \_\_\_\_\_  
50 Dana Brown-Davis, Council Clerk

\_\_\_\_\_   
Rud Browne, Council Chair