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WHATCOM COUNTY COUNCIL  
**Special Committee Of The Whole**

May 11, 2010

**CALL TO ORDER**

Council Chair Sam Crawford called the meeting to order at 1:00 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

**ROLL CALL**

**Present:** Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Ken Mann, L. Ward Nelson and Carl Weimer  
**Absent:** None

**COMMITTEE DISCUSSION**

1. **DISCUSSION OF A DRAFT ORDINANCE AMENDING ORDINANCE 2009-071, THE OFFICIAL WHATCOM COUNTY ZONING MAP, AND COUNTY COMPREHENSIVE PLAN AND MAPS, TO IMPLEMENT CHANGES RELATED TO COMPLETION OF THE 10-YEAR REVIEW OF THE URBAN GROWTH AREAS REQUIRED UNDER THE GROWTH MANAGEMENT ACT, SPECIFICALLY THE UGAS OF BIRCH BAY, FERNDALE, NOOKSACK AND SUMAS (AB2010-054C)**  
*(1:02:04 PM)*

Crawford stated the State Department of Commerce needs 60 days to review this ordinance. The option is to introduce this tonight and hold a hearing in two weeks or to wait until July to have the hearing. He prefers the second option. The ordinance as presented looks like what they've talked about.

David Stalheim, Planning and Development Services Department Director, gave a staff report. If the Council approves of this ordinance, he can send it to the State Department of Commerce tomorrow to begin the 60-day clock. He described the changes staff made to the ordinance and submitted a handout (*on file*).

Discussion included why there were no changes to the County's population projections; adding acreage only after acreage was removed in November; when to hold a hearing; how they can change the population forecasts to get the result they want; the effects on people of restricting growth in the urban areas; the City of Bellingham regulation to prepare a proposal for a population projection, and; other appellants that are still in settlement, and; asking the Hearings Board for an extension.

**Crawford** asked if this is the ordinance that the majority of the Council wants to introduce. The councilmembers generally agree that there are no glaring differences between what the Council approved and what the staff prepared. Wait until July, after the Department of Commerce reviews it, to schedule a public hearing. They seem to have consensus to introduce the ordinance tonight, with the exception of general concerns by some councilmembers that this is not an appropriate action. *(1:24:28 PM)* They will introduce this ordinance at the evening meeting. The public hearing will be after the State

1 Department of Commerce review period closes, in July. He ***moved*** to have a public hearing  
2 on the ordinance on July 13, after the State Department of Commerce review period.

3  
4 The motion carried by the following vote:

5 **Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner and Nelson (6)

6 **Nays:** Weimer (1)

7  
8 **2. DISCUSSION REGARDING THE PROPOSED ORDINANCE AMENDING**  
9 **WHATCOM COUNTY CODE 2.02, COUNTY COUNCIL (AB2010-143A)**

10  
11 2.02.030

12  
13 ***Brenner moved*** to amend 2.02.030, as a new item that shall become subsection B,  
14 and renumber the remaining items, "**B. A nominated councilmember shall be allowed to vote**  
15 **for other nominees**

16  
17 ***Nelson suggested a friendly amendment*** to add language at the end of the  
18 subsection, "...other nominees **as long as there are no conflicts of interest.**"

19  
20 ***Brenner did not accept*** the friendly amendment. That is already in the law in  
21 another part of the County Code.

22  
23 Mann stated he originally brought it up that this wouldn't be allowed. Then they had  
24 the Ethics Commission hearing, which ruled that it's okay. A majority of the Council  
25 indicated it's okay for another councilmember to vote on other nominees. (1:34:30 PM) He  
26 will vote to go along with this. It's more helpful to have clarity and as much agreement as  
27 possible on this. They've debated the issue enough. He's happy to acquiesce and lend his  
28 support.

29  
30 The motion carried by the following vote:

31 **Ayes:** Brenner, Mann, Crawford, Kershner and Nelson (5)

32 **Nays:** Weimer (1)

33 **Absent:** Knutzen (out of the room) (1)

34  
35 2.02.030(B)

36  
37 There was discussion on how they define quorum and majority, and if there is a  
38 difference in the County Code; what would happen if the Council permanently loses four or  
39 five councilmembers; whether proposed language conflicts with the Charter, and; how long  
40 to allow the Executive time to make an appointment to a Council vacancy.

41  
42 ***Brenner moved*** to amend 2.02.030(B), "**BC**. If at any time, by virtue of vacancies  
43 on the council, the membership of the council is reduced below that ~~normally~~ required to  
44 constitute a quorum, the council may nevertheless fill the vacancies by an affirmative roll  
45 call vote by a majority of the entire remaining council."

46  
47 ***Crawford suggested a friendly amendment*** to include the old item (C) as item  
48 (D).

49  
50 ***Brenner accepted*** the friendly amendment, ***amended her motion, and moved*** to  
51 amend 2.02.030(B), "**BC**. If at any time, by virtue of vacancies on the council, the  
52 membership of the council is reduced below that ~~normally~~ required to constitute a quorum

1 (four members), the council may nevertheless fill the vacancies by an affirmative roll call  
2 vote by a majority of the entire remaining council. €D. If a council vacancy...of the council.”  
3

4 **Weimer suggested a friendly amendment** to deal with item 2.02.030(D)  
5 separately.  
6

7 **Brenner accepted** the friendly amendment.  
8

9 **Crawford restated the motion** to amend 2.02.030(B), “BC. If at any time, by  
10 virtue of vacancies on the council, the membership of the council is reduced below that  
11 normally required to constitute a quorum (four members), the council may nevertheless fill  
12 the vacancies by an affirmative roll call vote by a majority of the entire remaining council.”  
13

14 The motion carried by the following vote:

15 **Ayes:** Brenner, Crawford, Knutzen, Kershner and Weimer (5)

16 **Nays:** Mann and Nelson (2)  
17

18 **Weimer moved** to amend 2.02.030(C), “€D. If a council vacancy remains unfilled  
19 for a period of 30 days because of the inability of the council to make the appointment, the  
20 vacancy shall be filled within 10 days by the county executive from among those persons  
21 nominated by the members of the council.”  
22

23 **Kershner suggested a friendly amendment** to allow the executive 30 days to  
24 make an appointment.  
25

26 **Weimer amended his motion** to allow the executive until 45 days after the  
27 vacancy, “€D. If a council vacancy remains unfilled for a period of 30 days because of the  
28 inability of the council to make the appointment, the vacancy shall be filled within 15  
29 additional days by the county executive from among those persons nominated by the  
30 members of the council.”  
31

32 Brenner stated that this is not enough time for the Executive to interview all  
33 applicants if there are as many as they just got.  
34

35 The motion carried by the following vote:

36 **Ayes:** Mann, Crawford, Knutzen and Weimer (4)

37 **Nays:** Brenner, Kershner and Nelson (3)  
38

#### 39 2.02.040

40  
41 **Crawford moved** to amend 2.02.040(A), “...council and its committees shall....”  
42

43 The motion carried by the following vote:

44 **Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Nelson and Weimer (7)

45 **Nays:** None (0)  
46

47 Discussion included section 2.02.040(F) and a potential amendment to allow  
48 conducting business with fewer than four members of the council; whether it goes too far,  
49 and; whether adding any language adds clarity.  
50

51 **Knutzen moved** to amend 2.02.040(L), “~~When addressing the council~~ During an  
52 open session....”  
53

1 The motion carried by the following vote:

2 **Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Nelson and Weimer (7)

3 **Nays:** None (0)

4  
5 **Knutzen moved** to amend 2.02.040(N), "...boisterous while ~~addressing the council~~  
6 attending a council or council committee meeting may be requested...before the council  
7 during that council meeting."

8  
9 Nelson stated he has an amendment to (N) also.

10  
11 **Knutzen withdrew** his motion.

12  
13 **Nelson moved** to amend (N), "...during that council meeting. Placards and/or signs  
14 shall not be allowed in the Council Chambers." It allows greater flexibility of freedom of  
15 speech so everyone feels comfortable and they have a fair hearing. This is not a football  
16 game, but a serious venue to listen to all opinions.

17  
18 Dana Brown-Davis, Clerk of the Council, stated that may be done through an  
19 executive order.

20  
21 Crawford stated they will come back to Councilmember Nelson's motion.

22  
23 2.02.060

24  
25 **Crawford moved** to amend 2.02.060(A), "A. Any council member...."

26  
27 The motion carried by the following vote:

28 **Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Nelson and Weimer (7)

29 **Nays:** None (0)

30  
31 **Brenner moved** to delete 2.02.060(E) and renumber the remaining items.

32  
33 The motion carried by the following vote:

34 **Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Nelson and Weimer (7)

35 **Nays:** None (0)

36  
37 **Mann moved** to amend 2.02.060(HG), "...is not debatable, and ~~requires a two-thirds~~  
38 affirmative vote of the council requires an affirmative vote by two-thirds of the  
39 councilmembers in attendance. The motion to close debate...."

40  
41 Brenner stated the super-majority should not be able to stifle the minority.

42  
43 The motion carried by the following vote:

44 **Ayes:** Mann, Crawford, Kershner, Nelson and Weimer (5)

45 **Nays:** Brenner (1)

46 **Absent:** Knutzen (out of the room) (1)

47  
48 2.02.065

49  
50 **Crawford moved** to amend 2.02.065(C), "C. The chair shall preserve order and is  
51 responsible for controlling and expediting debate. ~~Any member who fails or refuses...vote of~~  
52 the entire council."

1 The motion carried by the following vote:

2 **Ayes:** Brenner, Mann, Crawford, Kershner, Nelson and Weimer (6)

3 **Nays:** None (0)

4 **Absent:** Knutzen (out of the room) (1)

5  
6 2.02.070

7  
8 **Mann moved** to amend 2.02.070(A), "At its first committee of the whole or regular  
9 council meeting in January, the council shall schedule its annual reorganization. At this  
10 meeting, the council shall ~~elect by roll call vote of a majority of the full council~~ **elect the**  
11 **chair, vice-chair, the executive pro tempore and the members of all standing committees,**  
12 **each by an affirmative roll-call vote by a majority of the entire council, or by general**  
13 **consent when applicable.** Prior to each...."

14  
15 The motion carried by the following vote:

16 **Ayes:** Brenner, Mann, Crawford, Kershner, Nelson and Weimer (6)

17 **Nays:** None (0)

18 **Absent:** Knutzen (out of the room) (1)

19  
20 2.02.080

21  
22 **Mann moved** to amend 2.02.080(A), "...to be determined ~~by majority roll call vote~~  
23 ~~of the council~~ **by an affirmative vote by a majority of the entire council.** The committee  
24 members...."

25  
26 **Kershner suggested a friendly amendment,** "...to be determined ~~by majority roll-~~  
27 ~~call vote of the council~~ **by an affirmative roll call vote of the entire council.** The committee  
28 members...."

29  
30 **Mann accepted** the friendly amendment.

31  
32 The motion carried by the following vote:

33 **Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Nelson and Weimer (7)

34 **Nays:** None (0)

35  
36 2.02.040

37  
38 **Nelson moved** to amend to add a new 2.02.040(N) and renumber the next item,  
39 "N. Placards and/or signs shall not be allowed in the Council Chambers without consent of  
40 the Chair. **NO.** Any person making personal...."

41  
42 There was discussion about freedom of speech and creating an environment in the  
43 Chambers that doesn't intimidate anyone from speaking.

44  
45 **Kershner suggested a friendly amendment,** "N. Placards, ~~and/or~~ signs,  
46 **applause, or other distractions shall not be allowed in the Council Chambers without the**  
47 **consent of the Chair. NO.** Any person making personal...."

48  
49 **Nelson accepted** the friendly amendment.

50  
51 The motion carried by the following vote:

52 **Ayes:** Mann, Crawford, Kershner, Nelson and Weimer (5)

53 **Nays:** None (0)

1           **Abstain:** Brenner and Knutzen (2)

2  
3           **Knutzen moved** to amend (N), "~~NO~~...boisterous while addressing the council  
4 attending a council or council committee meeting may be requested...before the council  
5 during that council meeting."

6  
7           The motion carried by the following vote:

8           **Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Nelson and Weimer (7)

9           **Nays:** None (0)

10  
11 2.02.080

12  
13           **Kershner moved** to reconsider and amend 2.02.080(A), "...to be determined by  
14 majority roll-call vote of the council by an affirmative roll-call vote of the entire council. The  
15 committee members...."

16  
17           The motion carried by the following vote:

18           **Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Nelson and Weimer (7)

19           **Nays:** None (0)

20  
21 2.02.090

22  
23           **Mann moved** to amend 2.02.090 as in the packet, "...committees on which, by law,  
24 members of the legislative body are required to sit shall be determined by majority roll-call  
25 vote of the council—an affirmative vote by a majority of the entire council, or by general  
26 consent when applicable. Councilmembers who are appointed...determined by a majority  
27 roll-call vote of the council an affirmative vote by a majority of the entire council."

28  
29           The motion carried by the following vote:

30           **Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Nelson and Weimer (7)

31           **Nays:** None (0)

32  
33           **Brenner moved** to amend to add language to the end of 2.02.090, "...or by general  
34 consent when applicable."

35  
36           The motion carried by the following vote:

37           **Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Nelson and Weimer (7)

38           **Nays:** None (0)

39  
40 2.02.095

41  
42           **Mann moved** to amend 2.02.095(B), "The council may, by majority vote by an  
43 affirmative roll-call vote by a majority of the entire council, remove any council-appointed  
44 member of a board, commission, or committee."

45  
46           There was discussion about removing committee or board member only if there is a  
47 good cause; consistency with Whatcom County Code (WCC) 2.03.025 (2:53:10 PM); the  
48 purpose of 2.02.095 being about administrative or legislative functions; whether changes  
49 would affect boards or commissions that have administrative or legislative functions, such  
50 as the Planning Commission;

51  
52           Brown-Davis stated she would look into the reason for WCC 2.02.095(B).

1            **Crawford suggested a friendly amendment** to amend the title of 2.02.095,  
2 "...and committees **which exercise administrative or legislative functions.**"

3  
4            **Mann accepted** the friendly amendment.

5  
6            Crawford stated they must answer the question how this affects Planning  
7 Commission appointments at the next Committee of the Whole meeting. Review the  
8 Revised Code of Washington (RCW 36.70.110).

9  
10           **Knutzen moved** to hold this motion in Committee.

11  
12           **The Committee concurred.**

13  
14           Crawford stated they would hold Councilmember Mann's motion to the next meeting.

15  
16 **3. DISCUSSION REGARDING THE PROPOSED ORDINANCE AMENDING**  
17 **WHATCOM COUNTY CODE 2.03, BOARDS AND COMMISSIONS (AB2010-**  
18 **143B)**

19  
20           This Committee did not discuss this item.

21  
22  
23 **OTHER BUSINESS**

24  
25           There was no other business.

26  
27  
28 **ADJOURN**

29  
30           The meeting adjourned at 2:59 p.m.

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Please contact the Council Office to obtain an  
official, signed copy:  
360-676-6690 or council@co.whatcom.wa.us

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

\_\_\_\_\_  
Sam Crawford, Council Chair