

Whatcom County Council

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



Minutes - Final

Tuesday, May 27, 2025

6 PM

Hybrid Meeting - Council Chambers

HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010); AGENDA REVISED 5.22.2025; AGENDA REVISED 5.27.2025

COUNCILMEMBERS

**Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Kaylee Galloway
Jon Scanlon
Mark Stremmler**

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

COUNTY COUNCIL

CALL TO ORDER

Council Chair Kaylee Galloway called the meeting to order at 6:02 p.m. in a hybrid meeting.

ROLL CALL

Present: 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Kaylee Galloway, Jon Scanlon, and Mark Stremler

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

There was no report.

MINUTES CONSENT

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

1. MIN2025-031 Committee of the Whole for May 13, 2025

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

2. MIN2025-032 Regular County Council for May 13, 2025

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

OPEN SESSION

The following people spoke:

- Adam Bellingar
- Dave Chase
- Doug Robertson
- Doug "Yoshe" Revelle

- Daniel Harm
- Helen (last name not stated)
- Jim Shaver
- Parneet Kaur
- Dave Brewin
- Natalie Chavez
- Misty Flowers

Hearing no one else, Galloway closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Donovan reported for the Finance and Administrative Services Committee and ***moved*** to approve Consent Agenda items one through ten.

Byrd requested that they consider Consent Agenda item four (**AB2025-385**) separately.

Elenbaas spoke about AB2025-388 and requested that they get the results of the investigation of the impacts of agricultural tile drains on instream flows.

Councilmembers voted on item numbers 1-3 and 5-10 (see votes on individual items below).

1. AB2025-359 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and DentALL, PLLC to add extra hours for Jail Dental Services in the amount of \$69,000 for a total contract amount of \$320,600

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

2. AB2025-374 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Glyph Language Services, Inc. to provide language interpretation and translation services for various public health programs in the amount of \$48,329 for a total amended contract amount of \$141,329

Donovan reported for the Finance and Administrative Services Committee and moved that the Contract be AUTHORIZED BY CONSENT. The motion

carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

3. AB2025-375 Request authorization for the County Executive to enter into a contract between Whatcom County and The Arc of Whatcom County to provide developmental disabilities information, education, and family support, in the amount of \$203,882

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

4. AB2025-385 Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide behavioral health outreach services, in the amount of \$117,849

THIS ITEM WAS CONSIDERED SEPARATELY BELOW.

5. AB2025-388 Request authorization for the County Executive to enter into a grant amendment between Whatcom County and the State of Washington Department of Ecology to receive funding for WRIA 1 collaborative water supply planning, in the amount of \$214,400, for a total amended amount of \$700,000

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

6. AB2025-389 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Military to rearrange the amounts in the budget categories

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

7. AB2025-390 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and FSi Engineers to provide design and engineering

services for the Parks Headquarters HVAC and tenant improvements in the amount of \$35,442 for a total amended contract amount of \$237,050

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

8. AB2025-391 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Tiger Construction, Ltd. to complete final mechanical, filtration and ventilation improvements for the Plantation Rifle Range HVAC project in the amount of \$226,476.64 for a total amended contract amount of \$1,393,961.06

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

9. AB2025-393 Request authorization for the County Executive to award Bid #25-20 and enter into a contract between Whatcom County and Summit Construction Group, Inc. for HVAC replacement and tenant improvements at the Parks Headquarters, in the amount of \$856,256

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

10. AB2025-394 Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Transportation (WSDOT) to provide materials fabrication, testing and inspection; asphalt mix design and verification; preparation of "Record of Materials" documents; test drilling; and other engineering/geologic/testing services, in the amount of \$100,000

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

CONSENT AGENDA CONSIDERED SEPARATELY

4. AB2025-385 Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide behavioral health outreach services, in the amount of \$117,849

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

Aye: 6 - Buchanan, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 1 - Byrd

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. AB2025-355 Ordinance authorizing interfund loans to finance cash flow for county road fund up to \$4 million for a term not to exceed two years

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

Enactment No: ORD 2025-026

2. AB2025-337 Ordinance amending the 2025 Whatcom County Budget, request no. 5, in the amount of \$1,053,510

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

Aye: 4 - Buchanan, Donovan, Galloway, and Scanlon

Nay: 3 - Byrd, Elenbaas, and Stremler

Enactment No: ORD 2025-027

(From Council Committee of the Whole)

3. AB2025-221 Discussion and motion relating to draft Countywide Planning Policy amendments

Galloway reported for the Committee of the Whole and *moved* that the draft county planning policy amendments be APPROVED AS AMENDED.

Elenbaas discussed the motion and Galloway stated that on approval this evening, the document will be sent to the various city councils for their up or down vote, and then will come back to the Council for a final up or down vote. The Executive's Office would also work with Planning and Development Services to further engage our Tribes throughout the Comprehensive Plan process.

Galloway's motion that the draft countywide planning policy amendments be APPROVED AS AMENDED in committee carried by the following vote:

Aye: 4 - Buchanan, Donovan, Galloway, and Scanlon

Nay: 3 - Byrd, Elenbaas, and Stremmler

Motion approved to approve the countywide planning policies described in Exhibit A (the version recommended by the Planning Commission) as amended in committee.

4. AB2025-264 Ordinance to amend Whatcom County Code Section 3.08.100, Council approval required, to increase the threshold for contracts that require council approval

Galloway reported for the Committee of the Whole and moved that the Ordinance be ADOPTED. The motion carried by the following vote:

Aye: 4 - Buchanan, Donovan, Galloway, and Scanlon

Nay: 3 - Byrd, Elenbaas, and Stremmler

Enactment No: ORD 2025-028

ITEMS ADDED BY REVISION

1. AB2025-400 Request for approval of a letter of support for the Deming Log Show's application to the T-Mobile Hometown Grant Program
- Elenbaas briefed the councilmembers.

Galloway moved and Donovan seconded that the Request for Motion be APPROVED.

Councilmembers discussed that the Deming Log Show built the grounds without any government funds and are seeking more funding through grants that are not government grants, that it shows there are other avenues to support and fund things without taking tax dollars, that people come to the log show from all over the state, and an encouragement to attend this and the Whatcom Women in Timber event.

Galloway's motion that the Request for Motion be APPROVED carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

INTRODUCTION ITEMS

Galloway stated that Introduction item three (**AB2025-378**) has a title revision. The address should read, "3645" rather than "3545." Scanlon stated it is also the substitute version they would be introducing.

Donovan moved to introduce items one through five. The motion was seconded by Elenbaas.

Councilmembers discussed the receipt of item number one (**AB2025-357**) and that the receipt of a document does not require any further action. They discussed that one of the items on the upcoming Special Committee of the Whole meeting on June 3rd will be a potential discussion around their options associated with legal counsel.

Councilmembers voted on the introduction items (see votes on individual items below).

1. AB2025-357 Receipt of Charter Review Commission resolution approved April 24, 2025

Donovan moved and Elenbaas seconded that the Receipt of Document(s) be RECEIVED. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

2. AB2025-372 Appointment to the Solid Waste Advisory Committee, position for a citizen representative with no financial ties to other included sectors, Applicant(s): Andrew Paterson

Donovan moved and Elenbaas seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

3. AB2025-378 Resolution approving the sale of easements on Whatcom County property located at 3645 East McLeod Road to Verizon Wireless

Donovan moved and Elenbaas seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

Enactment No: RES 2025-019

4. AB2025-379 Resolution amending the 2025 Flood Control Zone District and Subzones Budget, request no. 2, in the amount of \$445,550 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

Enactment No: RES 2025-020

5. AB2025-381 Ordinance amending Whatcom County Code Chapter 20.82, Public Utilities, to increase allowable power line voltage to 230 kilovolts in zones currently limited to 115 kilovolts

Donovan moved and Elenbaas seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

Enactment No: ORD 2025-029

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

From Committee of the Whole Executive Session (this action is also noted below on **AB2025-376**):

Donovan moved to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

The motion was seconded by Galloway.

The motion carried by the following vote:

Aye: 7 - Byrd, Donovan, Elenbaas, Galloway, Scanlon, Stremmler, and Buchanan

Nay: 0

Councilmembers gave committee reports.

Kayla Schott-Bresler, Executive's Office, answered whether they could update councilmembers on the status of the Behavioral Health Fund in late June or early July as they get more information on the trend of sales tax revenue. She stated they could present earlier but it depends on how much input Council wants to have into the short-term decisions the Administration is going to make to stabilize the fund.

Scanlon stated he would like to have that update in June then.

Buchanan stated the Behavioral Health Advisory Committee will be doing a prioritization exercise on the fund but that will not be until July 14th. He stated that will be probably the most important meeting that that committee has ever had.

Schott-Bresler stated they are hoping the Behavioral Health Advisory Committee will advise them on long-term strategies to get us out of the structural imbalance, but they let the committee know the Administration may take some measures in the short-term to get through the biennium.

Councilmembers discussed the Salary Commission and that there might be interest among at least one Salary Commission commissioner to bring the body back to do some more work, and that their work should be independent from any of the councilmembers as electeds. Councilmembers discussed the report that came from the commission.

Councilmembers gave updates on recent activities and upcoming events.

Byrd asked a question about fire districts not turning over public records as it relates to a fire and EMS study done by a contractor on the Council's behalf. He stated maybe it is time the Council send them a legal letter and asked what their options are.

Kimberly Thulin, Prosecuting Attorney's Office, stated she thinks a letter was prepared but they decided to have a discussion first. However, since there has been no response, she is happy to review that letter again and it can either come from Council or from herself on behalf of Council. She stated the draft letter makes it clear that requests need to be looked at by the fire districts as public records requests and that they need to comply.

Cathy Halka, Clerk of the Council, stated just for clarity, the Council is requesting that their attorney write a letter to the fire districts to remind them that they are subject to the Public Records Act so it might be good to do a motion.

Byrd moved that they have their legal counsel send a letter on Council's behalf and that of the vendor they have contracted (regarding the fire and EMS study), to any government entity, specifically fire departments, that have not fulfilled the Council's request for public records.

The motion was seconded by Donovan.

Councilmembers, Halka, and Thulin discussed which fire districts Byrd is referring to, that Thulin will inform Council on the status of responses to the letter and whether the request is fulfilled, and that the districts do not get to decide how the information gets delivered (since one district said the consultants need to come to them to get records).

Halka stated, for context, this is related to the Council's contract with Mission Critical to do the fire and EMS study.

The motion carried by the following vote:

Aye: 7 - Donovan, Elenbaas, Galloway, Scanlon, Stremmler, Buchanan, and Byrd

Nay: 0

Councilmembers continued updates on recent activities and upcoming events.

MOTION SUMMARY:

MOTION 1 (a motion was made regarding AB2025-376)

AB2025-376 · Discussion with Public Works staff regarding a potential property acquisition
[Discussion of this item may take place in executive session (closed to the public)
pursuant to RCW 42.30.110 (1)(b)]

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

Motion approved 7-0 to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

MOTION 2 (no agenda bill)


Motion approved 7-0 that they have their legal counsel send a letter on Council's behalf and that of the vendor they have contracted (regarding the fire and EMS study), to any government entity, specifically fire departments, that have not fulfilled the Council's request for public records.

ADJOURN

The meeting adjourned at 7:30 p.m.

The County Council approved these minutes on June 10, 2025.

ATTEST:



Cathy Halka, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA



Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger