

# **Whatcom County Council (Special)**

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



## **Minutes - Final**

**Tuesday, March 31, 2026**

**9:30 AM**

**Hybrid Meeting - Council Chambers**

**HYBRID MEETING - ADJOURNS BY 9:55 A.M. (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010); AGENDA REVISED 3.26.2026**

### **COUNCILMEMBERS**

Elizabeth Boyle  
Barry Buchanan  
Ben Elenbaas  
Kaylee Galloway  
Jessica Rienstra  
Jon Scanlon  
Mark Stremler

### **CLERK OF THE COUNCIL**

Cathy Halka, AICP, CMC

## Call to Order

Council Chair Kaylee Galloway called the meeting to order at 9:32 a.m. in a hybrid meeting.

## Roll Call

**Present:** 7 - Elizabeth Boyle, Barry Buchanan, Ben Elenbaas, Kaylee Galloway, Jessica Rienstra, Jon Scanlon, and Mark Stremler

## Announcements

## Discussion and Action

1. [AB2026-233](#) Ordinance amending Whatcom County Code Chapter 2.56, Defense and Indemnification of Employees, to include reservation of rights and reimbursement

*Scanlon moved* to adopt the ordinance. Boyle seconded the motion.

Elenbaas explained why he brought forward the ordinance, stating that the Council is often asked to make decisions on defense and indemnification issues and the ordinance allows the county to try to recoup money spent on defense if a court later determines the party was not acting in good faith and in accordance with their jobs.

Boyle asked legal counsel if there were any concerns about the ordinance.

Kimberly Thulin, Prosecuting Attorney's Office, stated that there are no concerns. She said the Washington State Risk Pool suggested that Council add a statement about what happens when the county decides to make a payment independent of the Risk Pool.

Galloway asked if such a change would be substantive.

Thulin stated that it would be a clarifying change that is consistent with the intent of the ordinance and, therefore, not substantive.

Galloway suggested that new language for 2.56.045(A) could read as follows: When the County provides legal defense or reimbursement of legal expenses to an officer, official, agent, or employee under this chapter, independent of the Washington State Risk Pool, such defense may be provided subject to a reservation of rights.

Scanlon stated that he believes there are times where the county continues to provide a legal defense for an employee but the risk is taken on by the Risk Pool rather than the County. He said he wants to make sure the

proposed change matches the intent.

Elenbaas stated that he understands the intent of the proposed change, but he believes the ordinance is already clear about the Risk Pool.

Thulin stated that she has no objection to the proposed ordinance. She clarified that the suggestion came from the Risk Pool.

Galloway stated her preference is to retain the ordinance as originally proposed.

**Scanlon's motion that the Ordinance be ADOPTED carried by the following vote:**

**Aye:** 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

**Nay:** 0

Enactment No: ORD 2026-019

2. [AB2026-257](#) Resolution setting priorities for a sales and use tax of one-tenth of one percent for criminal justice purposes as authorized by RCW 82.14.345

**Scanlon moved** to hold the item until April 14, 2026 when a public hearing is scheduled on related items. Rienstra seconded the motion.

Scanlon explained the options Council will consider on April 14 related to a potential new criminal justice tax.

Stremler stated that the ordinance he and Councilmember Elenbaas put forward would enable an advisory vote on the August ballot from the public regarding the proposed criminal justice tax.

Elenbaas stated they need to have a discussion with Council about the ordinance he and Councilmember Stremler proposed.

Galloway stated that would probably require an Executive Session. She noted that any additional amendments to the resolution should be submitted by April 7, and there may be interest in holding an Executive Session on April 14.

The motion carried by the following vote:

**Aye:** 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

**Nay:** 0

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

Motion approved 7-0 to hold until April 14, 2026.

**Items Added by Revision**

There were no agenda items added by revision.

**Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 9:53 a.m.

The County Council approved these minutes on April 14, 2026.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Cathy Halka, Council Clerk

\_\_\_\_\_  
Kaylee Galloway, Council Chair

Meeting Minutes prepared by Jenna Gernand

SIGNED COPY ON FILE