

# **Whatcom County Council**

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



## **Minutes - Final**

**Tuesday, October 8, 2024**

**6 PM**

**Hybrid Meeting - Council Chambers**

**HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN  
INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL  
360.778.5010)**

### **COUNCILMEMBERS**

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

### **CLERK OF THE COUNCIL**

**Cathy Halka, AICP, CMC**

## COUNTY COUNCIL

### CALL TO ORDER

Council Vice Chair Kaylee Galloway called the meeting to order at 6 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

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

1. [MIN2024-063](#) Water Work Session for September 17, 2024

**Donovan moved and Byrd 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. [MIN2024-064](#) Committee of the Whole Executive Session for September 24, 2024

**Donovan moved and Byrd 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

3. [MIN2024-065](#) Committee of the Whole for September 24, 2024

**Donovan moved and Byrd 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

4. [MIN2024-066](#) Regular County Council for September 24, 2024

**Donovan moved and Byrd 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
- Krisinda Plenkovich
- Tiffini Ayala
- Daniel Burdick
- Kelli Miles
- Todd Gallahar
- Natalie Chavez
- Sally Church
- Hannah O
- Karen Occhiogrosso

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 eight and stated that Consent Agenda items two and eight are substitutes.

Elenbaas requested that they vote on Consent Agenda item one separately.

Stremler requested that they vote on Consent Agenda items two, seven, and eight separately.

*Donovan amended* his motion and *moved* to approve Consent Agenda items three, four, five, and six.

Councilmembers voted on those items (see votes on individual items below).

1. AB2024-608 Request authorization for the County Executive to enter into an interlocal between Whatcom County and the City of Bellingham to support the Wetland Mitigation Bank in the amount of \$1,000,000

This item was considered separately below.

2. [AB2024-628](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lydia Place to increase housing stability for families with children ages 0 to 5, in the amount of \$1,155,524

This item was considered separately below.

3. [AB2024-641](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and Washington State Department of Transportation, in the amount of \$1,100,039

**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 Stremmer

**Nay:** 0

4. [AB2024-645](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Sanitary Service Company, Inc. to collect waste along Birch Bay Drive in the amount of \$14,000, for a total contract amount of \$42,000

**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 Stremmer

**Nay:** 0

5. [AB2024-648](#) Request authorization for the County Executive to enter into a contract between Whatcom County and AssetWorks Inc., to provide professional services for the implementation of the new ER&R asset management system, in the amount of \$197,345.78

**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 Stremmer

**Nay:** 0

6. [AB2024-655](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Clean Earth Environmental Solutions, Inc. to operate the Disposal of Toxics facility in the amount of \$405,000, for a total amended



contract amount of \$5,191,260

**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 Stremmer

**Nay:** 0

7. [AB2024-659](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale Community Services to increase housing stability for families with children ages 0 to 5, in the amount of \$376,416

This item was considered separately below.

8. [AB2024-664](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lydia Place to expand mental health and parent support services to low-income families with children ages 0-5, in the amount of \$474,786

This item was considered separately below.

#### **CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

1. [AB2024-608](#) Request authorization for the County Executive to enter into an interlocal between Whatcom County and the City of Bellingham to support the Wetland Mitigation Bank in the amount of \$1,000,000

**Donovan** reported for the Finance and Administrative Services Committee and ***moved*** that the Interlocal be AUTHORIZED.

The following people discussed the item with Councilmembers:

- Kayla Schott-Bresler, Executive's Office
- Satpal Sidhu, County Executive

They and Councilmembers discussed why the County did not go to the private sector to do this job at zero cost to taxpayers, the fact that no private companies have come forward to do the work, whether the County has enabling language to even allow that, whether the Planning and Development Services Department has been prohibitive in enabling private sector entities to do these types of projects, determining and fixing the roadblocks in County or State rules, and whether the funding should be in the form of a grant or loan or a mix of both.

**Donovan's motion that the Interlocal be AUTHORIZED carried by the following vote:**

**Aye:** 6 - Buchanan, Byrd, Donovan, Galloway, Scanlon, and Stremler

**Nay:** 1 - Elenbaas

2. AB2024-628 Request authorization for the County Executive to enter into a contract between Whatcom County and Lydia Place to increase housing stability for families with children ages 0 to 5, in the amount of \$1,155,524

**Donovan** reported for the Finance and Administrative Services Committee and ***moved*** that the SUBSTITUTE Contract be AUTHORIZED.

Stremler spoke about why he wanted to consider this item and Consent Agenda items seven and eight separately, and stated the fund is not performing for what it says it is going to do in the first two years. The first strategy of the Healthy Children's Fund Implementation Plan (Provide funds for small capital projects to expand, renovate, or repurpose buildings to increase early learning & care slots in a mixed-delivery system) has not been addressed.

Kayla Schott-Bresler, Executive's Office, stated that because of the investment from the Council in childcare expansion projects through American Rescue Plan Act (ARPA) funding, they have prioritized spending that money prior to the Healthy Children's Fund tax revenue and anticipate (from the \$13 million of ARPA funding) creating about 600 childcare slots in Whatcom County. Even though the Healthy Children's Fund is not necessarily the vehicle funding that childcare expansion, there is a great deal of childcare expansion work happening in the community right now.

Councilmembers and Schott-Bresler discussed that people want to see that their money is going to whatever it is they think it is going to, why it seems that a large percentage of the funds are going to overhead, the fact that the first contracts out of the Healthy Children's Fund have tended to be more for the vulnerable children's side of the spending plan but that they expect to bring contracts forward soon to the Council for the childcare spending, the fact that ARPA was just used first for investments in childcare, the intent of voters that the Healthy Children's funding for childcare is in addition to the ARPA investments and not in place of, seeing a breakdown of what percentage of Healthy Children's Fund money is going (or has gone) to which category, and the fact that they may not be seeing the money going out the door as quickly as they might want but that Council is expecting the curve at which the money for childcare is going out the door to be accelerating.

**Donovan's motion that the SUBSTITUTE Contract be AUTHORIZED carried by the following vote:**

**Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, and Scanlon

**Nay:** 1 - Stremmer

7. [AB2024-659](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale Community Services to increase housing stability for families with children ages 0 to 5, in the amount of \$376,416

**Donovan** reported for the Finance and Administrative Services Committee and ***moved*** that the Contract be AUTHORIZED.

Elenbaas stated that everything he stated for AB2024-628 applies to this item.

**Donovan's motion that the Contract be AUTHORIZED carried by the following vote:**

**Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, and Scanlon

**Nay:** 1 - Stremmer

8. [AB2024-664](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lydia Place to expand mental health and parent support services to low-income families with children ages 0-5, in the amount of \$474,786

**Donovan** reported for the Finance and Administrative Services Committee and ***moved*** that the SUBSTITUTE Contract be AUTHORIZED.

Elenbaas stated that everything he stated for AB2024-628 applies to this item.

**Donovan's motion that the SUBSTITUTE Contract be AUTHORIZED carried by the following vote:**

**Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, and Scanlon

**Nay:** 1 - Stremmer

## **OTHER ITEMS**

(From Council Finance and Administrative Services Committee)

1. [AB2024-654](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale School District to purchase and install an ADA-compliant playground, in the amount of \$700,000

**Donovan** reported for the Finance and Administrative Services Committee and ***moved*** that the Contract be HELD IN COMMITTEE (for further discussion and discussion of potential funding sources).

Kayla Schott-Bresler, Executive's Office, answered whether investment in the playground made the district eligible for other funding to open up, and stated she is uncertain whether it was an explicit grant requirement or just a component of a high functioning program, but she knows that the County made their grant award contingent on the school getting these additional Early Childhood Education and Assistance Program (ECEAP) slots. The school district made a very strong case to the County's Request for Proposal (RFP) review panel that this ADA accessible playground was an important component of them providing the slots.

**Donovan's motion that the Contract be HELD IN COMMITTEE carried by the following vote:**

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

**Nay:** 0

**(No Committee Assignment)**

2. [AB2024-572](#) Resolution establishing regular Council meeting dates for 2025

Cathy Halka, Clerk of the Council, answered questions about the dates and Councilmembers discussed whether meetings have to be held on Tuesdays.

**Donovan moved and Buchanan seconded that the Resolution be APPROVED. The motion carried by the following vote:**

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

**Nay:** 0

Enactment No: RES 2024-041

### **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. [AB2024-616](#) Application to a vacancy on the Justice Project Oversight and Planning (JPOP) Committee, supportive housing subject matter expert, Applicant(s): Pamela Kahn

Councilmembers asked if applicant Pamela Kahn would like to address the Council but the applicant did not speak.

**Buchanan moved and Stremmer seconded that the Council Appointment Requiring Introduction be APPOINTED. The motion carried by the following vote:**

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

**Nay:** 0

### **ITEMS ADDED BY REVISION**

There were no agenda items added by revision.



**INTRODUCTION ITEMS**

*Donovan moved* to introduce items one through seven. The motion was seconded by Scanlon (see votes on individual items below).

1. [AB2024-638](#) Appointment to a vacancy on the Forest Resilience Task Force, trust land beneficiary representative, Applicant(s): Tom Smith

**Donovan moved and Scanlon 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 Stremmer

**Nay:** 0

2. [AB2024-639](#) Resolution approving the Whatcom County 2025 Annual Construction Program

**Donovan moved and Scanlon 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 Stremmer

**Nay:** 0

3. [AB2024-642](#) Resolution amending the 2024 Flood Control Zone District and Subzones Budget, request no. 6, in the amount of \$11,350 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

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

**Nay:** 0

4. [AB2024-644](#) Resolution approving the Whatcom County 2025 - 2030 Six-year Transportation Improvement Program

**Donovan moved and Scanlon 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 Stremmer

**Nay:** 0

5. [AB2024-657](#) Ordinance amending the project budget for the Plantation Rifle Range Lead Reclamation & Capital Improvement Fund, request no. 2
- Donovan moved and Scanlon seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**
- Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
- Nay: 0
6. [AB2024-658](#) Ordinance amending the project budget for the Hovander Park Building Improvements Fund, request no. 2
- Donovan moved and Scanlon seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**
- Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
- Nay: 0
7. [AB2024-660](#) Ordinance amending the 2024 Whatcom County Budget, request no. 13, in the amount of \$2,122,735
- Donovan moved and Scanlon seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**
- Aye: 7 - Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler
- Nay: 0

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

Councilmembers gave Committee reports (continued after **AB2024-670** below).

They reported for the Committee of the Whole Executive Session and Donovan made a motion (see motion and vote below under **AB2024-670**, then committee reports and other updates continued after that.

[AB2024-670](#) Discussion with Pacifica Law Group, LLP regarding legal services for the Whatcom County Council related to Initiative 2024-01 [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(i)]

**Donovan moved** to extend the contract with Pacifica Law Group through the

end of 2025 per the discussion in executive session and to extend the budget authority to the full amount already approved by Council.

The motion was seconded by Buchanan.

The motion carried by the following vote:

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

**Nay:** 3 - Byrd, Elenbaas, and Stremmer

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

Motion approved 4-3, with Byrd, Elenbaas, and Stremmer opposed, to extend the contract with Pacifica Law Group through the end of 2025 per the discussion in executive session and to extend the budget authority to the full amount already approved by Council.

### **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES** **CONTINUED**

Councilmembers continued committee reports and gave other updates, and the additional following people spoke in regards to a discussion about a potential amendment to **AB2024-667** and a meeting of the Public Utility District earlier today:

- Satpal Sidhu, County Executive
- George Roche, Prosecuting Attorney's Office

### **ADJOURN**

The meeting adjourned at 8:15 p.m.


The County Council approved these minutes on October 22, 2024.

ATTEST:

  
  
Cathy Halka, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

  
Barry Buchanan, Council Chair

  
Kristi Felbinger, Minutes Transcription