

# **Whatcom County Council Special Committee of the Whole**

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



## **Committee Minutes - Draft Minutes**

**Tuesday, April 22, 2025  
1 PM  
Hybrid Meeting - Council Chambers**

**HYBRID MEETING - ADJOURNS BY 4:00 P.M. (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 Stremmler

### **CLERK OF THE COUNCIL**

Cathy Halka, AICP, CMC

**Call To Order**

Council Chair Kaylee Galloway called the meeting to order at 1:02 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

**Announcements**

Galloway wished everyone a happy Earth Day.

**Committee Discussion**

1. [AB2025-277](#) Discussion of councilmember policy priorities and council meeting procedures  
  
Galloway opened a discussion on individual and collective councilmember priorities, continued from a prior meeting.  
  
Byrd requested that councilmembers vote to narrow the focus to just three items.  
  
Donovan asked for clarification regarding the purpose of the discussion.  
  
Galloway stated that the discussion is a continuation of the Council's retreat and an opportunity for councilmembers to share what is on their workplan for the year.  
  
Elenbaas stated that, budget-wise, his priority is jail and associated facilities, including the Sheriff's Office, and then everything else. As far as policy is concerned, he said he is interested in the Comp Plan update and supporting the administration in filling the roles that are open in Planning and Development Services so that they can meet the goals of the recent Senate Bill and are able to provide consistent customer service. Ag policy is also a priority.  
  
Galloway said that she hoped the priority discussion would open opportunities for councilmembers to collaborate and find common goals.  
  
Buchanan stated that the Justice Project and Sheriff's Office are priorities for him and he is going to continue his work in these areas. He said he also wants to expedite the Healthy Children's Fund dollars to ensure promises made to voters regarding the Healthy Children's Fund and the Justice Project are kept.

Stremler stated that the Sheriff's Office moved to the top of his priority list recently, and it is up to the Council to elevate the issue to the Executive's Office. He said the budget should be a priority at every Council meeting and he would like to see fiscal notes for all the different things that come across councilmembers' desks.

Elenbaas said that in his opinion it is imperative that the Sheriff's Office is co-located at the new jail site.

Scanlon suggested organizing two to three councilmembers to identify a legislative branch approach to revenue and financing upcoming capital projects.

Elenbaas, Stremler, and Buchanan nominated themselves to participate in the new work group.

Galloway suggested that the new work group could coordinate with the Sheriff's Office and Executive's Office on short and long-term goals and funding priorities.

Councilmembers discussed ideas for addressing the county's challenges with office space and financing for major capital projects.

Stremler asked where Council might be able to provide input on the Justice Project.

Buchanan stated that STV, the county's owner's representative, is currently working on a communications plan for the Justice Project, which will include communications with the Council, community, and advisory groups.

Deputy Executive Kayla Schott-Bresler said the Council's formal role in the Justice Project will include authorizing the budget and the issue of bonds for the new justice facility. The administration's role is to involve councilmembers in advance of budget decisions so that Council is comfortable with the plans being proposed. She said that the jail capacity analysis will require input from the Finance and Facility Advisory Board and the IPRTF as well as Council. In late summer of 2025, there will be a policy conversation on the size of the jail, and stakeholder work will take place in fall 2025. By the end of August, Schott-Bresler said she expects there will need to be a conversation about transferring funds into a project-based budget.

Elenbaas stated that he hopes the Council will see the administration's plans

early enough to provide input.

Deputy Executive Aly Pennucci stated that the Executive's Office has sought Council's feedback on financial questions relating to the Sheriff's Office and Northwest Annex, and they are actively working to collect more information and options to bring to Council.

Galloway stated that she would like to get an update on the sales tax revenue for the Justice Project, as she feels strongly about building within the county's means.

Stremmler asked if there are plans for a new Sheriff's Office.

Rob Ney, Project and Operations Manager of Facilities, described jail and Sheriff's Office planning completed in 2016 and 2017 by the contractor DLR.

Executive Satpal Sidhu spoke about the county's limited options for revenue growth.

Pennucci said she will be presenting at the next Finance and Administrative Services Committee meeting about the Executive Office's request that county departments update their service inventories and identify various reduction scenarios.

Scanlon said that, over the years, there have been a number of recommendations from the Business and Commerce Advisory Committee, the Housing Advisory Committee, and the Child and Family Well-Being Task Force about housing, and he would like to work with a few other councilmembers to figure out how those recommendations connect to county code.

Galloway stated that a Comprehensive Plan work group and a budget prioritization work group could also be helpful.

Elenbaas suggested scheduling more special Committee of the Whole meetings to discuss topics identified as Council priorities.

Councilmembers discussed the proposal to add meetings.

Clerk of the Council Cathy Halka asked for more specific direction regarding the number and general framework of the proposed special meetings.

Galloway said that, at minimum, the additional special meetings could be scheduled on Health Board meeting days, for a total of 4-6 meetings before the end of the year. She then transitioned into discussion of additional work groups, suggesting Donovan, Elenbaas, and Scanlon for the Comprehensive Plan work group and Galloway and Byrd for the budget prioritization work group.

Scanlon asked for partners to work on a housing work group.

Donovan and Elenbaas volunteered to participate in the housing work group.

Councilmembers continued to discuss work groups and potential quorum issues related to the formation of the work groups.

Galloway said that Council could route all housing items through Committee of the Whole or notice all meetings of the housing work group as a Special Meeting of the Planning and Development Committee.

Elenbaas asked for legal clarification regarding the Open Public Meetings Act (OPMA) and committee quorums.

Halka provided information about a legal opinion stating that Council committees are subject to the OPMA.

Councilmembers continued to discuss committee quorum issues and their potential impact on the formation of work groups.

Chris Quinn, Chief Civil Deputy, shared information about OPMA.

Galloway stated that Council's meeting procedures are established in Whatcom County Code 2.02, and Council has discretion to change its own policies.

Elenbaas spoke in favor of three-person committees and changing the code via ordinance to remove the OPMA requirement for three-member standing committees.

***Donovan moved*** that staff work with the Prosecutor's Office to see what a code change would look like to change OPMA policy as it applies to the Council's standing committees.

Scanlon seconded the motion.

The motion carried by the following vote:

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

**Nay: 0**

***Scanlon moved*** that all housing related items (except for contracts and other items that would regularly go to Finance and Administrative Services Committee) come through Committee of the Whole for the remainder of 2025.

Donovan seconded the motion.

Byrd spoke against the motion and suggested an alternate path forward where individual items are routed through Committee of the Whole.

The motion carried by the following vote:

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

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

Councilmembers discussed next steps and progress on individual priorities.

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

Motion approved that they have Council staff work with the Prosecutor's Office to see what a code change would look like to change the OPMA (Open Public Meetings Act) policy as it applies to the Council's subcommittees of three.

Motion approved that they have all housing related items (except for those items, such as contracts, that would regularly go to the Finance Committee) come through Committee of the Whole for the remainder of this year (2025).

2. [AB2025-323](#) Discussion regarding a proposed addition to Whatcom County Code, Construction Projects - Pre-Hire Agreements

Galloway stated that she and the proposed ordinance's co-sponsors wanted an opportunity to share an updated draft that incorporates feedback from stakeholders and community members. She said the policy is a work in progress and may continue to evolve based on feedback.

Buchanan said he got on board the effort because he believes strongly in the values of priority hires of veterans, minorities, and others. He said there is a good path forward in engaging stakeholders, and he is excited about the fact that the workforce could be local and comprised of priority hires. He said it is important for community to take care of community.

Scanlon said his interest in the project is in keeping local tax dollars in the community. The RFQ for the new jail facility has already gone out, so this policy will not impact that specific process. However, there are opportunities to impact other upcoming major projects.

Byrd stated that there are other ways to support local employment, and the draft ordinance includes redundancies, as many of its requirements are already State law.

Donovan requested a redlined version of the document so that he can see changes made between the current and previous version.

Galloway provided an overview of changes that were incorporated into the revised draft ordinance, including the raising of the project cost threshold from \$5 million to \$15 million, limiting applicability to county construction projects, clarifying the process for establishing a community coalition, incorporating a target of 50% labor hours by priority hires, and so on.

Donovan said he wants to see local hires for major public works projects, but he is not yet sure how the ordinance would accomplish this. He asked whether it would make things take a lot longer to get built and whether it would improve the ability to hire locally.

Galloway provided information about an exemption in the National Labor Relations Act that allows for priority hires but requires a pre-hire agreement.

Buchanan asked whether the draft would conflict with the requirement that ordinances contain only one subject.

Quinn stated that legal is reviewing the draft and will consider these issues.

Councilmembers continued to discuss the draft ordinance, including the sponsoring councilmembers' outreach process and potential impacts of the proposed policy.

Byrd spoke about negative feedback he received on the policy from local contractors, cities, and county staff.

*Staff note: Donovan left the meeting at 3:12 p.m.*

Stremmer asked for the administration's perspective on the draft ordinance.

Schott-Bresler said the administration does not currently have a perspective to provide on the proposed new section of code, as they just received the current draft last night. She asked that the Council consider the mechanics of implementing this new section of code.

Councilmembers continued to discuss the draft ordinance.

*Staff note: Buchanan left the meeting at 3:26 p.m.*

Byrd stated that there will be a presentation providing additional perspectives on the proposed policy at the next Council Committee of the Whole meeting.

Councilmembers discussed the motivations behind the proposed policy and the feedback received by the community.

**This agenda item was DISCUSSED.**

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 3:45 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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Cathy Halka, Council Clerk

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Kaylee Galloway, Council Chair

Meeting Minutes prepared by Jenna Gernand