

# **Whatcom County Council**

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



## **Action Summary**

**Tuesday, April 29, 2025  
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 Stremmler

### **CLERK OF THE COUNCIL**

Cathy Halka, AICP, CMC

# COUNTY COUNCIL

## CALL TO ORDER

## 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

## MINUTES CONSENT

1. [MIN2025-022](#) Committee of the Whole Executive Session for April 15, 2025

**APPROVED BY CONSENT**

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

**Nay:** 0

2. [MIN2025-023](#) Committee of the Whole for April 15, 2025

**APPROVED BY CONSENT**

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

**Nay:** 0

3. [MIN2025-024](#) Regular County Council for April 25, 2025

**APPROVED BY CONSENT**

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

**Nay:** 0

4. [MIN2025-025](#) Health Board and Public Health Advisory Board for April 1, 2025

**APPROVED BY CONSENT**

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

**Nay:** 0

5. [MIN2025-026](#) Special Committee of the Whole for April 1, 2025

**APPROVED BY CONSENT**

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

**Nay:** 0

**PUBLIC HEARINGS**

1. [AB2025-282](#) Ordinance adopting amendments to Whatcom County Code Chapter 16.24, Commute Trip Reduction, and adopting the 2025-2029 Commute Trip Reduction Plan for Whatcom County

**ADOPTED**

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

**Nay:** 0

Enactment No: ORD 2025-021

**OPEN SESSION****CONSENT AGENDA**

**(From Council Finance and Administrative Services Committee)**

1. [AB2025-322](#) Request authorization for the County Executive to enter into a contract between Whatcom County and AMS Print and Mail Specialists for the design, production, and distribution of primary and general election local voters' pamphlets in the amount not to exceed \$90,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

2. [AB2025-324](#) Request authorization for the County Executive to enter into a Federal Aid Project Prospectus and Local Agency Agreement between Whatcom County and the Washington State Department of Transportation for the Martin Road/Anderson Creek Bridge No. 250 Replacement Project, in the amount of \$512,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

3. [AB2025-325](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Herrera Environmental Consultants to continue supporting the Floodplain Integrated Planning (FLIP) Process, in the amount of \$590,829 for a total contract amount of \$2,998,369 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

4. [AB2025-326](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the US Geological Survey (USGS) to develop and assess non-contact methods for measuring discharge in the Nooksack River during high-flow events, in the amount of \$222,698 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

5. [AB2025-327](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the University of Washington to assess the Nooksack River's morphodynamic response to potential channel and floodplain modifications, in the amount of \$114,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

6. [AB2025-329](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Ferndale to establish the responsibilities of the Flood Control Zone District and the City of Ferndale in designing the Ferndale Levee Improvement Project to a 90% level, acquiring right of way, and permitting, in the amount of \$430,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

7. [AB2025-331](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the Northwest Natural Resource Group for development of a forest management plan in the Lake Whatcom Watershed, in the amount of \$12,063 for a total amended contract amount of \$145,123

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

8. [AB2025-332](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Bellingham for partnership in the development of a forest management plan in the Lake Whatcom watershed, in the amount of \$12,063 for a total agreement amount of \$53,358

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

9. [AB2025-335](#) Request approval for the County Executive to authorize all County departments to use Washington State Contract #22823 for as-needed equipment rentals through December 31, 2026, with the award to any one vendor in a fiscal year not to exceed \$100,000

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

10. [AB2025-338](#) Request approval for the County Executive to enter into an Interlocal Cooperative Purchasing Agreement with the City of Seattle which will allow reciprocal utilization of competitively bid contracts, pursuant to RCW Chapter 39.34 Interlocal Cooperation Act

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

11. [AB2025-339](#) Request approval for the County Executive to authorize the purchase of ClearCount 2.5 ScanStation and ClearAudit Admin Station bundles from Clear Ballot Group, Inc., the sole source for these products, in an amount not to exceed \$50,347.10

**AUTHORIZED BY CONSENT**

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

**Nay:** 0

**OTHER ITEMS**

**(From Council Finance and Administrative Services Committee)**

1. [AB2025-290](#) Ordinance amending the project based budget for the N. Fork Road/Kenney Creek Fish Passage fund, Request No. 2

**ADOPTED**

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

**Nay:** 0

Enactment No: ORD 2025-022

2. [AB2025-293](#) Ordinance amending the project budget for the Courtroom Audio Visual Systems Upgrade, request no. 1

**ADOPTED**

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

**Nay:** 0

Enactment No: ORD 2025-023

3. [AB2025-302](#) Resolution amending the 2025 Flood Control Zone District and Subzones Budget, request no. 1, in the amount of \$14,400 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**APPROVED**

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

**Nay:** 0

Enactment No: RES 2025-017

4. [AB2025-310](#) Ordinance amending the project budget for the Lookout Mountain Road Repairs Project Fund, request no. 1

**ADOPTED**

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

**Nay:** 0

Enactment No: ORD 2025-024

5. [AB2025-314](#) Ordinance amending the 2025 Whatcom County Budget, request no. 4, in the amount of \$6,227,211

**ADOPTED**

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

**Nay:** 1 - Stremler

Enactment No: ORD 2025-025

**(From Council Committee of the Whole)**

6. [AB2025-285](#) Request for motion approving an Outdoor Musical Entertainment, Amusements, and Assemblies permit application for the Strings and Things Music Festival on July 12, 2025 at 713 Simondson Drive, Point Roberts, WA

**DISCUSSED AND MOTION(S) APPROVED**

Motion approved 7-0 to approve the permit subject to the condition of providing the surety bond (or cash of \$5,000 pursuant to the RCW), as well as the Council finding the applicant in substantial compliance with RCW 70.108.100, which was issuing notice to residential households within 500 yards of the event location

**(No Committee Assignment)**

7. [AB2025-345](#) Request for motion to appoint two councilmembers to participate in the health director recruitment process [Council Acting as the Health Board]

**APPOINTED**

Motion approved 7-0 to appoint Scanlon and Elenbaas

**CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS,  
COMMISSIONS, AND COMMITTEES**

1. [AB2025-342](#) Request confirmation of the County Executive's appointments of Drew Smith, Andrew Calkins, and Marcus Warolin to the Whatcom County Economic Development Investment (EDI) Board

**CONFIRMED**

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

**Nay:** 0

2. [AB2025-343](#) Request confirmation of the County Executive's appointment of Rebecca Boonstra to the Whatcom County Lodging Tax Advisory Committee

**CONFIRMED**

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

**Nay:** 0

3. [AB2025-344](#) Request confirmation of the County Executive's appointment of Brian Estes to the North Sound Behavioral Health Administrative Services Organization Advisory Board

**CONFIRMED**

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

**Nay:** 0

**ITEMS ADDED BY REVISION**

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

- [AB2025-303](#) Discussion of the annual allocation of Rural Sales Tax Fund

**DISCUSSED AND MOTION(S) APPROVED**

From AB2025-303 in Finance and Administrative Services Committee:

Motion approved 7-0 to change the fund reserve and target investment allocations so they are as follows: Fund reserve at 15 percent, housing infrastructure projects at 30 percent, Whatcom County at 30 percent, and Government infrastructure projects at 40 percent.

- [AB2025-336](#) Discussion of pending litigation with Civil Deputy Prosecutor, Jesse Corkern: Gerald T. Osborn, Plaintiff, vs. Peacehealth, a Washington Nonprofit Corporation; Carol

Austin, LMFT, DCR; Nate Reiss, PhD; N. Stender, MHP; H. Vogel, MHP; N. Saina, MD; Philip Frank, DO; Patrick Lackie, JD; and John Does and Jane Does, to be identified, Defendants. Skagit County Superior Court Case No. 24-2-00056-29. [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1) (i)]

**DISCUSSED AND MOTION(S) APPROVED**

From AB2025-336 in Committee of the Whole Executive Session:

Motion approved 7-0 to approve defense and indemnification of Patrick Lackie, named as defendant in Gerald T. Osborn v. Peacehealth et al. Based on the following findings:

- A. Patrick Lackie was acting in a matter in which the county had an interest;
- B. Patrick Lackie was acting in the discharge of a duty imposed or authorized by law;
- C. Patrick Lackie acted in good faith.

**MOTION (NO AGENDA BILL FILE)**

Motion approved 7-0 that they schedule a Special Committee of the Whole meeting from 9 a.m. to 12 p.m on June 3rd and starting at 9 a.m. on the remaining days they have this year for Board of Health meetings.

**ADJOURN**