

Whatcom County Council

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



Minutes - Final

Tuesday, April 9, 2024

6 PM

Hybrid Meeting

HYBRID MEETING (PARTICIPATE IN-PERSON, VIEW ONLINE, OR REGISTER TO SPEAK REMOTELY - PLEASE SEE AGENDA NOTES UNDER "ANNOUNCEMENTS", "OPEN SESSION", OR "PUBLIC HEARINGS" FOR MORE INFORMATION)

COUNCILMEMBERS

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

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 6:03 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. MIN2024-015 Committee of the Whole for March 19, 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. MIN2024-016 Regular County Council for March 19, 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

PUBLIC HEARINGS

1. AB2024-155 Resolution vacating a portion of County Road and an unnamed alley within the Amended Plat of South Wickersham

Buchanan opened the Public Hearing and hearing no one, closed the Public Hearing.

Donovan moved and Byrd seconded that the Resolution Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

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

Nay: 0

Enactment No: RES 2024-015

2. AB2024-173 Ordinance adopting amendments to Whatcom County Code Title 15, Buildings & Construction, to adopt by reference the 2021 Editions of the International Building, Residential, Mechanical, Fuel gas, existing building, fire codes, and the national fuel gas, Washington State Energy, uniform plumbing, & liquified petroleum gas codes, and the 1997 uniform code for the abatement of dangerous buildings, as amended as set forth herein, as required by RCW Chapter 19.27

Curtis Metz, Planning and Development Services Department, stated he was available for questions.

Buchanan opened the Public Hearing and the following person spoke:

- Eddy Ury

Hearing no one else, Buchanan closed the Public Hearing.

Galloway moved and Donovan seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Elenbaas stated he has a difference of opinion on the facts laid out by the speaker. He spoke about the motion and why he is voting no.

Metz answered how people buying property are going to be aware of the new Washington Wildland Urban Interface Code (WWUIC) or know they are in these areas, and he stated they will not be able to know because there is not a current map. He answered what he thinks the energy code has to do with the subject of natural gas and stated you can still use natural gas in the current energy code.

Galloway stated her understanding of this amendment is that it is to reference the updated State Building Code which is required by State law and which supersedes local regulations unless they are more rigorous.

Metz stated State law requires the state to abide by the international building codes and those went into effect on March 15th. What they are looking at tonight are the amendments from Whatcom County to those codes. The county is allowed to amend the administrative sections and to adopt or not adopt the appendices and that is what is being considered tonight.

Scanlon stated if someone is looking at our code, they are seeing what is currently mandated.

Elenbaas stated he is going to take a stand and tell the State no because he does not think it is right for the district he represents.

Galloway's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:

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

Nay: 3 - Byrd, Elenbaas, and Stremler

Enactment No: ORD 2024-019

- 3. AB2024-201 Ordinance adopting amendments to Whatcom County Code Section 1.14, Electoral Precincts, with newly established voting precinct boundaries for Whatcom County

Stacy Henthorn, County Auditor, briefed the Councilmembers and stated this adjustment of electoral precincts is done throughout the year due to annexations, and the precincts this time were adjusted due to annexations from the cities in Blaine, Everson, Ferndale, and Nooksack. They are also adding two new precincts - one in Everson and one in Nooksack.

Buchanan opened the Public Hearing and hearing no one, closed the Public Hearing.

Donovan moved and Galloway seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:

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

Nay: 0

Enactment No: ORD 2024-020

- 4. AB2024-208 Ordinance adopting Whatcom County Code Title 20, zoning code amendments relating to allowing propane reload, storage, and distribution facilities in the agriculture zone as a conditional use

Lucas Clark, Planning and Development Services Department, briefed the Councilmembers.

Buchanan opened the Public Hearing and the following people spoke:

- Dannon Traxler
- Atul Deshmane
- Eddy Ury

Hearing no one else, Buchanan closed the Public Hearing.

Elenbaas moved and Stremler seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Councilmembers discussed the motion, whether it is just about this one facility, and that the applicant followed the process they were given.

Galloway moved to hold until the Planning and Development Services Department is able to prepare a substitute version that would allow propane reload, storage, and distribution facilities in the Agricultural District (AG), Light Impact Industrial (LII) District, Heavy Impact Industrial (HII) District, and Rural Industrial and Manufacturing (RIM) District with special conditions as applicable. The motion was seconded by Scanlon.

Councilmembers discussed the motion to hold.

The motion failed by the following vote:

Aye: 3 - Galloway, Scanlon, and Buchanan,

Nay: 4 - Stremler, Byrd, Donovan, and Elenbaas

Elenbaas's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:

Aye: 5 - Buchanan, Byrd, Elenbaas, Scanlon, and Stremler

Nay: 2 - Donovan, and Galloway

Enactment No: ORD 2024-021

OPEN SESSION

The following person spoke:

- Michael Chrzastowski

George Roche, Prosecuting Attorney's Office, stated he believes this comment has crossed over the line and is beginning to become ex parte communication at this point. He stated he believes the subject matter under discussion is probably directly related to the ABC project and it is inappropriate to hear this testimony at this time.

Buchanan stated there is a permit pending and the Council will be the ultimate deciders on the permit, based on what they call a quasi-judicial decision, which means the Council will act as judges so they cannot partake

in any conversation, pro or con, on the issue of ABC Recycling. They cannot take testimony either.

Roche gave further explanation and answered a question from Councilmember Donovan about another issue the Council discussed today in committee regarding Heavy Impact Industrial (HII) zoning in the Urban Growth Area (UGA). He also answered what word in the testimony was controversial and stated it was "lead" connected to the Alderwood neighborhood. He stated there will be a time and place for this discussion; it just does not happen to be today.

Chrzastowski finished his public comment.

Open Session continued and the following people spoke:

- Flo Simon
- Randy VanderHeiden
- Scott Ryckman
- Jeff Hindman
- Doug "Yoshe" Revelle
- Christopher Deile
- Eric Kingery
- Jeremiah Winchester
- Jeff Holmes
- Andrew Shelton
- Brian (last name not stated)

George Roche, Prosecuting Attorney's Office, interrupted the testimony and stated he is engaging in ex parte communication. He explained why the comment needed to be quashed.

Open session continued and the following people spoke:

- Natalie Chavez
- Robert Bystrom
- Jose Manuel Reta
- Lyle Sorenson
- Nick Lewis
- Misty Flowers

Hearing no one else, Buchanan 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 nine, eleven and twelve. He stated they would consider item number ten separately.

Dana Brown-Davis, Clerk of the Council, stated there is a substitute contract for item number 11.

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

1. AB2024-200 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Library System in support of the Birch Bay Library construction project in the amount of \$315,000

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 Stremler

Nay: 0

2. AB2024-204 Request authorization for the County Executive to enter into a contract between Whatcom County and PNW Plateful to distribute weekly meals to low-income households, in the amount of \$115,000

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

3. AB2024-221 Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and WA State Department of Commerce to provide funding for Justice Project management and Justice Project data work in the amount of \$245,903.00

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

4. AB2024-222 Request authorization for the County Executive to enter into a no cost interlocal agreement between Whatcom County and Bellingham School District to provide community immunization clinics

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

5. AB2024-223 Request authorization for the County Executive to enter into Project Agreement Amendment No. 3 with the County Road Administration Board (CRAB), for the Hampton Road Pavement Rehabilitation Project, for Rural Arterial Program (RAP) funding in the amount of \$198,000

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. AB2024-230 Request permission for the County Executive to enter into a contract between Whatcom County and Geo Test Services to provide on-call construction materials testing and inspection services for 2024 in the amount not to exceed \$200,000

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

7. AB2024-232 Request authorization for the County Executive to enter into a contract between Whatcom County and Aspect Consulting to provide water rights adjudication technical assistance, in the amount of \$170,000.00 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

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

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

Nay: 0

8. AB2024-242 Request authorization for the County Executive to award bid # 24-23 and enter into a contract between Whatcom County and Lake Union Drydock Company for the annual drydocking, repair and maintenance of the Whatcom Chief Ferry, in the amount of \$1,180,380.00

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 Stremler

Nay: 0

9. AB2024-243 Request authorization for the County Executive to enter into a contract between Whatcom County and MacWhinney Environmental Consulting LLC for third-party critical areas review, in the amount of \$60,000.00

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

10. AB2024-244 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide housing case management services in the amount of \$256,842 for a total amended contract amount of \$1,488,823

This item was considered separately below.

11. AB2024-248 Request authorization for the County Executive to enter into a contract between Whatcom County and Puget Sound Energy for the Sheriff's Office to perform reimbursed overtime patrols, in the amount of \$18,216.00

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

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

Nay: 0

12. AB2024-257 Request authorization for the County Executive to enter into an Economic Development Investment Program Interlocal Loan and Grant agreement between Whatcom County and the City of Bellingham to provide EDI loan and grant funding

support for the Old Town Urban Village Improvement Project in the amount of \$1,500,000 in grant funding and \$1,500,000 in loan funding for a total agreement amount of \$3,000,000

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 Stremler

Nay: 0

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

10. AB2024-244 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to provide housing case management services in the amount of \$256,842 for a total amended contract amount of \$1,488,823

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

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

Nay: 3 - Byrd, Elenbaas, and Stremler

OTHER ITEMS

(From Council Public Works and Health Committee)

1. AB2024-166 Ordinance amending Whatcom County Code 8.10, Solid Waste and Residential Recycling Collection

This agenda item was WITHDRAWN.

Enactment No: ORD 2024-030

(From Council Planning and Development Committee)

2. AB2024-245 Resolution docketing Comprehensive Plan and Development Regulation amendments

***Elenbaas* reported for the Planning and Development Committee and *moved* that the Resolution be APPROVED.**

***Donovan moved* to amend the docket to retain PLN2022-00005. The motion was seconded by Buchanan.**

Councilmembers discussed the motion, that there may be another route to

deal with this, and reevaluating height limitations on Lummi Island.

The motion carried by the following vote:

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

Nay: 0

Elenbaas's motion that the Resolution be APPROVED AS AMENDED carried by the following vote:

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

Nay: 0

Enactment No: RES 2024-016

Motion approved 7-0 to amend the docket to retain PLN2022-00005.

(From Council Committee of the Whole)

3. AB2024-090 Resolution identifying Whatcom County approaches to the fentanyl emergency
Buchanan reported for the Committee of the Whole and *moved* that the SUBSTITUTE Resolution be APPROVED.

Councilmembers thanked those involved in the resolution.

Buchanan's motion that the SUBSTITUTE Resolution be APPROVED carried by the following vote:

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

Nay: 0

Enactment No: RES 2024-017

4. AB2024-252 Resolution supporting modernization of the Economic Development Investment (EDI) Board
Donovan briefed the Councilmembers and *moved* that the Resolution be APPROVED. The motion was seconded by Galloway.

Scanlon moved to amend the 7th whereas statement on page one to strike the word "for" before "housing" and add "to finance the construction of" so that it reads:

WHEREAS, in 2024, the Washington State Legislature passed HB 1987, clarifying that these funds may be used ~~for~~ to finance the construction of housing that is nonprofit owned and make it clear that land is an eligible project cost; and

The motion was seconded by Buchanan.

The motion carried by the following vote:

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

Nay: 0

Scanlon moved to amend to add a new whereas statement immediately following the one above that reads:

WHEREAS, HB 1987 defines affordable housing as, “housing for single persons, families, or unrelated persons living together whose income is no more than 120 percent of the median income, adjusted for housing size, for the county where the housing is located”; and

Kayla Schott-Bresler, Executive's Office, stated Councilmember Scanlon's amendment makes sense and is consistent with the statute. She would like to have discussion with the Council about their policy preferences for investment in different types of affordable housing at different income levels.

The motion was seconded by Buchanan.

The motion to amend carried by the following vote:

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

Nay: 0

Elenbaas asked if the makers of the resolution could give examples of some of the current board positions that could be eliminated and some of the people that could be added as new positions.

Donovan gave examples of adding people from housing construction, from the non-profit housing sector, and developers. He did not want specify positions to get rid of, but wants to make sure the group is not too big.

Donovan's motion that the Resolution be APPROVED AS AMENDED carried by the following vote:

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

Nay: 0

Enactment No: RES 2024-018

Motion approved 7-0 to amend the 7th whereas statement to strike the word “for” before “housing” and add “to finance the construction of” so that it reads:

WHEREAS, in 2024, the Washington State Legislature passed HB 1987, clarifying that these funds may be used to finance the construction of housing that is nonprofit owned and make it clear that land is an eligible project cost; and

Motion approved 7-0 to amend to add a new whereas statement after the one above that reads:

WHEREAS, HB 1987 defines affordable housing as, “housing for single persons, families, or unrelated persons living together whose income is no more than 120 percent of the median income, adjusted for housing size, for the county where the housing is located”; and

- 5. AB2024-254 Resolution repealing Resolution 2023-054 (a resolution establishing an independent review of countywide fire and emergency medical services structures)

Stremler moved and Elenbaas seconded that the Resolution be APPROVED.

Councilmembers discussed the motion, why they were not collaborative first before going to an independent review process, and appreciation for the fire districts and all the work they do.

Stremler's motion that the Resolution be approved FAILED by the following vote:

Aye: 2 - Elenbaas, and Stremler

Nay: 5 - Buchanan, Byrd, Donovan, Galloway, and Scanlon

- 6. AB2024-236 Request confirmation of the County Executive’s appointment of Kayla Schott-Bresler as Deputy Executive effective April 10, 2024

Buchanan reported for the Committee of the Whole and ***moved*** that the Executive Appointment be CONFIRMED.

Councilmembers voted (see the vote below).

Kayla Schott-Bresler, Executive's Office, thanked the Councilmembers and staff in the Executive's Office.

Buchanan's motion that the Executive Appointment be CONFIRMED carried by the following vote:

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

Nay: 0

Temp Absent: 1 - Donovan

(No Committee Assignment)

7. AB2024-210 Ordinance calling for the election of Charter Review Commissioners at the November 2024 General Election

Galloway moved and Stremler seconded 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 2024-022

8. AB2024-253 Resolution in support of expanding access to affordable and reliable internet for all residents of Whatcom County

Galloway briefed the Councilmembers and **moved** that the Resolution be APPROVED. The motion was seconded by Donovan.

Councilmembers discussed concerns regarding the proposed notification system to inform all interested parties of opportunities to coordinate construction activities, the fact that this is technology neutral, what "affordable" internet means and whether the County would be contributing to anyone's monthly bill, a concern that there may be unintended consequences that are going to crush small companies and be advantageous to big ones, a concern that mandated policies may add costs to a small utility to the point that they will not want to do the work, a concern about this making internet required in order for someone to get a permit, and the fact that this resolution kicks off the conversation but the Council will have more opportunity to discuss any code changes.

Kayla Schott-Bresler, Executive's Office, thanked Galloway for how collaborative she has been and stated that implementation will be a phased approach. What she sees as being able to move forward sooner rather than later is integrating this into the conversations they are having about EDI program reform, integrating some policy statements into the Comprehensive Plan, and integrating it into franchise requirements.

Satpal Sidhu, County Executive, stated one thing the Administration can do is make sure it is open-source and not owned by only one company.

Galloway asked if the Councilmembers would prefer a potential amendment to insert the word "certain" in bullet point 2 after "within" so it would read:

Develop a notification system to inform all interested parties of opportunities to coordinate construction activities, including utility installation, within certain County Rights of-Way,

Councilmembers and Sidhu continued to discuss the resolution but no amendments were made.

Galloway's motion that the Resolution be APPROVED carried by the following vote:

Aye: 5 - Buchanan, Byrd, Donovan, Galloway, and Scanlon

Nay: 2 - Elenbaas, and Stremler

Enactment No: RES 2024-019

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. AB2024-191 Appointment to a vacancy on the Surface Mining Advisory Committee, potable domestic groundwater supply representative, Applicant(s): Carl Isom-McDaniel

Byrd moved and Scanlon seconded that the Council Appointment Requiring Introduction be APPOINTED. The motion carried by the following vote:

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

Nay: 0

Temp Absent: 1 - Galloway

2. AB2024-211 Clarification of Council appointment and appointment to vacancies on the Justice Project Oversight and Planning Committee, Applicant(s): Scott Ryckman, Richard Gleason, and Tawsha Thompson

Jill Nixon, Council Office Staff, briefed the Councilmembers on the Council action requested.

Donovan moved to appoint Ryckman to the EMS Paramedic position for the term ending Jan 31, 2027. The motion was seconded by Byrd.

The motion carried by the following vote:

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

Nay: 0

Donovan moved to appoint Gleason and Thompson to the positions of criminal legal system users, including those formerly incarcerated. The motion was seconded by Byrd.

The motion carried by the following vote:

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

Nay: 0

Out of the Meeting: 1 - Stremler

Galloway moved to appoint Gleason to the term ending in 2027 and Thompson to the term ending in 2026. The motion was seconded by Elenbaas.

The motion carried by the following vote:

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

Nay: 0

Out of the Meeting: 1 - Stremler

This agenda item was APPOINTED.

Motion approved 7-0 to appoint Ryckman to the EMS Paramedic position for the term ending Jan 31, 2027.

Motion approved 6-0, with Stremler out of the room, to appoint Gleason and Thompson to the positions of criminal legal system users, including those formerly incarcerated.

Motion approved 6-0, with Stremler out of the room, to appoint Gleason to the term ending in 2027 and Thompson to the term ending in 2026.

3. AB2024-212 Clarification of Council motion to change representation on the Surface Mining Advisory Committee from Committee Member Kathleen Greenbaum
- Jill Nixon, Council Office Staff, stated at a previous meeting Council approved a motion to allow the applicant to switch out of her position representing the potable domestic groundwater supply group but did not put her in a new position.

Councilmembers discussed the options.

Galloway moved to appoint Greenbaum to the Forestry representative position. The motion was seconded by Elenbaas.

The motion carried by the following vote:

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

Nay: 0

This agenda item was APPOINTED.

Appointed 7-0 to the Forestry representative position.

4. AB2024-224 Appointment to vacancies on the Wildlife Advisory Committee, Applicant(s): Jay Brueggeman

Galloway moved and Buchanan seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:

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

Nay: 0

5. AB2024-234 Approval of request to change representation on the Board of Equalization from At-Large Alternate to District 2, from Board Member Tom Follis

Galloway moved and Scanlon seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:

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

Nay: 0

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

1. AB2024-215 Request confirmation of the County Executive's appointment of David Finet to the Housing Authority of Whatcom County

Donovan moved and Galloway seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:

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

Nay: 0

2. AB2024-225 Request confirmation of the County Executive's appointment of Alex Jeffers to the Conservation Easement Program Oversight Committee

***Galloway moved* and Buchanan seconded that the Executive Appointment be CONFIRMED.**

Tyler Schroeder, Director of Administrative Services, answered whether the applicant is filling a particular role on the Conservation Easement Program Oversight Committee and stated the member is one conservation easement holder entity and Alex Jeffers works for the Whatcom Land Trust.

Elenbaas asked whether the applicant is too close to the situation to be an unbiased participant on the committee and Satpal Sidhu, County Executive, stated that is the whole intent.

Galloway's motion that the Executive Appointment be CONFIRMED carried by the following vote:

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

Nay: 0

3. AB2024-227 Request confirmation of the County Executive's appointment of Roger Hawley to the Agricultural Advisory Committee

Galloway moved and Stremmer seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:

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

Nay: 0

4. AB2024-246 Request confirmation of the County Executive's appointment of Andrew Shelton to the Marine Resources Committee

Buchanan moved and Galloway seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:

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

Nay: 0

5. AB2024-250 Request confirmation of the County Executive's and Mayor of Bellingham's appointments to the Whatcom Racial Equity Commission; confirmation at a future City of Bellingham Council Meeting will occur after County Council confirmation

Galloway moved and Scanlon seconded that the Executive Appointment be CONFIRMED.

Galloway thanked everyone involved in the process and stated she is excited to serve on this commission with these members.

Satpal Sidhu, County Executive, stated he wants to recognize the work done by the Chuckanut Health Foundation. He spoke about the candidate selection process.

Galloway's motion that the Executive Appointment be CONFIRMED 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

Buchanan stated that Introduction item number eight (AB2024-238) is a substitute version.

Donovan moved to introduce items one through nine. The motion was

seconded Galloway (see votes on individual items below).

1. AB2024-217 Ordinance establishing the project budget for the Austin Court Stormwater Improvements Fund, request no. 1

Donovan moved and Galloway 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

2. AB2024-220 Ordinance amending WCC 2.106 to change reporting due date for the Child & Family Well-Being Task Force

Donovan moved and Galloway 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

3. AB2024-229 Ordinance closing the Birch Bay Drive and Pedestrian Facility Fund and Project Based Budget

Donovan moved and Galloway 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

4. AB2024-235 Ordinance amending the project budget for the new Public Health, Safety and Justice Facility, request no. 6

Donovan moved and Galloway 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

5. AB2024-237 Ordinance amending the project budget for the Way Station Project Fund, request no. 3

Donovan moved and Galloway 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. AB2024-239 Ordinance amending the 2024 Whatcom County Budget, request No. 6 in the amount of \$8,600,501

Donovan moved and Galloway 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. AB2024-157 Ordinance amending Whatcom County Code 12.24, Franchise Requirements, to update procedures for processing applications

Donovan moved and Galloway 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 Stremler

Nay: 0

8. AB2024-238 Ordinance Amending WCC 10.34 Ferry Rates

Donovan moved and Galloway seconded that the SUBSTITUTE 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 Stremler

Nay: 0

9. AB2024-256 Appointment to a vacancy on the Board of Equalization, at-large alternate - Applicant(s): John Young, Micah Anderson, Bruce Thames

Donovan moved and Galloway 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 Stremler

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave Committee reports.

Buchanan reported for the Criminal Justice and Public Safety Committee and **moved** that the Council does the appointment process for the Justice Project Oversight and Planning (JPOP) Committee. The motion was seconded by Donovan.

The motion carried by the following vote:

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

Nay: 0

Councilmembers continued committee reports and then gave other updates.

Kayla Schott-Bresler, Executive's Office, spoke about two potential legislative priorities for Whatcom County to submit through the Washington State Association of Counties (WSAC) process which is due in the next week. These topics include flexible behavioral health facility funding for counties, providers, or Tribes, and Medicaid reimbursement rates.

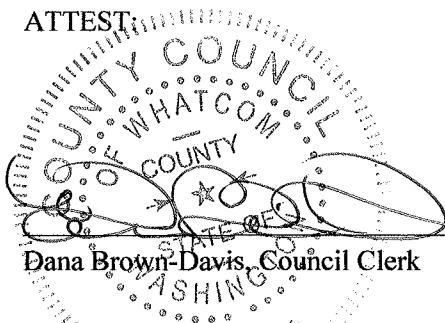
Motion approved 7-0 that the Council does the appointment process for the Justice Project Oversight and Planning (JPOP) Committee.

ADJOURN

The meeting adjourned at 9:56 p.m.

The County Council approved these minutes on April 23, 2024.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Barry A. Buchanan
Barry Buchanan, Council Chair

Kristi Felbinger
Kristi Felbinger, Minutes Transcription