

Whatcom County Council

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



Action Summary

Tuesday, September 9, 2025

6 PM

Hybrid Meeting - Council Chambers

**HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN
INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010); AGENDA REVISED 9.5.2025**

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. [MIN2025-045](#) Committee of the Whole Executive Session for July 22, 2025

APPROVED BY CONSENT

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

Nay: 0

2. [MIN2025-046](#) Regular County Council for July 22, 2025

APPROVED BY CONSENT

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

Nay: 0

3. [MIN2025-047](#) Committee of the Whole for July 22, 2025

APPROVED BY CONSENT

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

Nay: 0

4. [MIN2025-048](#) Special Council for July 22, 20205

APPROVED BY CONSENT

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

Nay: 0

5. [MIN2025-049](#) Special Council and Planning Commission for August 6, 2025

APPROVED BY CONSENT

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

Nay: 0

6. [MIN2025-050](#) Committee of the Whole for August 6, 2025

APPROVED BY CONSENT

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

Nay: 0

7. [MIN2025-051](#) Regular County Council for August 6, 2025

APPROVED BY CONSENT

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

Nay: 0

8. [MIN2025-052](#) Health Board and Public Health Advisory Board for July 29, 2025

APPROVED BY CONSENT

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

Nay: 0

9. [MIN2025-053](#) Special Committee of the Whole for July 29, 2025

APPROVED BY CONSENT

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

Nay: 0

PUBLIC HEARINGS

1. [AB2025-537](#) Ordinance amending Whatcom County Code Title 22 to clarify the roles and duties of participants in the Hearing Examiner process

ADOPTED

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

Nay: 0

Enactment No: ORD 2025-043

2. [AB2025-538](#) Ordinance amending Whatcom County Code Section 2.11 to clarify the authority of the Hearing Examiner

SUBSTITUTE ADOPTED

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

Nay: 0

Enactment No: ORD 2025-044

3. [AB2025-539](#) Resolution amending Resolution 2024-021 to update Business Rules of the Whatcom County Hearing Examiner to approve clarifying changes promulgated by the Hearing

Examiner

SUBSTITUTE APPROVED

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

Nay: 0

Enactment No: RES 2025-025

4. [AB2025-546](#) Review final project performance on the Community Development Block Grant (CDBG) Public Services Program

PUBLIC HEARING HELD (file final)

DISCUSSED AND MOTION(S) APPROVED

Motion approved 7-0 to receive the report

OPEN SESSION

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

1. [AB2025-580](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and North Sound Behavioral Health Administrative Services Organization to fund the Recovery Navigator Program to enhance LEAD programming in the amount of \$256,227.50, for a total amended contract amount of \$1,639,137.50

AUTHORIZED BY CONSENT

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

Nay: 0

2. [AB2025-582](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Law Group/Rajeev Majumdar for 2026 hearing examiner services, in an amount of \$118,779.60, for a total amended contract amount of \$344,599.60

THIS ITEM WAS CONSIDERED SEPARATELY BELOW

3. [AB2025-583](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Health Care Authority to provide funding for the Alternative Response Team (ART) Program in the amount of \$1,174,000, for a total amended agreement amount of \$4,561,000

AUTHORIZED BY CONSENT

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

Nay: 0

4. [AB2025-586](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington Association of Sheriffs and Police Chiefs (WASPC) for the Registered Sex Offender Address and Residency Verification Program, in the amount of \$130,767.67

AUTHORIZED BY CONSENT

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

Nay: 0

5. [AB2025-589](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Snohomish County for neuropathology services, in the amount of \$4,500

AUTHORIZED BY CONSENT

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

Nay: 0

6. [AB2025-604](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Administrative Office of the Courts to support Mental Health Court, in the amount of \$194,198

AUTHORIZED BY CONSENT

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

Nay: 0

7. [AB2025-606](#) Request authorization for the County Executive to enter into a five year grant agreement between Whatcom County and the US Forest Service for the Offender Forestry Work Crew Program in the amount of \$540,062.62

AUTHORIZED BY CONSENT

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

Nay: 0

8. [AB2025-607](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the Washington State Department of Ecology for Watershed Resources Inventory Area No. 1 (WRIA 1) water rights adjudication technical assistance, in the amount of \$200,000 (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 Stremler

Nay: 0

9. [AB2025-609](#) Request authorization for the County Executive to enter into a 15-month contract between Whatcom County and Trinity Services Group, Inc., for Jail Food Services, in the amount of \$1,239,500

AUTHORIZED BY CONSENT

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

Nay: 0

10. [AB2025-611](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Summit Construction Group, Inc for tenant improvements and HVAC replacement at the Parks Department administrative office and annex in the amount of \$58,694 for a total amended contract amount of \$999,950

AUTHORIZED BY CONSENT

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

Nay: 0

11. [AB2025-613](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Department of Ecology to provide a Washington Conservation Corps Crew and supervisor, in the amount of \$258,720 (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

12. [AB2025-615](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Health Care Authority to expand the operational capabilities of the Law Enforcement Assisted Diversion//Let Everyone Advance with Dignity (LEAD) Program in the amount of \$1,466,580, for a total amended agreement amount of \$1,886,580

AUTHORIZED BY CONSENT

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

Nay: 0

13. [AB2025-621](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Health Care Authority to coordinate and implement prevention programs and strategies in the amount of \$2,350,000, for a total amended agreement amount of \$3,670,000

AUTHORIZED BY CONSENT

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

Nay: 0

14. [AB2025-622](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the Opportunity Council for operation of the East Whatcom Regional Resource Center in the amount of \$50,000 in 2025 and \$51,500 annually thereafter, for a total contract amount of \$155,412 in 2025 and \$156,912 annually thereafter

SUBSTITUTE AUTHORIZED BY CONSENT

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

Nay: 0

15. [AB2025-624](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Lydia Place to support the rehabilitation and remodel of a transitional housing facility for large families, in the amount of \$166,950

AUTHORIZED BY CONSENT

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

Nay: 0

16. [AB2025-625](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for services related to the Volunteer Guardian Ad Litem (VGAL) Program, in the amount of \$84,523

AUTHORIZED BY CONSENT

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

Nay: 0

17. [AB2025-626](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for services related to Becca cases regarding At-Risk Youth, Truancy, and Child in Need of Services, in the amount of \$98,853

AUTHORIZED BY CONSENT

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

Nay: 0

18. [AB2025-627](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Trinity Food Services Group for food services for juvenile detention, in the amount not to exceed \$10,476 for the remainder of 2025 and \$41,904 for 2026

AUTHORIZED BY CONSENT

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

Nay: 0

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

2. [AB2025-582](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Law Group/Rajeev Majumdar for 2026 hearing examiner services, in an amount of \$118,779.60, for a total amended contract amount of \$344,599.60

AUTHORIZED

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

Nay: 1 - Byrd

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2025-558](#) Ordinance amending the 2025 Whatcom County Budget, request no. 9, in the amount of \$956,986

ADOPTED

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

Nay: 0

Enactment No: ORD 2025-045

2. [AB2025-587](#) Request for motion to approve the 2025-2027 Criminal Justice Treatment Account (CJTA) Plan

APPROVED REQUEST

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

Nay: 0

3. [AB2025-612](#) Request Council review and approval of the Economic Development Board's recommendation for 2026 funding for infrastructure and housing projects

APPROVED REQUEST

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

Nay: 0

DISCUSSED AND MOTION(S) APPROVED

Motion Approved 5-2, with Stremler and Byrd opposed, to fully fund the Opportunity Council's request for the Bellis Fair Phase II project as a loan from EDI.

(No Committee Assignment)

4. [AB2025-591](#) Request for motion to select a Councilmember to participate in the Whatcom Transit Authority (WTA) Board Composition Review meeting

DISCUSSED AND MOTION(S) APPROVED

Motion Approved to select Donovan with five votes

5. [AB2025-623](#) Request for motion to appoint two Councilmembers to participate in the Planning and Development Services Director recruitment process

DISCUSSED AND MOTION(S) APPROVED

Motion Approved 7-0 to appoint Elenbaas and Galloway to the Planning and Development Services recruitment process.

6. [AB2025-584](#) Resolution establishing regular Whatcom County Council meeting dates for 2026

APPROVED AS AMENDED

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

Nay: 0

Enactment No: RES 2025-026

Motion approved 7-0 to amend to change the September meetings (September 8 and 22) to September 15th and 29th.

COUNCIL APPOINTMENTS TO ADVISORY GROUPS

1. [AB2025-549](#) Appointment to a vacancy on the Child and Family Well-Being Task Force, applicant(s): Alycia Francis, Heather Carson, and Angela Marie Shapow

APPOINTED

Appointed Heather Carson with four votes.

2. [AB2025-570](#) Appointment to a vacancy on the Board of Equalization, Applicant(s): Wes Van De Mark

APPOINTED

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

Nay: 0

DISCUSSED AND MOTION(S) APPROVED

Motion approved 7-0 to waive the one-year period of separation for Mr. Van De Mark.

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO ADVISORY GROUPS

1. [AB2025-590](#) Request confirmation of the Executive's appointment of Laura Castro-Benzing to the

Northwest Senior Services Board

CONFIRMED

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

Nay: 0

Temp Absent: 1 - Byrd

2. [AB2025-593](#) Request confirmation of the County Executive's appointment of Kendra Dupuy to the Whatcom County Ethics Commission

CONFIRMED

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

Nay: 0

Temp Absent: 1 - Byrd

3. [AB2025-620](#) Request confirmation of the County Executive's appointment of Champ Thomaskutty as Director of Whatcom County Health & Community Services Department, effective October 27, 2025

CONFIRMED

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

Nay: 0

ITEMS ADDED BY REVISION

1. [AB2025-638](#) Resolution amending Resolution 2025-013 to docket an additional comprehensive plan and zoning amendment related to related to Whatcom County Code Chapter 20.40 to include agriculture storage as a primary permitted use

APPROVED

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

Nay: 0

Enactment No: RES 2025-027

INTRODUCTION ITEMS

1. [AB2025-597](#) Resolution to declare Whatcom County real property as surplus and approve transfer

INTRODUCED FOR PUBLIC HEARING

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

Nay: 0

2. [AB2025-608](#) Resolution amending the 2025 Flood Control Zone District and Subzones Budget, Request no. 3, in the amount of \$105,000 (Council acting as the Whatcom County

Flood Control Zone District Board of Supervisors)

INTRODUCED

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

Nay: 0

3. [AB2025-614](#) Ordinance establishing a project-based budget for the Jail Reentry Improvements project

INTRODUCED

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

Nay: 0

4. [AB2025-628](#) Ordinance amending the 2025 Whatcom County Budget, request no. 10, in the amount of \$1,820,416

INTRODUCED

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

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

REPORT AND MOTION (From Council Committee of the Whole Executive Session)

[AB2025-598](#) Discussion of pending litigation with Civil Deputy Prosecutor Jesse Corkern regarding Richard Arthur Kirkham, Plaintiff vs. City of Bellingham et al., Defendants, United States District Court Western District of Washington, No. 2:24-CV-01625-DGE-SKV, including defense and indemnification of Kellen Kooistra, Deputy Prosecutor, named as a defendant [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

Motion approved 7-0 to approve defense and indemnification of Kellen Kooistra, named as defendants in Richard Kirkham v. City of Bellingham et al., United States District Court for Western District of Washington, Cause No. 2:24-CV-01625- DGE-SKV.

Based on the following findings:

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

REPORT AND MOTION (From Council Finance and Administrative Services Committee)

[AB2025-629](#) Discussion of an ordinance amending the 2025 Whatcom County Budget, request no.

10, in the amount of \$1,820,416

DISCUSSED AND MOTION(S) APPROVED

Motion approved 4-3 with Byrd, Elenbaas, and Stremmler opposed that they endorse an ownership model (for Stewart Mountain Community Forest) that has a dedicated non-profit with Whatcom County participating on the entity's governance board as is specified in the memo from staff from the August 6 meeting (AB2025-560).

ADJOURN