

Whatcom County Council

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



Minutes - Draft Minutes

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 Stremler

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

COUNTY COUNCIL

CALL TO ORDER

Council Chair Kaylee Galloway 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

Satpal Sidhu, County Executive, reported on the following:

- Re-approval of the RAISE grant (for \$25 million) for the Lummi Island ferry after a change of scope
- The mid-biennium budget and challenges the County is facing (a stagnant economy causing sales tax revenue to be lower than expected)
- That the design build contract has been chosen for the Justice Project and that the finalist has a plan to involve local contractors (both union and non-union)
- The goal of bringing three options to the Council on design elements for the Justice Project
- An opioid settlement and determining how those funds should be used
- Success of the first annual County Government open house
- The new Health and Community Services director, Champ Thomaskutty
- The recent passing of Whatcom County's second County Executive, Shirley Van Zanten, and an executive proclamation declaring September 10th Shirley Van Zanten Day

MINUTES CONSENT

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

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

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

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

Buchanan 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. [MIN2025-048](#) Special Council for July 22, 2025

Buchanan 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

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

Buchanan 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

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

Buchanan 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

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

Buchanan 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

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

Buchanan 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

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

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

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

Scanlon moved and Byrd seconded that the Ordinance be ADOPTED.

Rajeev Majumdar, Hearing Examiner, answered whether the proposed changes are for cost-saving reasons, to make the job of the Hearing Examiner work better, or for the Legislative Branch to change the rules about what it expects this legislative office to be doing, and he spoke about the changes being proposed.

Byrd stated the Hearing Examiner also did an excellent job of articulating the proposed changes in the July 22 Planning and Development Committee meeting (see **AB2025-535**).

Elenbaas spoke about his appreciation for the work of this Hearing Examiner.

Scanlon stated he was the one who proposed that this have a public hearing to see if it might impact anyone, but that they did not hear from anyone about that.

Scanlon's motion that the Ordinance be ADOPTED carried by the following vote:

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

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

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

Byrd moved and Scanlon seconded that the SUBSTITUTE Ordinance be ADOPTED.

Donovan asked about the proposed amendments in section 2.11.200 subsection A and whether the Hearing Examiner could now do things they have not been able to do in the past in terms of rejecting, in whole or in part, directions and interpretations by the Planning and Development Services Department.

Rajeev Majumdar, Hearing Examiner, stated it does not change the nature of the Hearing Examiner as it currently exists but it makes it clear what it is the Hearing Examiner can do. He spoke about what precipitated the proposed changes to the Code. He answered whether the ordinance is saying that, if a department (which is usually Planning) does not impose adequate conditions, the Hearing Examiner shall have the power to impose conditions and or modify or refute or remove conditions, and whether that would only be if the applicant is making an appeal. He stated he is entrusted with wielding the power of this Council and he spoke about an example.

Scanlon pointed out a spelling error (the word "maters" instead of "matters") in the fourth line of WCC 2.11.200 section B of the substitute ordinance.

Elenbaas stated he sees this as codifying what we actually do in Whatcom County.

Byrd's motion that the SUBSTITUTE Ordinance be ADOPTED carried by the following vote:

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

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

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

Byrd moved and Buchanan seconded that the SUBSTITUTE 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 2025-025

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

Galloway opened the Public Hearing and the following person spoke:

- Lorena Shah

Hearing no one else, Galloway closed the Public Hearing.

No motion was needed for this item.

Elenbaas spoke about section 2 of the semi-annual beneficiary report and how it represents the number of Hispanic beneficiaries.

Action one: A PUBLIC HEARING WAS HELD (file final).

Kayla Schott-Bresler, Executive's Office, stated the Hispanic numbers are represented in the totals at the bottom of that column. She stated, with respect to whether the Council needs to make a motion, the requirement with CDBG is that they hold a public hearing. They could, however, make a motion around receipt of the closeout report.

Scanlon moved to receive the report.

The motion was seconded by Donovan.

Shah answered questions about the animal emergency care veterinary wellness clinic and whether that takes away from meeting people's medical needs.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved 7-0 to receive the report

OPEN SESSION

The following people spoke:

- Sharman Burnam
- Andrew Calkins
- Scott Bedlington
- John Westerfield
- Daniel Harm
- Bruce Ansell
- David Foreman
- Diane Kitchen
- Alan Shurman
- Atul Deshmane
- Sheri Stremmer on behalf of Natalie Chavez
- Lyle Sorenson
- Paul Moore
- Danielle Gaughen

Hearing no one else, Galloway closed the Open Session.

Councilmembers took a short break.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Councilmembers reconvened the meeting at 7:38 p.m.

Donovan reported for the Finance and Administrative Services Committee and ***moved*** to approve Consent Agenda items one and three through eighteen (item #2 to be considered separately). He stated that Consent Agenda item # 14 (AB2025-622) is a substitute.

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

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

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

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

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. [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

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. [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

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

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

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

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

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

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)

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

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

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. [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

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

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)

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

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

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

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

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 Stremmler

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

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 Stremmler

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

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 Stremmler

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

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 Stremmler

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

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

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

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

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

Donovan reported for the Finance and Administrative Services Committee and ***moved*** to hold until they have budget information (till roughly October).

Councilmembers discussed the item with the following people:

- Cathy Halka, Clerk of the Council
- Rajeev Majumdar, Hearing Examiner
- Aly Pennucci, Executive's Office

They discussed the motion, whether there would be any unintended consequences of holding the item, a history of the contract and why there is a proposed amendment for 2026, why they would want to hold it, when the current contract ends, and that the biennial budget as adopted

accommodates this increase, but that it is unusual that they are voting on a three percent COLA when they have not yet done their bargaining for 2026.

The motion to hold **failed** by the following vote:

Aye: 1 - Byrd

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

Donovan moved and Galloway seconded that the Contract be AUTHORIZED. The motion carried by the following vote:

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

Donovan reported for the Finance and Administrative Services Committee and moved 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 2025-045

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

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

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

Donovan reported for the Finance and Administrative Services Committee and ***moved*** that the Request for Motion (for approval of the Economic Development Board's recommendation for 2026 funding for infrastructure and housing projects) be APPROVED.

Galloway acknowledged that there were two motions made in committee

and that they would handle each separately.

Donovan's motion that the Request for Motion be APPROVED REQUEST carried by the following vote:

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

Nay: 0

Donovan reported for the Finance and Administrative Services Committee and **moved** to use EDI money to fund the Bellis Fair Senior Housing project.

Councilmembers discussed the motion and the following people spoke:

- Kayla Schott-Bresler, Executive's Office
- David Foreman, Opportunity Council

Elenbaas stated that he likes the project, the fact that it is almost fully funded, and that it quasi-fits into the definition of workforce housing since people living there would probably be working seniors. He asked if the Administration has other ideas on how they could fund it.

Schott-Bresler answered how this would look if it was fully funded by economic development investment (EDI), fully funded from some other housing funding source, or by some type of hybrid funding model. She stated projects serving Whatcom County residents up to 120 percent of area median income are eligible for EDI under the County code, but if they were to look at an alternative source, they would look at the affordable and behavioral health sales tax which is the one tenth of one percent option that was passed after the legislature passed House Bill (HB) 1590 several years ago. The City of Bellingham retains its one tenth of one percent sales tax collected within city limits and Whatcom County gets the share for the rest of the county and is allowed to use that funding for any project that fits the statute within Whatcom County's jurisdiction. She stated they have budget authority within the affordable and behavioral health sales tax fund to fully or partially fund this project within the 2025 budget. She spoke about projects that are in the pipeline for that fund and future infrastructure projects for the EDI fund. She stated staff has been planning to use the affordable and behavioral health sales tax fund as a source if there is a future acquisition for low-barrier shelter, or they also think about it as a source for transitional housing with the Justice Project.

Donovan amended his motion and **moved** to fund the Bellis Fair Senior Housing project with 50% EDI funds and 50% from "1590" (the affordable

and behavioral health sales tax fund).

The motion was seconded by Galloway.

Councilmembers discussed the amended motion and Schott-Bresler answered questions. She answered whether this would have an impact on using the fund for shelter space as she mentioned earlier, and stated it is hard to say. She stated \$1.3 million would fully spend out the housing goal that the Council set for EDI, with a remaining infrastructure reserve that the board set aside, but if they only fund half of it, EDI would have \$650,000 of housing money remaining that could go back into the pool for infrastructure or future housing projects.

Elenbaas asked if it could be an EDI loan and asked what the Opportunity Council's options are if the Council says no to all of it.

David Foreman, Opportunity Council, stated there would be enough money to fully repay an EDI loan over a period of time and the County would likely be first in line for repayment of the soft debt. He stated they are seeking alternatives to make the project work if the Council does not fund it, but they want to start construction in January.

Councilmembers and the speakers discussed the options for how they might fund the project, whether 1590 funds can come in the form of a loan, and that the Opportunity Council intended this to be a loan.

Donovan withdrew his motion.

Elenbaas moved to fully fund the Opportunity Council's request for the Bellis Fair Phase II project as a loan from EDI.

The motion was seconded by Scanlon.

Councilmembers discussed the motion, that they need a good definition of workforce housing, whether there might be more flexibility if they give a loan out of the 1590 funds, and the economic development aspect of the Opportunity Council's project.

Byrd moved to amend the motion to make it from 100% 1590 funds, as a loan.

The motion was seconded by Stremmler.

Councilmembers discussed Byrd's motion and that a loan from that fund is possible.

Byrd's motion **failed** by the following vote:

Aye: 3 - Stremmler, Byrd, and Elenbaas

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

Elenbaas' motion carried by the following vote:

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

Nay: 2 - Stremmler and Byrd

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

Motion Approved 5-2, with Stremmler 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

Councilmembers discussed the request and when the board meets.

Elenbaas nominated Byrd.

Scanlon nominated Donovan.

Buchanan moved to nominate both Councilmembers Byrd and Donovan for the position, with a vote of one.

The motion was seconded by Scanlon.

Councilmembers voted for one and Donovan was appointed as follows:

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

Byrd: 2 - Donovan, and Elenbaas

Galloway stated if something comes up and Donovan cannot make the meeting, maybe Byrd can be his alternate.

This agenda item was 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

Galloway asked, since the two councilmembers chosen cannot constitute a

quorum of committee, if this process will go into 2026.

Aly Pennucci, Executive's Office, stated the goal is that it will be fully contained in 2025.

Buchanan nominated Elenbaas.

Donovan nominated Galloway.

Pennucci spoke about the time commitment for the appointment and stated they are targeting October 23rd for the screening interviews, and will hopefully be bringing three finalists onsite on November 12th and 13th. She answered how soon they need this decision made, and stated at this or the next meeting.

Councilmembers discussed who might be alternates for those nominated, and what they want to see in a candidate, and Pennucci answered questions about the process.

Donovan moved to appoint Elenbaas and Galloway to the Planning and Development Services recruitment process.

The motion was seconded by Stremmler.

Elenbaas and Galloway were appointed by the following vote:

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

Nay: 0

This agenda item was 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
- Galloway stated the dates are consistently the second and fourth Tuesday of each month.

Cathy Halka, Clerk of the Council, stated should the council want to push the September meetings to the 15th and 29th, it would give the Council a longer break and the meeting would not fall right after Labor Day.

Elenbaas moved to approve the resolution.

The motion was seconded by Byrd.

Elenbaas moved to amend the resolution to change the September meetings (September 8 and 22) to the 15th and 29th.

The motion was seconded by Buchanan.

The motion to amend carried by the following vote:

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

Nay: 0

Elenbaas' 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 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

Donovan moved to nominate all and vote for one.

The motion was seconded by Byrd.

Councilmembers discussed the applicants and that it would be good to have people from outside of Bellingham on a committee like this.

There was a tie for two candidates on the first vote as follows:

Heather Carson: 3 - Buchanan, Galloway, and Scanlon

Angela Marie Shapow: 3 - Byrd, Elenbaas, and Stremler

Alycia Francis: 1 - Donovan

Donovan voted again as the tie-breaking vote and chose **Heather Carson**, so Carson was appointed with four votes (Buchanan, Galloway, Scanlon, and Donovan).

This agenda item was 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

Buchanan moved to appoint.

The motion was seconded by Byrd.

Cathy Halka, Clerk of the Council, stated there needs to be two votes for this item: a motion to waive the one-year period of separation requirement set forth in Whatcom County Code 2.03.030, and a second motion to appoint the applicant. She stated there is a provision in the code that allows the Council to appoint someone who has vacated a position less than a year prior if they have held that vacant position open for longer than one month.

Councilmembers discussed the requirement and provision in the code.

Buchanan withdrew his motion.

Byrd moved to waive the one-year period of separation for Mr. Van De Mark.

The motion was seconded by Buchanan.

The motion carried by the following vote:

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

Nay: 0

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

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

Appointment motion for AB2025-570:

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

Buchanan moved and Byrd 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 Stremmler

Nay: 0

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

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

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

***Scanlon moved* and Donovan seconded that the Executive Appointment be CONFIRMED.**

Elenbaas read from the applicant's application.

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

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

Kayla Schott-Bresler, Executive's Office, introduced the candidate.

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

Champ Thomaskutty answered what he has done personally to develop his leadership skills.

Scanlon'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

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

Elenbaas briefed the councilmembers and referred to his explanation of the resolution in the Committee of the Whole meeting today.

Buchanan moved and Byrd seconded that the Resolution be APPROVED.

The motion carried by the following vote:

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

Nay: 0

Enactment No: RES 2025-027

INTRODUCTION ITEMS

Byrd moved to introduce items one through four. The motion was seconded by Buchanan (see votes on individual items below).

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

Byrd moved and Buchanan 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 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)

Byrd moved and Buchanan seconded that the Resolution (FCZDBS) be INTRODUCED. The motion carried by the following vote:

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

Byrd moved and Buchanan 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. [AB2025-628](#) Ordinance amending the 2025 Whatcom County Budget, request no. 10, in the

amount of \$1,820,416

Byrd moved and Buchanan 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 and made motions on two committee agenda items (see below).

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)]

Galloway reported for the Committee of the Whole Executive Session (**AB2025-598**) and ***moved*** 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.

The motion was seconded by Donovan.

The motion carried by the following vote:

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

Nay: 0

This agenda item was 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

Donovan reported for the Finance and Administrative Services Committee (**AB2025-629**) and *moved* to 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.

The motion was seconded by Galloway.

The motion carried by the following vote:

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

Nay: 3 - Byrd, Elenbaas, and Stremler

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

Motion approved 4-3 with Byrd, Elenbaas, and Stremler 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).

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

Councilmembers continued committee reports and updates on recent activities and upcoming events.

ADJOURN

The meeting adjourned at 10:17 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger