

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

**COUNTY COURTHOUSE  
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Bellingham, WA 98225-4038  
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## **Committee Minutes - Final**

**Tuesday, June 18, 2024**

**2 PM**

**Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 4:30 PM (PARTICIPATE IN-PERSON, SEE  
REMOTE JOIN INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR  
CALL 360.778.5010)**

### **COUNCILMEMBERS**

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

### **CLERK OF THE COUNCIL**

**Dana Brown-Davis, C.M.C.**

**Call To Order**

*Clerk's note:* The meeting started with no sound in the Chambers at 2 pm then started again with sound at 2:05 p.m. (approximate timestamp: 04:14)

Council Chair Barry Buchanan called the meeting to order at 2:05 p.m. in a hybrid meeting.

**Roll Call**

**Present:** 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Kaylee Galloway, Jon Scanlon, and Mark Stremler

**Announcements****Special Presentation**

1. AB2024-410 Presentation on Operations Plan for Fentanyl Executive Order

Erika Lautenbach, Health and Community Services Director, read from a presentation (on file). She stated the reason she was there today is because the executive order addressing fentanyl in Whatcom County required that the Health Department create an Operations Plan by May 30th and she will speak about that plan. She first spoke about “strategy zero” which is addressing adverse childhood experiences (ACEs) through early intervention, and then reviewed the operations plan and the recommendations from the Multi-agency Coordination (MAC) group about what elements should be a priority. She then asked the Councilmembers for their input.

Donovan stated he would answer the question of prioritization differently if he knew they could pay for everything (such as recovery housing) versus only looking at things they can actually pay for now. He stated it would be helpful to know that information.

Lautenbach stated if they knew something was a priority for Council they could double down their efforts to try to find additional funding sources for that and things like that could also be part of the Council’s legislative priorities for the State.

Kayla Schott-Bresler, Executive's Office, answered a question about leveraging the Justice Project funding (even though some of it is a ways out) and optimizing every penny they can find, and stated once they get through the jail financing, that funding stream becomes a vehicle to increase support for these types of activities. In the short term, they are doing everything they can to find State and Federal funding to fund the activities

under this fentanyl plan as well as the Justice Project plan and there is a lot of overlap between them. She answered whether the County has had any conversations with North Sound Accountable Community of Health (ACH) about Medicaid, and she spoke about their ongoing conversations with that and other organizations.

Lautenbach answered whether Medicaid can pay for capital projects or workforce needs and stated she does not think so, but will follow up on that. She answered (knowing what she knows about the County's budget) what she would prioritize. She stated she tends to agree with a lot of the recommendations from the MAC group, including increasing initiation of medication for opioid use disorder (MOUD), addressing the critical gap in the pipeline with recovery housing, and supporting communities and early intervention. She answered whether they have a strategy around the opioid settlement funds that are in the works, and stated they will likely spend those dollars with the activities presented, assuming the spending and strategies line up with the requirements.

Elenbaas stated they still need to figure out the aspect of addiction by addressing the legalities on possession and having fentanyl around children. He also described a scenario in which two teenagers stated they were ready for help but the County did not have a way to get them help in time, and asked whether this plan would address a situation like that and be able to take action on it.

Lautenbach stated the plan gets us part of the way there and there are two strategies involved in that. The first is around treatment, recruiting new providers, and creating more treatment beds among existing treatment providers in our community. The second is buying a little bit of time if we do not have a treatment bed, and that is what the 23-Hour Crisis Relief Center does, in conjunction with the Anne Deacon Center for Hope. She answered whether she thinks it would help if State and Federal governments would declare an emergency, and stated if there was funding outside of our funds to support this, it would absolutely help speed up a lot of these initiatives.

Buchanan stated he will be going back to the National Association of Counties (NACo) in about three weeks to try to get full-blown support from all the counties in the country for the national emergency.

Schott-Bresler answered how law enforcement and the Prosecutor might have a part in the prevention work by helping to get fentanyl off the streets, and stated they have had some good coordinating conversations with the

Sheriff's Office and the criminal justice departments, but the executive order included things that were in the control of the County Executive. So, they would look to those departments for their thoughts as to how they would like to move forward on their ends. The Sheriff's Office, in particular, has some suggestions that they expect to put forward in the budget process.

Lautenbach answered how quickly an emergency declaration could speed things up when it comes to contracts and spending, and stated it could take one to two months off the timeline.

George Roche, Prosecuting Attorney's Office, answered if there could be a more limited version of an emergency declaration with guardrails so it is just around the financial piece, and stated he would look into that.

Lautenbach answered whether the contract the County had with the United General District (for youth-based prevention programs) is still going on, how it was funded, and whether it was for all substance use or just smoking and vaping. She described the contract and stated the way it works in schools is for universal prevention.

Councilmembers and the speakers discussed having at least quarterly briefings from Health and Community Services Department, and priorities that Councilmembers would like to convey, including recovery housing, work with partners to open a recovery facility, what they can do now to get people out of crisis, and exploring what capacity our Emergency Medical Services (EMS) might have for increasing first response.

Lautenbach and Schott-Bresler answered how much overlap there is between the City of Bellingham and the County in their executive orders and how the County can partner with them to get more done, and they described their coordination efforts.

Councilmembers discussed addressing the finance process and the time it takes to run things through Council, having a memo that describes what an expedited process might look like and whether it could be run as a pilot on this issue, making anything they can do in the line of prevention a priority, and scheduling time to hear from the Sheriff and Prosecutor about what they are working on.

**This agenda item was PRESENTED.**

### **Committee Discussion**

1. AB2024-336 Update from the investigative committee assigned to review recent employment law decisions

Donovan, Elenbaas, and Buchanan briefed the Councilmembers and stated they are still conducting interviews and hope to wrap them up by the first or second week of July.

Scanlon stated he had asked Council staff for some research on the risk pool and on different ways other counties address insurance, and Councilmembers received an email from Council staff and the Council intern on Friday. He stated it might inform some of the work they are doing.

Galloway thanked the investigatory committee for their work on this and stated she still feels a little out of the loop on the details of the process and in having a deeper understanding. She stated she is wondering if there a forthcoming opportunity for the other Councilmembers to hear more about the work that needs to be done, the timeline, and how they will work with a third party.

Elenbaas stated it probably feels like they are not saying as much as other Councilmembers would like to hear, but he would like people's experiences to be given to the committee from their perspective as much as possible without the Council talking about the things they are learning first.

Buchanan stated the more they do, the more they see needs to be done.

Donovan stated the three of them have not discussed how they are going to summarize all the information in a way that makes sense to them with all they have heard, and that may take some time.

Stremmer asked if it is difficult not going down rabbit trails, and Buchanan stated the information that keeps coming is not rabbit trails and they are trying to avoid that.

**This agenda item was DISCUSSED.**

2. AB2024-367 Ordinance amending Ordinance 2023-039 regarding the membership and formation of the Justice Project Finance Advisory Board

Kayla Schott-Bresler, Executive's Office, briefed the Councilmembers. She stated there was consensus during the negotiations on the related interlocal agreement that the Bellingham police chief should serve as the designated member for a municipal law enforcement representative and, in addition, the Administration is recommending a slight modification to clarify that the representative of the behavioral health system does not need to live in

Whatcom County so long as they represent an agency or group that serves Whatcom County clients.

Donovan asked why a change was made (in Section 5 of the ordinance) from the Council making the appointments to the Executive making the appointments to the advisory board.

Schott-Bresler stated she does not think that is a strong preference on the part of the Executive.

George Roche, Prosecuting Attorney's Office, stated the change was made to be compliant with our code.

Cathy Halka, Council Legislative Analyst, cited Whatcom County Code 2.03.050 and 2.03.060 (Appointment of non-councilmembers to advisory groups and Confirmation of executive appointments), but Donovan stated that is if the board is defined as an executive board.

Buchanan stated that, other than the first version saying that the Council would appoint, they did not decide whether it was an executive board or a council-formed board.

Roche stated he is not interpreting this as an executive or council board, he was just aware of the change that was made.

Scanlon stated that Section 5, item 2 on Ordinance 2023-039 (on page 10) states that the "County Council shall appoint members to the Finance Advisory Board."

Roche stated it is something that should be cleaned up and they should engage in a more robust discussion about which is the correct direction to go, but he does not have an opinion on that at the moment.

Councilmembers and the speakers discussed the process for cleaning up the ordinance, which would be an amendment or a new ordinance, the fact that, in looking at the interlocal, there is also some language around concurrence on the appointments from the City of Bellingham that they need to work through as well, whether it is the original intent that this be a Council-appointed committee, and whether they should still hold the public hearing tonight since there will be substantive changes.

Roche stated he would suggest that they clean this up before pushing the ball forward and that they hold the item and not do a public hearing tonight.

*Byrd moved* to hold and not do a public hearing tonight. The motion was seconded by Galloway.

The motion carried by the following vote:

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

**Nay:** 0

**This agenda item was FORWARDED TO COUNCIL WITH RECOMMENDED MOTION(S).**

**This agenda item was HELD IN COMMITTEE.**

Motion approved 7-0 to hold and not do a public hearing tonight.

### **Committee Discussion and Recommendation to Council**

1. AB2024-401 Resolution supporting affordable energy choices (and discussion of any impact AB2024-329 may have upon initiative I-2066, an act relating to promoting energy choice by protecting access to gas for Washington homes and businesses)

Stremler briefed the Councilmembers and stated House Bill (HB) 1589 does not ban natural gas yet but he believes that is the road it is heading down. The correspondence he has received from the community shows that they want to see this addressed.

Perry Eskridge, Whatcom Association of Realtors and the Building Industry Association, addressed the Councilmembers. He spoke about the housing affordability reports that come out from the Washington Center for Real Estate Research and stated he believes we are now in an affordable housing disaster. He stated the realtors and builders are concerned and talking about the reliability of the energy grid. He stated the County has a ban on larger electric transmission lines coming into the county and that is something he thinks they need to address. They are also concerned about the transition costs to convert a house from gas to electricity.

Donovan stated he understands the cost challenges but is not connecting the dots between this and HB 1589.

Eskridge stated that someone using natural gas can expect to pay less than they would with electric, so until they get to the point where the costs are on parity, keeping this as an option for people who cannot afford the electricity right now is a better way to go.

Scanlon asked whether local and statewide builder and realtor organizations are involved in I-2066 which is the initiative to repeal this bill, and Eskridge stated they are.

Eskridge spoke about last year's cold weather events east of the mountains where the public utility district there was concerned that they would have to start shutting off power to people to maintain the integrity of their electrical grid without it collapsing. The concern is about what happens if gas is not an option and the PUD's distribution and generating capacity has not increased to keep up with all the demand that is going to occur.

Brian Heinrich, Puget Sound Energy (PSE), stated he would agree with almost everything that Eskridge just said. However, the resolution before the Council does not really address any of the points that he made. He stated there is a lot of work before them including addressing the 230-kV moratorium and looking at the battery energy storage system ordinance adopted in 2022 or 2023. He stated HB 1589 does not ban natural gas but is a planning document for them that allows them to look at their gas and electric utility as a holistic system (in Whatcom County they are electric only but in other parts of the state it is a dual system).

Scanlon stated, because PSE does not provide natural gas service in this county, there are elements of this resolution in that bill that are not relevant for our County. He stated they have plenty of options for how to talk about some of these issues but this is not the way.

Heinrich answered whether PSE was a collaborative policy partner in the development and passage of HB 1589 (and ultimately supporting it), and whether I-2066 would require PSE to provide natural gas to customers in Whatcom County. He stated they were a partner in developing HB 1589 and that he would need to get back to them on the question about I-2066. He answered whether there is a mandate for Cascade Natural Gas (CNG) to become an energy company or whether it is the State's intention to just eliminate that company altogether, and stated it would not be appropriate for him to speak on behalf of CNG, but the State's Clean Energy Transformation Act requires the electric utility to be carbon neutral by 2030 and carbon free by 2045 and there is a great deal of reliance on renewable energy to achieve those goals.

Elenbaas stated as CNG went out of business because they are unable to meet the State's goals, it would greatly enhance PSE's ability to absorb all of their customers into their electrical grid if they can afford to upgrade their grid enough.



Heinrich stated they are also a gas utility in part, so that points back to the need for something like HB 1589 to plan for that transition. He answered whether carbon neutral would not necessarily mean getting rid of all natural gas, and stated he believes there would still be natural gas in a carbon neutral future.

***Byrd moved*** and Stremmler seconded that the Resolution be RECOMMENDED FOR APPROVAL.

Heinrich answered what impact being carbon free is going to have and stated it would look like a reliance on renewables such as wind and solar, the use of hydro facilities, and things like hydrogen.

Councilmembers discussed the motion, how the legislation might affect the cost of living and housing affordability, sending a letter to the State that the Council could all vote in favor of as opposed to this resolution and having good local conversation on the energy transition and impacts on our county, taking a different approach and crafting a different resolution with collaboration, examples of other energy policies the Council has participated in that promote energy options, climate resilience, and thoughtful planning, what the State intends for natural gas, that banning the use of hydrocarbons will hurt the less fortunate the most, whether or not this resolution has misinformation, and whether amending the resolution would help the Council get to a “yes” on it.

**Byrd's motion that the Resolution be RECOMMENDED FOR APPROVAL failed by the following vote:**

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

**Nay:** 3 - Buchanan, Donovan, and Scanlon

**Abstain:** 1 - Galloway

2. AB2024-403 Resolution approving Whatcom County Superior Court to preside over and hold certain water adjudication hearings outside of Bellingham, WA pursuant to Civil Rule (CR) 77

George Roche, Prosecuting Attorney's Office, briefed the Councilmembers and stated the courts will have the fifth judge in the next week or two so they need another place to hold court.

Donovan stated most of the people in the adjudication process will not be in Bellingham so this is a great idea.

***Donovan moved*** and Byrd seconded that the Resolution be RECOMMENDED FOR APPROVAL.

Roche answered why they have to have this resolution and stated he believes there needs to be a legislative action for us to hold court outside of the appointed courthouse.

**Donovan's motion that the Resolution be RECOMMENDED FOR APPROVAL carried by the following vote:**

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

**Nay:** 0

### **Executive Appointment**

1. AB2024-402 Request confirmation of the County Executive's appointment of Aly Pennucci as Deputy Executive effective August 5, 2024

Kayla Schott-Bresler, Executive's Office, introduced Pennucci and stated in the role of Deputy Executive, she will be focused on internal operations and core services. She spoke about her work experience.

Aly Pennucci addressed the Councilmembers.

***Buchanan moved*** to recommend the confirmation (of the County Executive's appointment of Aly Pennucci). The motion was seconded by Galloway.

Donovan asked how the Council should address the deputy executives since there will be two of them.

Satpal Sidhu, County Executive, stated they will create a protocol so there is no confusion with having two deputy executives.

**Buchanan's motion that the Executive Appointment be RECOMMENDED FOR APPROVAL carried by the following vote:**

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

**Nay:** 0

**Abstain:** 1 - Byrd

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

There was no other business.

### Adjournment

The meeting adjourned at 4:09 p.m.

The County Council approved these minutes on July 9, 2024.



Dana Brown-Davis  
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

Barry Buchanan  
Barry Buchanan, Council Chair

Kristi Felbinger  
Kristi Felbinger, Minutes Transcription