

Whatcom County Council

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



Minutes - Draft Minutes

Tuesday, June 4, 2024

6 PM

Hybrid Meeting

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

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 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 Galloway (see votes on individual items below).

1. [MIN2024-027](#) Special Council for May 21, 2024

Donovan moved and Galloway seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Temp Absent: 1 - Elenbaas

2. [MIN2024-028](#) Committee of the Whole for May 21, 2024

Donovan moved and Galloway seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Temp Absent: 1 - Elenbaas

3. [MIN2024-029](#) Regular County Council for May 21, 2024

Donovan moved and Galloway seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Temp Absent: 1 - Elenbaas

OPEN SESSION

The following people spoke:

- Matthew Goering
- Jim Sutterfield
- Cynthia Sue Ripke-Kutsagoitz
- Doug Revelle "Yoshe"
- Name not stated
- Nancy Button
- Mike Kaufman
- Simon Sefzik
- Lyle Sorenson
- Patrick Alesse
- Natalie Chavez
- Markis Dee
- Maya Morales
- Dan Walkovich
- Name not stated
- Eddy Ury
- Kerri Lonergan-Dreke
- Paul Twedt
- 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 eleven.

Stremmer stated he would like to consider Consent Agenda item #1 (AB2024-345) separately.

Donovan amended his motion and *moved* to approve Consent Agenda items two through eleven. Councilmembers voted on those items (see votes on individual items below).

1. [AB2024-345](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Commerce to maintain current levels of homeless subsidies and emergency housing services in the amount of \$0 for a total amended agreement amount of \$2,890,020

This item was considered separately below after the other Consent Agenda items.

2. [AB2024-353](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Health for Health Officer coverage, in the amount of \$0

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

3. [AB2024-354](#) Request authorization for the County Executive to enter into a grant contract amendment between Whatcom County and Washington Health Care Authority to continue the Medication for Opioid Use Disorder (MOUD) program in the jail in the amount of \$200,000 for a total amended amount of \$705,075

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

4. [AB2024-355](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office for funding through the Aquatic Lands Enhancement Act Program for completion of the initial phase of park improvements at Birch Bay Beach Park

Donovan reported for the Finance and Administrative Services Committee and moved 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 2024-025

5. [AB2024-357](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office for funding

through the Washington Wildlife and Recreation Program for acquisition costs of the recently purchased Carrasco Farm parcel at South Fork Park

Donovan reported for the Finance and Administrative Services Committee and moved 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 2024-026

6. [AB2024-360](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Military Department to purchase CERT supplies and public educational materials to be funded by a federal Dept. of Homeland Security (DHS) Emergency Management Performance Grant, in the amount of \$15,000

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. [AB2024-361](#) Resolution requesting authorization to make an application and enter into a grant agreement with the Washington State Recreation and Conservation Office for funding through the Community Outdoor Athletic Facilities Program for construction of a covered multi-sport court at the East Whatcom Regional Resource Center

Donovan reported for the Finance and Administrative Services Committee and moved 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 2024-027

8. [AB2024-365](#) Resolution authorizing the County Executive to grant an easement to Puget Sound Energy across park property to allow for installation and operation of private electrical services to a parcel adjacent to Stimpson Family Nature Reserve

Donovan reported for the Finance and Administrative Services Committee and moved 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 2024-028

9. [AB2024-366](#) Resolution authorizing the County Executive to act as the authorized representative on behalf of Whatcom County for Washington State Recreation and Conservation Office (RCO) Washington Wildlife and Recreation Forestland Preservation project grants

Donovan reported for the Finance and Administrative Services Committee and moved 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 2024-029

10. [AB2024-368](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Master's Touch, LLC to print and mail notices as well as maintain efile and online fillable forms for the Assessor's office, in the amount of \$26,000 for a total amended contact amount of \$50,500

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

11. [AB2024-369](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and WA State Department of Commerce for pass through CDBG grant funding for direct public services to low and moderate income persons in Whatcom, Island, and San Juan Counties in the amount of \$130,000, for a total amended amount of \$395,000

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 ITEM CONSIDERED SEPARATELY

1. [AB2024-345](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Commerce to maintain current levels of homeless subsidies and emergency housing

services in the amount of \$0 for a total amended agreement amount of \$2,890,020
Donovan reported for the Finance and Administrative Services Committee and **moved** that the Interlocal be AUTHORIZED.

Stremmer stated what he does not see in the programs for addressing the issue are responsibility and accountability, and he believes that until those are built into the programs, people are not going to be getting the help they need. He spoke about a statistic he heard from someone that 70 percent of the overdose deaths in our county are from people who are actually in housing and not from those one the streets.

Elenbaas stated he believes the people who are getting results are the ones who are demanding accountability from the people they are working with. He will vote yes on this because it is the County accepting money, but he will strive to help the groups that are going to implement these programs to incorporate accountability into them.

Scanlon stated this is a grant contract the County has with the State to pay for programs in our community and the State had decided to change the funding mix (to using State funds as opposed to Federal funds). This is approving that change in the contract.

Donovan stated he would like to get more information on the data Stremmer spoke about.

Stremmer spoke about the statistic he cited and stated that putting people in housing is not where they should stop. He also feels a responsibility to use the State's money in a responsible way.

Donovan's motion that the Interlocal be AUTHORIZED carried by the following vote:

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

Nay: 1 - Stremmer

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2024-333](#) Ordinance closing the Vactor Truck Storage Building Fund 379

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 2024-034

2. [AB2024-335](#) Ordinance closing the South Fork Park Improvement Fund 363

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 2024-035

3. [AB2024-337](#) Ordinance amending Whatcom County Code 3.08.060, Bids and Proposals Required

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 2024-036

(From Council Public Works and Health Committee)

4. [AB2024-314](#) Ordinance establishing Whatcom County Code Chapter 2.180 Naming County-Owned Public Buildings, Properties, Parks, and Facilities

Scanlon reported for the Public Works and Health Committee and moved that the Ordinance be HELD IN COMMITTEE FOR TWO WEEKS. The motion carried by the following vote:

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

Nay: 0

Temp Absent: 1 - Donovan

(From Council Planning and Development Committee)

5. [AB2024-343](#) Discussion and motion to approve the Public Participation Plan for 2025 Whatcom County Comprehensive Plan and Development Regulations Update

Scanlon reported for the Planning and Development Committee and ***moved***

that the Request for Motion be APPROVED.

Galloway encouraged those listening to participate in the Comprehensive Plan process.

Buchanan stated he was impressed with the list of those entities that the Planning and Development Department plans to engage.

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

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

Nay: 0

(From Council Committee of the Whole)

6. [AB2024-329](#) Resolution supporting affordable energy choices

Buchanan reported for the Committee of the Whole and stated they had some advice from the Council's legal counsel today.

Donovan moved to hold the item for two weeks for it to be re-noticed per consultation with Council's attorney. He stated that is because of the potential overlap with the subject matter with an initiative 2066 that is in the field for initiative petition circulation. The motion was seconded by Buchanan.

George Roche, Prosecuting Attorney's Office, stated the language of the resolution has three objectives, the first of which is to support affordable energy choices and the third of which proposes specific amendments to the current legislation (House Bill 1549). It is asking the Legislature to consider amendments to the current law, and at the same time, an initiative (I-2066) has been circulating, and is currently out for signature, which is essentially asking for the same objectives. Because that is something that is pending, and in order to properly notice this, the Council would need to include reference to that initiative by both its name and number within its notice. That is so that anyone who is interested in the initiative process has proper notice so that they can come here and engage in this discussion with the Council.

Stremler spoke about Roche's comment that the objectives are the same and stated that might be a strong word, and that they might just be similar.

Roche stated they are certainly not the same, but they both seek to pursue similar objectives, so that the passing of this resolution could have an

indirect effect on the initiative process.

Donovan's motion that the Resolution be HELD IN COMMITTEE carried by the following vote:

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

Nay: 0

Motion approved to hold the item for two weeks so the proponent has the opportunity to notice it per legal advice.

7. [AB2024-342](#) Request for motion to identify two councilmembers to participate on the selection committee to hire a Legislative Analyst for the Council Office

Buchanan reported for the Committee of the Whole and asked who would be interested.

Buchanan stated he was interested and Elenbaas stated he would like to be on the selection committee as well.

Galloway moved to appoint Buchanan and Elenbaas to participate on the selection committee to hire a Legislative Analyst for the Council Office. The motion was seconded by Donovan.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved 7-0 to appoint Buchanan and Elenbaas

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2024-347](#) Request confirmation of the County Executive's appointment of Mark Fairhart to the Marine Resources Committee

Byrd 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

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

Galloway moved to introduce items one through eight. The motion was seconded by Donovan.

Cathy Halka, Council Legislative Analyst, stated that Introduction item number two (AB2024-367) has a substitute.

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

1. [AB2024-351](#) Ordinance amending the project budget for the Silver Beach Creek Stormwater Improvements Project Fund, request no. 2

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

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

Nay: 0

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

Galloway moved and Donovan 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 Stremmer

Nay: 0

3. [AB2024-372](#) Ordinance amending the 2024 Whatcom County Budget, request no. 8, in the amount of \$4,642,972.

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

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

Nay: 0

4. [AB2024-344](#) Ordinance adopting amendments to the Six-Year Capital Improvement Program for Whatcom County Facilities 2023-2028

Galloway moved and Donovan 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 Stremmer

Nay: 0

5. [AB2024-346](#) Appointment to a vacancy on the Planning Commission, District 2 or 4, Applicant(s): Suneeta Eisenberg

Galloway moved and Donovan 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

6. [AB2024-348](#) Resolution to Declare Whatcom County Real Property as Surplus and Approve Transfer

Galloway moved and Donovan 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

7. [AB2024-352](#) Resolution amending the 2024 Flood Control Zone District and Subzones Budget, request no. 4, in the amount of \$207,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Galloway moved and Donovan 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

8. [AB2024-350](#) Resolution adopting changes to WCC 100.07 Birch Bay Watershed and Aquatic Resources Management district funding mechanism, by revising the rate structure, service charge adjustments and exemptions (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Galloway moved and Donovan seconded that the Resolution (FCZDBS) 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

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave Committee reports.

Buchanan reported for the Committee of the Whole and Councilmembers discussed some of the agenda items.

AB2024-326 Discussion of a draft resolution requesting the County Executive prepare a proposal for the expansion of year-round shelter capacity and establish a homelessness and shelter subcommittee of the Whatcom Housing Advisory Committee

Elenbaas stated he would like to focus on treatment options and that is what he would like to see in a resolution.

Scanlon suggested they use the fentanyl plan to compare the costs of providing treatment to everybody who needs it with housing.

Kayla Schott-Bresler, Executive's Office, stated they have not costed out a universal treatment access program under the Operations Plan. It costs out the highest priority items under the plan.

AB2024-364 Discussion regarding the Birch Bay Incorporation Association's interest in incorporating Birch Bay as a city

Councilmembers concurred that they would like the Executive's Office to bring them a plan or proposal for a study for Birch Bay's incorporation.

Stremmer asked what would be involved in the County providing the resources to do the incorporation and Donovan stated he would like to know how much it will cost.

Jed Holmes, Executive's Office, stated in 2007 a similar request came to the County and the Council approved a contract for about \$100,000 to conduct a study which included a lot of community outreach. It might cost more this time, or they may be able to take the old information and update it.

Scanlon stated he would like to see them look at potential funding options for this. He will send the item they worked on with Point Roberts and see if that is an option and also wonders if Economic Development Investment (EDI) funds would be.

Schott-Bresler stated she would look into that.

AB2024-336 Update from the investigative committee assigned to review

recent employment law decisions

Buchanan stated they conducted more interviews, and the more they have done, the more interviews they find they need to do so the process has gotten a little bigger. They are using all the information they gather to produce a Request for Proposal (RFP) that would be for an outside look in, and they would bring that to Council to have them help craft it. He is guessing by mid-July they should have a scope of work developed and will maybe have an executive session.

AB2024-341 Discussion and approval of Council Office budget items to include as Additional Services Requests (ASRs) with the department’s proposed 2025-2026 biennial budget

Buchanan stated the discussion on this item will be pushed to next Tuesday.

Councilmembers gave other updates.

ADJOURN

The meeting adjourned at 7:52 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription