

Whatcom County Council Committee of the Whole

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



Committee Minutes - Draft Minutes

Tuesday, November 19, 2024

2:05 PM

Hybrid Meeting - Council Chambers

**AGENDA REVISED 11.18.2024 - HYBRID MEETING - MAY BEGIN EARLY -
ADJOURNS BY 4:30 P.M. (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 Stremmler

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Call To Order

Council Chair Barry Buchanan called the meeting to order at 2:10 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

Donovan moved and Buchanan seconded to nominate Jon Scanlon to chair this meeting and the Council meeting.

The motion carried by the following vote:

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

Nay: 0

Scanlon chaired this meeting from this point on.

Motion approved to nominate Jon Scanlon to chair this meeting and the Council meeting.

Committee Discussion

1. [AB2024-669](#) Discussion of the County Executive's recommended 2025-2026 Biennium Budget
Aly Pennucci, Executive's Office, stated they are available today to answer questions but have not prepared a formal presentation.

Donovan asked whether Council was interested in restoring some of the funds that they cut for the Sustainable Connections Whatcom Housing Alliance (WHA) program that works on housing and education and works with cities. He asked whether they could have a motion that the Administration would have a budget supplemental ready for Council in January for that, for some amount of money.

Donovan moved to request the Executive to come forward with a supplemental budget request of \$20,000 (which is less than the \$100,000 that they had before) as a contract.

The motion was seconded by Buchanan.

Councilmembers and Pennucci discussed the motion, and what the difference is with something being in the budget and just coming forward as a supplemental budget request.

Pennucci stated they could bring this forward, but ultimately she would like to see the County moving toward a less frequent amending of the budget so they can focus on its longer-term financial stability and make decisions in the context of the entire budget rather than one-off decisions.

Donovan spoke about the timing of bringing forward the request and how it will help the program.

Galloway stated she would like to hear an update from Sustainable Connections on all the things they have been doing.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved to request the Executive to come forward with a supplemental budget request for Sustainable Connections of \$20,000 (which is less than the \$100,000 that they have had before) as a contract.

2. [AB2024-774](#) Discussion of an ordinance adopting amendments to WCC Titles 20 and 22 to enact SSB 5290 regarding local project review

Scanlon stated there are now a few versions of this ordinance in the agenda packet.

Galloway spoke about an amended substitute version she is hoping Council will consider for introduction (**AB2024-793**), and stated it did not have the time to get fully vetted through Planning and Development Services (PDS) and Council's legal team. She stated maybe they can introduce multiple versions and pick one in two weeks in hopes that they can come to some agreement. She stated the summary of the amendments did not get updated for her latest version so she walked through the biggest changes. She and a group of stakeholders were able to put together an amended version of Section 22.05.022 (Critical Areas) to try to meet the intention of PDS, which is around having applicants undergo some format of a critical areas assessment without taking the critical areas review out of the permit review project permit application. So that amendment will require applicants to go through a pre-screen process and the new code outlines the pre-screen.

The other change is that they specifically call out that the critical areas review and determination should still be included in the project permit application and be subject to the review timelines (Section 22.05.130(1))

(A)) that have been established in Senate Bill 5290.

Councilmembers discussed the proposed changes emailed by Galloway to Councilmembers and posted as “Revised Exhibit A - Galloway added 11.19.24 in Committee” (on file) with the following people:

- Cliff Strong, Planning and Development Services Department
- Satpal Sidhu, County Executive
- Mark Personius, Planning and Development Services Department Director

They discussed how much the ordinance is proposing that is not for 5290 compliance and whether there should be two separate ordinances, the language regarding development agreements and that stakeholder suggestions have been incorporated in this version, the fact that the original ordinance from PDS (**AB2024-695**) is still scheduled for a public hearing this evening, that bringing the ordinance back in pieces would be difficult to do by tonight’s meeting, and a request to send this proposed substitute to the Executive’s Office as well.

Personius stated PDS has not had a chance to review the new version, but quick review indicates some potential challenges, especially in the areas of development agreement language, that may not be consistent with State law. He stated they would request that Council not introduce this tonight, but instead, PDS could prepare a substitute to this substitute that would just remove Section 22.05.022 (critical area review section) in its entirety and just basically have the minimum 5290 requirements. That brings them into compliance with 5290 and keeps the same process they have now (which includes critical area review as part of permit processing timelines) and they can come back to Council in six to nine months with a report on how they are doing on meeting the new timelines. They could bring that version for introduction tonight (see **AB2024-809**). He answered whether PDS and Council could discuss the code further in the first half of 2025 and focus on different pieces of it at each meeting, and stated they are happy to engage.

Councilmembers and staff discussed taking a staggered approach on the proposed code, being engaged to look at big system change to fix the challenges our community faces in this process, changes proposed in Galloway’s version regarding notice of additional requirements (NOAR) (on page 33 of her substitute), that this is a door to further conversation about improving the County’s permitting process, and the fact that AB2024-695 is on the agenda tonight for a public hearing since it was

noticed as such.

Byrd moved that they cancel tonight's public hearing and introduce both substitute versions for introduction tonight and approval at their next meeting.

The motion was seconded by Galloway and Councilmembers discussed the motion.

George Roche, Prosecuting Attorney's Office, stated he has concerns about cancelling a public hearing that has been appropriately noticed.

Councilmembers and staff discussed the motion and how the substitute versions should be handled since they are separate agenda bills.

Byrd withdrew his motion.

Cathy Halka, Clerk of the Council, asked whether the Council would like staff to add the PDS substitute version as a separate introduction item this evening and Councilmembers discussed that.

Aly Pennucci, Executive's Office, stated putting them all on the agenda as potential introduction items preserves Council's options and the Executive's preference would generally be to at least do the bare minimum. But whatever they decide, the Administration is committed to coming back and working with Council in January.

Councilmembers discussed with the following staff what the consequences would be of missing the State's deadline and what language PDS' version would propose:

- Aly Pennucci
- Mark Personius
- Amy Keenan, Planning and Development Services Department
- Cliff Strong

Galloway moved to recommend the revised Galloway substitute under the existing Agenda Bill (**AB2024-793**) and create a new Agenda Bill (see **AB2024-809**) for the revised Planning and Development Services (PDS) substitute for introduction tonight.

The motion was seconded by Donovan.

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 to recommend the revised Galloway substitute under the existing Agenda Bill (AB2024-793) and create a new Agenda Bill for the revised Planning and Development Services (PDS) substitute for introduction tonight

Committee Discussion and Recommendation to Council

1. [AB2024-747](#) Ordinance amending Whatcom County Code Chapter 2.06 Medical Examiner to establish a Medical Examiner Department

Elenbaas briefed the Councilmembers and the following people spoke:

- Kayla Schott-Bresler, Executive's Office
- Aly Pennucci, Executive's Office

They discussed with Councilmembers their agreement with the work put forward by Elenbaas in this ordinance, that delivering this service as a County function will be more expensive than contracting out the work though it is not a straight comparison since they will be expanding staffing in the medical examiner's office, that, by making it its own department, it will have its own section of the budget book and be easier to track over time, that the Administration has heard nothing but appreciation for the role of the support officers and that the ordinance talks about collaboration with various stakeholders (including grief support services), whether they should move forward with adoption of the ordinance without knowing what the additional costs might be, and that the ordinance does not include representation for fire or EMS on the Medical Examiner Advisory Council.

Scanlon moved to add a number eight under Section 2.06.090100 (in Exhibit A), but was not able to finish the motion since there was no main motion on the table.

Buchanan moved and Donovan seconded that the Ordinance be RECOMMENDED FOR ADOPTION.

Byrd asked if the Administration is saying they are 100 percent certain that the amount they have budgeted for the medical examiner expenses right now will not increase if they make it a department.

The speakers spoke about the budget being accurate to their best judgement

and knowledge at this time, scenarios that would show an increase in the budget, and that requests for more resources will be brought to Council.

Councilmembers discussed whether they should hold the ordinance to get more information.

Byrd moved to hold until December 3rd and request that financial analysis be done and brought back to them to double-check and see if there may be, specifically, any additional increases due to it being a department.

The motion was seconded by Scanlon.

Councilmembers discussed how this department will compare to others in the County, thinking in the meantime about what would be a good representative on the Medical Examiner Advisory Council from EMS or fire, and then adding a ninth member to keep the membership at an odd number.

Byrd stated that could part of the same motion.

The motion carried by the following vote:

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

Nay: 1 - Elenbaas

This agenda item was RECOMMENDED TO HOLD IN COMMITTEE.

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

Nay: 1 - Elenbaas

Motion approved to hold until December 3 and request that financial analysis be done and brought back to Council to double check and see if there may be specifically any additional increases due to it being a department, and that they think about what would be a good representative (on the Medical examiner advisory council), whether it be the Chief's Association or the commissioners, from EMS or Fire, and a recommendation for a ninth member (to make it an odd number).

2. [AB2024-767](#) Resolution to establish Council goals for full, timely awarding of Healthy Children's Fund contracts

This item was withdrawn (see agenda revision).

This agenda item was WITHDRAWN.

3. [AB2024-789](#) Discussion and motion to approve Whatcom County's state legislative priorities for 2025 legislative session.

The following people read from a presentation (on file) and answered questions:

- Jed Holmes, Executive's Office
- Josh Weiss, Gordon Thomas Honeywell Government Relations
- Steve Oliver, County Treasurer

Galloway spoke about concerns she has heard about the state of the budget for the next biennium at the State level, and thinking about what their one or two top priorities are with that in mind. She spoke about thinking about how they want to manage communication and coordination between the Council, Executive's Office, and Weiss during the legislative session and how they want to be responsive to bills.

Byrd asked whether food security (listed on page four of the presentation) assumes it will also include support for food banks and whether additional or increased support for childcare falls into any of the categories listed.

Holmes stated childcare support has been there in the past and he is happy to add that back in, and he answered questions.

Weiss answered whether it is too soon to add a priority about funding for potential impacts of caseload standards, and stated it is not too early but he sees it as already included in the priority on funding for indigent defense and something they would be talking to the delegation about already.

Steve Oliver, County Treasurer, answered whether there is a change in State law that could allow counties or cities to take the funds that they bank and invest, and invest them in local priorities. He stated that is probably going to be a longer conversation with the legislature.

Scanlon moved and Byrd seconded that the Request for Motion be RECOMMENDED FOR APPROVAL. The motion carried by the following vote:

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

Nay: 0

Temp Absent: 1 - Buchanan

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 3:56 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Barry Buchanan, Council Chair

Meeting Minutes prepared by Kristi Felbinger