

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, March 25, 2025

1:35 PM

Hybrid Meeting - Council Chambers

**HYBRID MEETING - MAY BEGIN EARLY - ADJOURNS BY 4:30 PM
(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

Cathy Halka, AICP, CMC

Call To Order

Council Chair Kaylee Galloway called the meeting to order at 1:27 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. [AB2025-118](#) Update from County Executive's Office on 2025 state legislative session

Jed Holmes, Executive's Office, reported on the following:

- Updated revenue projections and proposed operating budgets have come out
- Transportation budget proposals have come forward and do not include any additional funds for Whatcom County's Lummi Island ferry
- He, Galloway, and Kayla Schott-Bresler will be going to Olympia this week to talk to representatives from both houses about Whatcom County priorities

Scanlon stated the Public Health Advisory Board (PHAB) is going to do a lobby day in Olympia on April 10th.

Holmes answered whether they are cutting some transportation things that *were* funded and whether it affects any County Road Administration Board (CRAB) grants that we were expecting, and stated the \$5.3 million we have from the State and the CRAB grant are not at risk. He answered how the County is faring in terms of their priorities in the State operating and transportation budgets, and stated the main operating asks regarding adjudication and public outreach have not been funded in the current versions that are presented by the House the Senate. He answered a question about Medicaid and child care subsidies not faring well, and stated they are still monitoring that.

Scanlon spoke about the implications for the Healthy Children's Fund of the Legislature delaying the schedule for increasing the State median income and what the County might need to do.

This agenda item was REPORTED.

2. [AB2025-229](#) Presentation from Laurie Trautman, Western Washington University Border Policy

Research Institute, on potential tariff impacts to Whatcom County

Laurie Trautman, Western Washington University Border Policy Research Institute, read from a presentation (on file) and answered questions.

She spoke about how the Border Policy Research Institute came to be, trends in border crossing since 2005, the relationship between the value of the Canadian dollar and the number of Canadians crossing (which is a factor unique to our region), the reasons people cross the border and where they go, the current state of cross-border travel and trade in our region, implications for communities in Whatcom County, and how some of the potential impacts might be alleviated.

Scanlon spoke about keeping an eye on sales tax revenues and how that might impact our budget, and an upcoming town hall forum on this topic.

Trautman spoke more about the Port of Bellingham's Foreign Trade Zone and how the county can take advantage of that.

This agenda item was PRESENTED.

Committee Discussion

1. [AB2025-263](#) Discussion regarding the Capital Projects Prioritization: Northwest Annex, New Sheriff's Office, and Whatcom County Morgue

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

- Aly Pennucci, Executive's Office
- Rob Ney, Administrative Services Department Facilities

They discussed with Councilmembers that they do not have sufficient funding (based on reliance on REET funds) to do both the NW Annex project and the Sheriff's Office/Morgue project and that Council needs to decide what they would like to prioritize. They answered questions about each project, the location of the Sheriff's Office, what they would get with the NW Annex project and whether they should be looking for a location on which it would be cheaper to build, what purpose the shell of building two on the NW Annex site would serve, and what might go into the Civic building if they move Public Works out.

Donnell Tanksley, Sheriff, addressed the Council and stated he is not sure how the morgue got combined with the Sheriff's Office. The building two at NW Annex was originally slated for public safety but now it is proposed as

a shell. He stated the Sheriff's Office is a need that he believes has not been addressed the way it should. He stated if they were centralized, they could do a better job and be more efficient. He also thinks the NW Annex project is being given priority. He answered where he would prefer the Sheriff's Office to be located and stated his preference would be co-located with the jail, but that they need to keep their options open.

Councilmembers discussed if they should spend more time at a future meeting or decide their priority now.

The speakers answered questions about building a Sheriff's Office.

Satpal Sidhu, County Executive, suggested they come back and discuss this again and not make a decision today. There are also possibilities they have not discussed yet.

Councilmembers and the speakers discussed why they need a new morgue already, how feasible it would be to add a Sheriff's office to the LaBounty site, getting more information on what the feasibility would be of tweaking the NW Annex plan so that the Sheriff's Office could go in the initial building, learning more about the interest in remote work for staff in order to deal with space constraints, and compiling questions for the next discussion on this item.

This agenda item was DISCUSSED.

2. [AB2025-268](#) Discussion regarding a resolution approved by the Charter Review Commission at their meeting on February 27, 2025

Scanlon briefed the Councilmembers on what has taken place since Council received a resolution approved by the Charter Review Commission asking them to look into whether there are code, charter, or budget issues Council could work on to address concerns outlined in the resolution. First, a contract just started with a consultant to have them look at the Public Works situation last year, the County's policies regarding sexual harassment, and the County's HR policies. Second, he and Councilmember Donovan (with the help of Councilmember Galloway) have started to work on updates to code and plan to bring a draft to the Council in April. Third, Council staff researched what legal counsel looks like for other councils and he described some of those structures in other counties. He answered questions about King County's model of hiring someone to be their legal counsel and how that works together with the Prosecuting Attorney's Office.

Christopher Quinn, Prosecuting Attorney's Office, stated that State law

charges the county prosecutor with being legal counsel for the Council as a body so any decision to go with one of the alternative routes would have to come with the concurrence of the Prosecutor.

Councilmembers discussed that they hope the Prosecuting Attorney's Office would be understanding and supportive, and that they could also look at a hybrid format in which they retain their day-to day work with Prosecutor's Office but then have a retained third party for investigatory issues or issues that they feel might have a conflict of interest or for which they would like a second opinion.

Donovan stated it would also be good for the Council to have policy guidance.

Quinn answered why third-party guidance is often utilized by the executive branch, and stated they are bound by rules related to conflict of interest which require them to have outside counsel. He stated the Council has their own attorney and if a conflict arises, the Prosecutor's Office has an obligation to make sure one of the two parties is properly represented.

Galloway stated she would work with Councilmember Scanlon to schedule a discussion of the draft code in a future Committee of the Whole.

This agenda item was DISCUSSED.

3. [AB2025-276](#) Discussion regarding Petrogas code compliance

Donovan briefed the Councilmembers and stated he wanted to get an overview of the issues with Petrogas tangential to and then leading to the potential perceived violations of our building codes. The idea was to start with some background of the tax appeals, hear from NW Clean Air Agency on how they found out what was going on in terms of air emissions at the facility, and hear from the Planning and Development Services Department about where they are with building code, SEPA, and permitting issues.

Rebecca Xczar, County Assessor, read from emails she sent to the Council (on file) and answered questions about Petrogas appeals and the recent settlement agreement to finalize all the appeals that were outstanding.

Mark Buford, NW Clean Air Agency (NWCAA) Executive Director, reviewed their penalty and settlement with Petrogas facility at Cherry Point in the early 2020s.

Mark Personius, Planning and Development Services Department Director, updated on the status on their work with AltaGas/ALA energy. He stated

they reached a compliance agreement with them in March of 2023 that stipulated that they would have to apply for certain permits and conduct a new SEPA review of any unpermitted projects that they had constructed since 2016, as well as any future improvement that they wanted to make. He spoke about the process.

Donovan stated hopefully, going forward, they can work on vagueness in code regarding facility expansions. He asked if the County has tools for a settlement or issuing penalties, and Personius stated our code does not have the penalty power that NWCAA's code does.

Personius stated the compliance agreement gets us what we would work for with any applicant who had not gotten proper permits.

Donovan stated that the follow-through process for this might involve revisiting our code.

This agenda item was DISCUSSED.

Committee Discussion and Recommendation to Council

1. [AB2025-221](#) Discussion and motion relating to draft Countywide Planning Policy amendments
Matt Aamot, Planning and Development Services Department, briefed the Councilmembers on the process for approving the countywide planning policies.

Galloway stated the suggested language for a motion today would be to recommend to Council that the Council approve sending the draft amendments to the cities for review and approval.

Cathy Halka, Clerk of the Council, stated the purpose of the motion is not to approve the planning policies at this time but to let Planning staff know that they are approved to send them to the cities.

Councilmembers and staff discussed that once they send the final draft it cannot be changed, and Councilmembers' hesitation to call it a final draft until the cities have approved it and the Council holds a public hearing and then approves it.

Aly Pennucci, Executive's Office, stated they have the opportunity to make changes to it now and then ask the cities to weigh in on that.

Aamot suggested that they could come up with their amendments and send it to the city planners to get their feedback. If there are any issues, it could

come back to this committee and Councilmembers could then approve a final draft or talk through issues.

Byrd moved that they send the final draft to the cities for review and approval. The motion was seconded by Elenbaas.

Councilmembers discussed with Aamot how public comment was incorporated, what kind of outreach was done to the Nooksack Tribe since it looks like they did not respond, holding this to see what policy they might want to set with other indigenous people that have cultural resources in this county, and getting the rationale behind why certain language was cut from the document.

Galloway moved to add a #7 to N. Water Quality and Quantity on page C-22 of the Countywide Planning Policy update to read as follows:

“Cities and Counties shall demonstrate compliance with the GMA relating to surface and groundwater resources prior to allocation of population and employment for their respective UGAs. This new countywide planning policy will help ensure that the cities and county can accommodate their planned population and employment allocations given available water resources.”

The motion was seconded by Buchanan.

Councilmembers discussed the motion with Aamot and the following:

- Rollin Harper, Sehome Planning

Scanlon stated he would like to hold this for another meeting to hear from the cities.

Buchanan moved to hold in committee until the April 15 meeting. The motion was seconded Byrd.

Galloway requested that Councilmembers put forward their amendments so staff can distribute them to Councilmembers and the Administration.

Pennucci requested they include the Planning Department as well.

Councilmembers and the speakers discussed whether or not they should send the comments and proposed amendments to the cities to get their input.

Buchanan's motion that the Request for Motion 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 in committee until the April 15 meeting.

2. [AB2025-273](#) Request confirmation of the County Executive's appointment of Charlene Ramont as Interim Director of Whatcom County Health & Community Services effective March 25, 2025

Satpal Sidhu, County Executive, introduced Charlene Ramont.

Scanlon moved to recommend to Council to confirm. The motion was seconded by Byrd.

Charlene Ramont, Health and Community Services, addressed the Councilmembers.

Amy Harley, Health Officer, addressed the Councilmembers.

Ramont answered questions about the appointment.

Scanlon stated he will propose an amendment to make sure they are citing Whatcom County Code 24.01 which has specific definitions of administrative director of the department.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved to recommend to Council to confirm

Items Added by Revision - Executive Session

Christopher Quinn, Prosecuting Attorney's Office, requested Council consider going into executive session for an update regarding pending litigation. He stated it is important that Council be informed immediately. Discussion may take place in executive session pursuant to RCW 42.30.110(1)(i)(iii).

Byrd moved to enter into executive session. The motion was seconded by Scanlon.

Galloway stated she would entertain a motion to enter into an executive session until no later than 4:46 p.m. to discuss a pending litigation that involves a personnel matter. This item may take place in executive session (closed to the public) pursuant to RCW 42.30.110 (1)(i)(iii). And Council is not expected to take further action out of this executive session.

Attorney present: Christopher Quinn, Prosecuting Attorney's Office.

Clerk's note: The RCW citation was incorrectly stated and later corrected for the record to the one noted above.

The motion carried by the following vote:

Aye: 5 - Elenbaas, Galloway, Scanlon, Stremler, and Byrd

Nay: 0

Out of the Meeting: 2 - Donovan and Buchanan

Councilmembers entered executive session at 4:37 p.m.

At 4:49 p.m. Galloway stated for the clarification of record, the previously cited RCW should read RCW 42.30.110 (1)(i)(iii).

At 4:50 p.m. Galloway stated the executive session was adjourned.

Clerk's note: The chair inadvertently forgot to also adjourn the Committee of the Whole meeting but it was understood and assumed.

Motion approved to enter into executive session

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:50 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger