

Whatcom County Council Committee of the Whole

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



Committee Minutes - Final

Tuesday, May 13, 2025

3 PM

Hybrid Meeting - Council Chambers

**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 Stremler**

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Call To Order

Council Chair Kaylee Galloway called the meeting to order at 3:37 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**Committee Discussion**

1. AB2025-264 Ordinance to amend Whatcom County Code Section 3.08.100, Council approval required, to increase the threshold for contracts that require council approval

Aly Pennucci, Executive's Office, stated there are currently three options available. They would increase the threshold from \$40,000 to either \$100,000 \$150,000 or \$250,000. She spoke about the document she provided them ("2024 Contracts," on file) which shows what contracts would or would not be coming through Council for consideration if the threshold is changed. She showed councilmembers the enhanced online search database for contracts that they are working on. She stated they would also report quarterly to the Council on all contracts that have been executed, and she showed an example of what that report might look like. She spoke about how many times the Council interacts with an item before they actually approve a contract, how the new online search would be more user friendly, and how raising the threshold would speed up the time for contracts getting out.

Kayla Schott-Bresler, Executive's Office, spoke about situations in which there was a time delay in contract execution and what caused the delay.

Pennucci stated this is just one small piece of the process to update and rewrite the purchasing code. They are committed to doing that work over the next six to twelve months and that might be an opportunity, if Council approves a new threshold, to revisit it and see how it is working.

Elenbaas stated the community is asking the councilmembers to have more oversight and not less, and Byrd stated his gut tells him that Council is still not aware of all of the financial issues they could have to deal with. He requested they come back to this at a later date, after they have implemented other changes that help the County weather the difficult financial times.

Donovan moved to recommend the substitute ordinance at \$150,000.

The motion was seconded by Scanlon.

Councilmembers discussed the motion, that it might speed the contracting process up, that it might help Council manage their time to be able to discuss important issues such as the budget, that this seems consistent with the Council's interest in seeing more reporting on contracts, and that they could assess how it is going at the end of the year.

Buchanan stated he drew his line at \$100,000 and is almost reluctant to even go there.

Donovan amended his motion to have it at \$100,000.

Stremmler stated now does not seem to be the right time to do this.

Satpal Sidhu, County Executive, spoke about the need for Council oversight and stated that Council's scrutiny is primarily in budgeting and connecting the spending with policy. He stated he would request that Council reconsider and choose the \$150,000 threshold until December of 2026.

Councilmembers discussed the amended motion (a \$100,000 threshold).

The motion failed by the following vote:

Aye: 3 - Donovan, Galloway, and Scanlon

Nay: 4 - Buchanan, Byrd, Elenbaas, and Stremmler

Councilmembers discussed whether there is a lower threshold that Council might support.

Scanlon moved to request that staff submit them a version of this ordinance at \$75,000.

The motion was seconded by Donovan.

The motion carried by the following vote:

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

Nay: 3 - Byrd, Elenbaas, and Stremmler

Pennucci stated she could prepare a substitute version for introduction tonight reflecting that new threshold.

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

Motion approved to request that staff submit them a version of this ordinance at \$75,000.

Items Added by Revision

There were no agenda items added by revision.

Other Business

Galloway spoke about interest in the Council having a joint meeting with the Planning Commission in preparation for the Comprehensive Plan as an opportunity for the two bodies to receive draft chapters of the Comprehensive Plan as they go. She stated she would like to gauge interest in either inviting members of the Planning Commission (likely less than a quorum) to join them in a meeting that is tagged on to a Committee of the Whole or Special Committee of the Whole, or carving out time to have official joint meetings of the two bodies to unveil the chapters together. She also asked whether councilmembers would like to build in these meetings to existing meeting times or add them to the calendar as additional meetings.

Cathy Halka, Clerk of the Council, stated there could be a pattern in which the Planning Commission gets a packet and reviews a section, then the Council would receive that packet as well and review it, and could discuss it in Committee of the Whole. Then the recording of that meeting could be shared with the Planning Commission so they understand the Council's perspective.

Councilmembers discussed the options.

Mark Personius, Planning and Development Services Department Director, stated what he had talked to them about last time was a sequential concurrent review in which the Council would be copied on the packets being given to the Planning Commission. Then at their next meeting, they would discuss it in Committee of the Whole and the Planning Department could send the Planning Commission a link to that video so they can get the Council's perspective. This might be an easier way logistically than having joint meetings. Another alternative would be to have a couple meetings over the summer and fall.

Galloway stated councilmembers can think about it and let the Clerk know via email, what they would like to do, then they can maybe put forward a proposal at the next Council meeting.

Donovan spoke about another issue. He stated he would like to get a

discussion going about how the Council could get independent legal capacity that could help them as a Council, and whether a discussion of possible models is something the Council wants to hear about.

Elenbaas stated he would support getting independent counsel and thinks there is an official way of doing that.

Elenbaas moved that they pursue the official path of getting independent representation.

Kimberly Thulin, Prosecuting Attorney's Office, stated she has not seen the resources they are taking about but the Prosecutor's Office does have a statutory obligation to provide legal advice and counsel to the County Council body as a whole. The Council does not have the ability to, pursuant to both statutory obligations as well as case law which interprets that, go out and get counsel on their own.

Scanlon spoke about examples in Pierce County and King County and the difference between those two models. He stated there is a process for this and a lot of it is really about choice and how the Prosecuting Attorney chooses to react. He reached out to the Prosecuting Attorney and asked him to look at the models in other counties and will follow up to get his take on those. He encouraged councilmembers to also reach out to other counties.

Thulin and Scanlon discussed what approval is needed to do an alternative model.

Elenbaas' motion was seconded by Donovan.

The motion carried by the following vote:

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

Nay: 0

Motion approved that they pursue the official path of getting independent (legal) representation.

Adjournment

The meeting adjourned at 4:37 p.m.

The County Council approved these minutes on May 27, 2025.

ATTEST:



Cathy Halka, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

A blue ink signature, "Kaylee Galloway", written in a cursive style.

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger