

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, February 24, 2026

1:35 PM

Hybrid Meeting - Council Chambers

**HYBRID MEETING - MAY BEGIN EARLY/LATE - ADJOURNS BY 4:30 P.M.
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010)**

COUNCILMEMBERS

Elizabeth Boyle
Barry Buchanan
Ben Elenbaas
Kaylee Galloway
Jessica Rienstra
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 2 p.m. in a hybrid meeting.

Roll Call

Present: 7 - Elizabeth Boyle, Barry Buchanan, Ben Elenbaas, Kaylee Galloway, Jessica Rienstra, Jon Scanlon, and Mark Stremler

Announcements

Special Presentation

1. [AB2026-159](#) Presentation from Whatcom County Public Works and Geosyntec Consultants regarding the Water Resources Inventory Area 1 Water Rights Adjudication

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

- Gary Stoyka, Public Works Department
- Kara Kuhlman, Geosyntec Consultants
- Raylene King, Superior Court Clerk
- Jaimie Baxter, Public Works Department

They spoke about technical assistance events and efforts to engage with landowners to provide assistance in the adjudication process, what water adjudication is and the history leading up to this one, the Department of Ecology's (DOE) role in adjudication as the state agency responsible for managing water resources in Washington, how the Superior Court Clerk's Office is supporting landowners and the court in the process while adhering to State statutes, and specific events and workshops attended and tabled by the Public Works Department to connect people to adjudication resources.

Elenbaas stated he would like his peers to think about why this adjudication is in Whatcom County Superior Court if sovereign tribes deal government (sovereign) to government (federal). He requested that someone send him the 2015 Lummi Nation proposed Water Rights Settlement Initiative because he has not heard of that and would like to know what they proposed and who they proposed it to. He asked if anyone has ever seen a lawsuit where the people that filed it are so heavily involved with communicating, educating, and helping the people who they are going against in court to fill out their paperwork.

Councilmembers and the speakers discussed that it seems crazy that the party filing the suit is the one helping people fill out their paperwork, but that they are required to do so by statute, what staff is hearing in regard to

barriers to people filing and what can be done to remove those barriers, encouragement to landowners to file sooner than later, that some people have not received a summons for parcels they need to address but the DOE is going to notify them by a newspaper notification, that the current deadlines for filing may be confusing so the County (through their attorney) filed a motion asking the judge to set a uniform deadline, and how they are trying to reach out to people who did not get served.

This agenda item was PRESENTED.

Committee Discussion

1. [AB2026-078](#) Discussion of urban growth area proposals for the 2025 Comprehensive Plan

The following people introduced the discussion and referenced the “Revised Nooksack Supplemental Material for 2.24.2026 (on file):

- Matt Aamot, Planning and Development Services Department
- Rollin Harper, City of Nooksack

Councilmembers referenced the map on page 10 of the document.

Galloway stated, at their last discussion, they felt good about areas 3 and 4, they recognized areas 1 and 2 were already marked as UGA, and area 2 has restrictive covenants for the ball fields. What they have left to contemplate are areas 6, 7, and 8. In this revised proposal the City proposes some sort of mitigative measures around elevation and other issues.

Scanlon stated he still has concerns about areas 6, 7, and 8 and that they do not yet have the final design for the berms. From the conversation the Council had with Public Works today about berms, their preliminary line does not include these areas. Because these are new UGA areas, he would like to hold off until they have the design of the berm.

Scanlon moved to accept the Nooksack proposal minus areas 6, 7, and 8.

The motion was seconded by Galloway.

Kevin Hester, Nooksack City Mayor, stated it will be quite a while before the feasibility study is really in play for the berms and he spoke about his concern with the motion.

Councilmembers and the speakers discussed the motion, where a berm should go and that the City should have been consulted about that, that areas 6, 7, and 8 are not close to the Nooksack River and are not on the FEMA

draft flood map, the feeling that the Council has not gotten good advice or analysis on this, that the people who live in Nooksack will give good advice because of the pressure of being accountable in the future, what the planning implications would be if they supported these areas as UGA reserves and retained the mitigative measures, that UGA reserves cannot be annexed, that areas 6 and 7 are mainly for commercial or commercial light industrial, what the plans are for annexation with these three areas, and that a recent note from the Department of Ecology to the Planning Commission and Planning Department recommended using the updated 2025 preliminary FEMA maps and these parcels are not within that flood area.

Kimberly Thulin, Prosecuting Attorney's Office, answered how the motion should be worded and stated it would be preliminary support of the proposal that has been put forth by Nooksack (minus areas 6, 7, and 8).

The motion failed by the following vote:

Aye: 3 - Buchanan, Rienstra, and Scanlon

Nay: 4 - Boyle, Elenbaas, Galloway, and Stremler

Boyle moved and Stremler seconded to preliminarily support the City of Nooksack's supplemental proposal which includes the stipulated mitigative measures.

Councilmembers and the speakers discussed whether it is still an option to designate areas 6, 7, and 8 as UGA reserve and how it would impact the use of those parcels, the mitigative measures listed, that having sewer services and a more streamlined permitting process are the driving forces for those areas being in the city rather than the county, and remembering these areas when they are approving where to put the berm.

The motion carried by the following vote:

Aye: 4 - Elenbaas, Galloway, Stremler, and Boyle

Nay: 2 - Rienstra and Scanlon

Abstain: 1 - Buchanan

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

Motion approved to preliminarily support the City of Nooksack's supplemental proposal which includes the mitigation measures.

2. [AB2026-037](#) Update on 2026 State Legislative Session

Jed Holmes, Executive's Office, updated the councilmembers on how Council legislative priorities are faring so far in the legislative session. The House budget includes less restrictive language regarding flexibility for the

23-hour Crisis Center but the Senate budget has not yet been amended. More money is in both the House and Senate versions of the budget for staffing necessary for processing adjudication cases. They are seeing cuts in the next budget cycle to the county's alternative response team allocation and the Recovery Navigator program. The flood grant program is in the House budget for \$9 million and there is a \$13 million allocation in the Senate budget. Ferry district legislation about expanding to include vehicle ferries has passed out of the House, but with the requirement that new districts starting after this session would have to be voter approved.

Galloway also gave updates and stated the big bill that is taking up a lot of time in Olympia is the millionaire's tax.

Holmes answered questions about and councilmembers discussed the ferry district legislation.

Scanlon spoke about Senate Bill (SB) 6343, providing tax relief to Washington residents impacted by the atmospheric river and winter weather event. He stated it would extend the deadline to 2031 for people to apply for tax relief for improvements made on their home impacted by the flood.

Scanlon moved to add SB 6343 to their legislative agenda.

The motion was seconded by Elenbaas.

The motion carried by the following vote:

Aye: 7 - Elenbaas, Galloway, Rienstra, Scanlon, Stremler, Boyle, and Buchanan

Nay: 0

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

Motion approved to add SB 6343 to their legislative agenda.

3. [AB2026-040](#) Ordinance establishing Whatcom County Code Section 2.02.195 Performance Audits

Galloway stated this item is on the agenda for Council introduction this evening.

Scanlon stated he would like time to look at suggestions sent to them by Brian Estes who has professional experience in performance audits.

Stremler stated it feels like it is being a little bit rushed and he thought too, when the memo came in, that they should give it some time.

Councilmembers discussed when they anticipate they would bring it back up since they are also working on the Comprehensive Plan and the jail, and that they have until the end of the year.

Kimberly Thulin, Prosecuting Attorney's Office, stated she does not think there is any legal impediment to holding in order to fully consider what is before the body.

Scanlon stated he does not want to hold too long because once they finish the Comprehensive Plan they will be into the biennial budget. What has worked in the past is establishing a workgroup with two or three interested councilmembers.

Galloway asked if Scanlon, Rienstra, and Elenbaas would want to be on a workgroup.

Rienstra stated the information that Mr. Estes presented was also discussed by and presented to the Charter Review Commission.

Scanlon moved to form a workgroup on the performance audits ordinance that includes himself, and councilmembers Rienstra and Elenbaas.

The motion was seconded by Boyle.

Councilmembers discussed the motion and if Council staff could set a calendar reminder for mid-May to reach out to the workgroup team and schedule a workgroup session so it can be on the Council's agenda by June or July before the August break.

The motion carried by the following vote:

Aye: 7 - Galloway, Rienstra, Scanlon, Stremmer, Boyle, Buchanan, and Elenbaas

Nay: 0

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

Motion approved to form a workgroup on the performance audits ordinance that includes councilmembers Scanlon, Rienstra, and Elenbaas.

4. [AB2026-139](#) Discussion of a potential Whatcom County public safety sales and use tax under Revised Code of Washington 82.14.450

Jed Holmes, Executive's Office, briefed the councilmembers. The Legislature passed this in the previous session which allows for

councilmanic adoption of a criminal justice tax, and before they can implement the tax, the Sheriff's Office has to go through a rigorous verification with regard to training benchmarks (see "Statutory Criteria and Requirements" on file). The Sheriff's Office has communicated that they intend to be ready to file for a grant under the same House bill by the end of March. He stated it would be important to have some clarity from the Council as to whether or not this revenue source (which could potentially bring in about \$7 million a year) is something that the Administration is going to include in their budget planning.

Kayla Schott-Bresler, Executive's Office, stated they passed a deficit budget for 2026 in the mid-biennium review, with the expectation that either the Council will need to take action on this sales tax this year or the County would have to make significant cuts in the 2027-2028 budget to absorb costs associated with increasing pressures in the criminal justice system. The Council should also consider whether they want to move forward with adopting the tax for implementation in quarter three of this year. Starting collections in September would help mitigate the 2026 deficit budget versus delaying and implementing for collections in January of 2027. She answered when revenue from a potential tax would be available for the County to use, and stated if the Council takes action by the March 24 meeting on this tax, they could start collections in July, with the first distribution to the County in September of 2026. If they want to start for 2027, the Council would need to take action by mid-October of 2026.

Steve Harris, Undersheriff, answered if the Sheriff's Office would be ready by that time for what they have to do as a department. He stated prior to a vote on this tax, they have to give assurances that they are already compliant and they are ready to do that now. They are hoping by March 31st, when they apply for grant funding, they will be fully compliant, but they are confident that they already meet the standards. He stated his goal today is to provide a history about legislative intent and explain why, if this tax is ultimately adopted, the Sheriff's Office is requesting that public safety staffing be prioritized while recognizing the very real needs across our broader criminal justice system. He spoke about House Bill 2015 and unfilled or frozen positions in the Sheriff's Office.

Donnell Tanksley, Sheriff, spoke about their use of force policy.

Councilmembers and the speakers discussed the amount of time (over 6,400 hours) the Sheriff's Office has put into preparing to meet the eligibility requirements associated with the House bill (without which the County would not be eligible to even implement the tax), the need for the

revenue, that it would be too bad if the Sheriff's Office has to put in that heavy lift and then be the recipient of the least amount of money if it is used as well for other purposes, giving future councils flexibility on the tax through the language of the ordinance and then having prioritization discussions during the budget process, an encouragement from the Administration to think about the County's mandatory costs first, and then things that are discretionary in nature, the possibility of asking the IPRTF for a recommendation on this, that adopting an ordinance by March 24 is maybe not doable with all the other things on Council's plate, that they could decide on whether to implement the tax first and then have discussion about how to spend the revenue, discussing prioritization during the budget process so they can compare all of the different needs, the opinion that levying a tax is tone deaf to everyone's living situation right now, the possibility of setting the priorities first and then deciding on the tax and what the revenue implications would be, that the Sheriff's Office is asking Council for permission to initiate the process at this point but applying for it is not automatic, that the City of Lynden has received little pushback in implementing the tax but that they conveyed what they were going to use the money for, and that the tax would go in perpetuity if passed.

Satpal Sidhu, County Executive, stated planning should be done so that spending the money would be flexible for future councils and executives.

Councilmembers and the speakers discussed what the Sheriff's Office needs to just kick off the process, going through the process and putting out a defined plan on how they would spend the revenue dollars then letting the community tell them how they feel about it, if they could discuss a preliminary plan at their next Council meeting, that the Administration's plan was to assume they would use this money for existing continuity of service obligations outlined in the memo, how much the tax might cost the average taxpayer, revenue they would lose by waiting to implement the tax, and working with Council staff and the Executive's Office to put forward a draft ordinance with a high-level proposed spending plan or spending options for another discussion at their next Council meeting with the option to introduce.

This agenda item was DISCUSSED.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:29 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger