

Whatcom County Council

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



Minutes - Draft Minutes

Tuesday, August 6, 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

Cathy Halka, AICP, CMC

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

Galloway moved to accept the minutes consent items. The motion was seconded by Scanlon (see votes on individual items below).

1. [MIN2024-037](#) Committee of the Whole Executive Session for July 9, 2024

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

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

Nay: 0

2. [MIN2024-042](#) Committee of the Whole for July 9, 2024

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

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

Nay: 0

3. [MIN2024-043](#) Regular County Council for July 9, 2024

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

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

Nay: 0

4. [MIN2024-044](#) Committee of the Whole Executive Session for July 23, 2024

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

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

Nay: 0

5. [MIN2024-045](#) Committee of the Whole for July 23, 2024

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

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

Nay: 0

6. [MIN2024-046](#) Regular County Council for July 23, 2024

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

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

Nay: 0

7. [MIN2024-047](#) Water Work Session for February 13, 2024

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

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

Nay: 0

OPEN SESSION

The following people spoke:

- Adam Bellingar
- Charlie Brown
- John Westerfield
- Charlene Mills
- Tally Rabatin
- Natalie Chavez
- Lyle Sorenson
- Hank Maleng
- Diane Kitchen
- Carolyn Mulder
- Heather K

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 fifteen.

Elenbaas requested that they consider Consent Agenda item numbers 4 and 14 separately.

Donovan amended his motion and *moved* to approve Consent Agenda item numbers 1-3, 5-13, and 15. Councilmembers voted on those items (see votes on individual items below).

1. [AB2024-491](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Administrative Office of the Courts to support District Court Mental Health Court in the amount of \$178,600

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 Stremmler

Nay: 0

2. [AB2024-495](#) Request authorization to enter into an interlocal agreement between Whatcom County Juvenile Court and Washington Health Care Authority for development and implementation of reentry services for youth transitioning out of Juvenile Detention- up to \$2,000,000

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 Stremmler

Nay: 0

3. [AB2024-496](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Western Washington University to purchase and install a portable building intended to be used for two licensed childcare classrooms, in the amount of \$529,800

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. [AB2024-497](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the Washington State Recreation and Conservation Office to acquire approximately 1,600 acres of forestland to be added to the existing Stewart Mountain Community Forest, in the amount of \$3,000,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

This item was considered separately below.

5. [AB2024-498](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Bellingham Food Bank to purchase and distribute diapers and infant formula, in the amount of \$867,688

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

6. [AB2024-499](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Office of Public Defense to be reimbursed for the cost of providing defense counsel consultation and representation for defendants facing charges or charged with simple possession or public use offenses under RCW 69.50.4011(1)(b) or (c) in the amount of \$183,635.00

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. [AB2024-500](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale School District to provide emergency management services to Ferndale School District in the amount of \$40,000

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

8. [AB2024-501](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and SoundEarth Strategies LLC to provide remedial investigation/feasibility study and construction and permitting support services for the removal of existing underground storage tanks and site remediation at the Whatcom County Central Shop facility, in the amount of \$19,762 for a total amended contract amount of \$158,499

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

9. [AB2024-502](#) Request authorization for the County Executive to enter into a no-cost interlocal agreement between Whatcom County and the City of Bellingham to allow the Auxiliary Communications Service (ACS) volunteer organization to provide communications services to the fire stations for emergency communications in the event of a disaster

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

10. [AB2024-504](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Crossroads Consulting LLC for facilitator services for the Incarceration Prevention and Reduction Task Force in the amount of \$169,650.00

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. [AB2024-506](#) Request authorization for the County Executive to award Bid #24-74 for the purchase of two Skydio X10 drones, accessories, software, and training from Axon Enterprise Inc, located in Scottsdale, Arizona, in an amount not to exceed \$57,484.20

Donovan reported for the Finance and Administrative Services Committee and moved that the Bid Award be AUTHORIZED BY CONSENT. The

motion carried by the following vote:

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

Nay: 0

12. [AB2024-508](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Opportunity Council for pass through funding to provide services to low and moderate income persons in Whatcom, Island, and San Juan Counties in the amount of \$130,000

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

13. [AB2024-509](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for pass through funding to support the What-Comm Communications Center E911 operational expenses in the amount of \$52,900

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

14. [AB2024-511](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mount Baker School District to provide funding for minor renovations necessary to construct a school-based health center, in the amount of \$30,000

This item was considered separately below.

15. [AB2024-514](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce for funding to help support positions in the Sheriff's Office that are assigned to the Whatcom Gang and Drug Task Force, in the amount of \$150,000

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 ITEMS CONSIDERED SEPARATELY

4. [AB2024-497](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and the Washington State Recreation and Conservation Office to acquire approximately 1,600 acres of forestland to be added to the existing Stewart Mountain Community Forest, in the amount of \$3,000,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Donovan reported for the Finance and Administrative Services Committee and **moved** that the Contract (FCZDBS) be AUTHORIZED.

Councilmembers discussed the motion, whether the County wants to be in the forestry management business, how the project cost amount was determined and whether they should move forward without an appraisal, whether it is a good financial move for the County since revenue will not be realized for a minimum of ten years, whether moving forests into public ownership takes them out of the land base that makes up the forest economy or takes them out of production, the fact that there are recreational opportunities on Stewart Mountain, the opinion that this makes sense with the County objectives regarding restoring some of our watersheds and water sources, the amount of maintenance and repairs that will be required when water comes down the hillside in that area after storm events, the fact that this is not local dollars but accepting \$3 million from the State, how this fits into and can help with climate resilience which is an urgent County issue, the fact that it is not supposed to just be a park but that the goal is for it to also be managed with the timber harvest in a responsible way, the opinion that older community forests talk about harvest but do not do it in a significant way, whether property taxes will get shifted to neighboring landowners since the appraised value of the 1,600 acres would be taken out of the property tax equation, whether managing the lands above the steep slopes might have an impact on absorption and what is coming down the hill that causes damage now, and whether County ownership is still to be determined.

Donovan's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:

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

Nay: 3 - Byrd, Elenbaas, and Stremmler

14. [AB2024-511](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mount Baker School District to provide funding for minor renovations necessary to construct a school-based health center, in the amount

of \$30,000

Donovan reported for the Finance and Administrative Services Committee and *moved* that the Interlocal be AUTHORIZED.

Elenbaas stated when the State law changes he might support this, but right now he does not.

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

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

Nay: 3 - Byrd, Elenbaas, and Stremler

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2024-513](#) Request authorization for the County Executive to enter into an access agreement between Blaine School District and Whatcom County for Bay Horizon Park

Donovan reported for the Finance and Administrative Services Committee and *moved* that the Agreement be AUTHORIZED.

Councilmembers discussed the location of the parcel.

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

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

Nay: 0

2. [AB2024-523](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham Fire Department, City of Lynden Fire Department, Whatcom Fire Protection District 1, Whatcom Fire Protection District 4, Whatcom County Fire Protection District 7, Whatcom Fire Protection District 8, Whatcom Fire Protection District 11, Whatcom Fire Protection District 14, Whatcom Fire Protection District 16, Whatcom Fire Protection District 17, Whatcom Fire Protection District 18, Whatcom Fire Protection District 19, Whatcom Fire Protection District 21 (dba North Whatcom Fire and Rescue), South Whatcom Fire Authority for First Response Medical Services, in the amount of \$25 million

Donovan reported for the Finance and Administrative Services Committee and *moved* that the Interlocal be AUTHORIZED. The motion was seconded by Galloway.

Donovan stated in this afternoon's discussion, Council seemed to have

concerns about the \$307,000 from the General Fund that is part of the dispatch fees. The interlocal has the basic life support (BLS), the record system, and the dispatch fees all as a bundle of contracts and agreements which are hard to separate out. The Council is looking for a way to give a statement to the effect that if they approve the interlocal, there will still be discussion about options for the dispatch fees so they can reduce the General Fund obligation.

Satpal Sidhu, County Executive, stated all they would need is a word from the Whatcom County Fire Chiefs that they will sit down and discuss it and find a solution. He stated there are different people involved for the different aspects of the interlocal and it will need some negotiations and discussions. He believes if they work in good faith, they can find a solution.

Hank Maleng, Whatcom County Fire District #16 and Whatcom County Fire Chiefs Association, stated EMS pays for EMS calls and not fire dispatch calls. He explained why a portion still comes out of the General Fund. He stated he agrees that moving forward they should start looking at options but it will not happen over two or three weeks.

Sidhu asked if it would be acceptable if they put on the record that within one year or by next July first they will come up with some kind of arrangement, and Maleng said it was an acceptable goal.

Donovan amended his motion *and moved* to approve with the understanding that the Executive's side and the chiefs will be working with a goal of July 1st (of 2025) to re-examine this dispatch fee General Fund issue.

Donovan's motion that they approve the Interlocal with the understanding that the Executive's side and the chiefs will be working with a goal of July 1st (of 2025) to re-examine this dispatch fee General Fund issue carried by the following vote:

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

Nay: 0

ACTION SUMMARY: Motion carried 7-0 to approve with the understanding that the Executive's side and the chiefs will be working with a goal of July 1st (of 2025) to re-examine the dispatch fee General Fund issue.

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2024-472](#) Appointment to a vacancy on the Forest Resilience Task Force for a community member with expertise in climate, salmon recovery, and natural resources policy, Applicant(s): Emily Thompson, Brandy Reed, Gregory Houle, Thomas Smith, Ryan

Hasert, Holly O'Neil

Galloway stated this position was previously held by Alex Harris who is now a County employee so he had to resign from this position on the task force. She spoke about which candidate she would vote for.

Donovan moved to consider all applications.

Councilmembers discussed that another applicant on the list is a County employee and Galloway stated she does not know if there is anything specifically prohibiting County employees from serving.

Cathy Halka, Clerk of the Council, stated she thinks that Alexander Harris had been participating partially in his professional role and so vacated the position when he vacated his employment.

George Roche, Prosecuting Attorney's Office, stated they have policies in place that deal with employee conflicts of interest but it is a very nuanced topic and may be worthy of their consideration as they consider who is appropriate to appoint, but he does not know that it necessarily bars an employee from applying.

Councilmembers discussed the applicants.

Donovan repeated his motion to consider all applicants. The motion was seconded by Scanlon.

They asked if any of the applicants were in attendance but there were none.

Councilmembers appointed Brandy Reed with six votes as follows:

Stremler: Brandy Reed

Buchanan: Brandy Reed

Byrd: Gregory Houle

Donovan: Brandy Reed

Elenbaas: Brandy Reed

Galloway: Brandy Reed

Scanlon: Brandy Reed

This agenda item was APPOINTED.

Appointed Brandy Reed with 6 votes

**CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS,
COMMISSIONS, AND COMMITTEES**

1. [AB2024-505](#) Request confirmation of the County Executive's appointment of Summer Starr to the Behavioral Health Advisory Committee

Galloway moved and Scanlon seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:

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

Nay: 0

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

Galloway moved to introduce items one through three. The motion was seconded by Scanlon.

Elenbaas confirmed that the resolution being introduced for **AB2024-494** is the one with three Councilmembers' names as proposers.

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

1. [AB2024-494](#) Resolution defining transportation improvements in accordance with newly amended state law (Council acting as the Governing Body of the Point Roberts Transportation Benefit District)

Galloway moved and Scanlon 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 Stremmler

Nay: 0

2. [AB2024-517](#) Ordinance establishing the North Commercial Street Acquisition Project Fund

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

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

Nay: 0

3. [AB2024-521](#) Ordinance amending the 2024 Whatcom County Budget, request no. 10, in the amount of 2,059,971

Galloway moved and Scanlon seconded that the Ordinance be INTRODUCED. 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.

Scanlon reported for the Public Works and Health Committee and ***moved*** to hold **AB2024-314** until staff can update the ordinance.

The motion carried by the following vote:

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

Nay: 0

Elenbaas reported for Committee of the Whole and ***moved*** to authorize the employment law investigation committee to provide a summary report that identifies their opinion of root cause and recommended paths forward including developing a scope of work that defines an RFP (request for proposal) to bring in outside expertise in identified areas.

The motion carried by the following vote:

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

Nay: 0

Buchanan reported for Committee of the Whole and ***moved*** that the Council direct the Executive's Office to proceed with what is spelled out in the memo for **AB2024-522**.

The motion carried by the following vote:

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

Nay: 0

Councilmembers gave other updates.

Satpal Sidhu, County Executive, and Councilmembers discussed reports regarding drones flying over the refineries.

ACTION SUMMARY:

From Public Works and Health Committee:

Motion approved 7-0 to hold AB2024-314 until staff can update the ordinance.

From Committee of the Whole AB2024-336:

Motion approved 7-0 to authorize the employment law investigation committee to provide a summary report that identifies their opinion of root cause and recommended paths forward including developing a scope of work that defines an RFP (request for proposal) to bring in outside expertise in identified areas.

From Committee of the Whole:

Motion approved 7-0 that the Council direct the Executive's Office to proceed with what is spelled out in the memo for AB2024-522.

ADJOURN

The meeting adjourned at 7:43 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription