

Whatcom County Council

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



Minutes - Draft Minutes

Tuesday, October 22, 2024

6 PM

Hybrid Meeting - Council Chambers

HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN
INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010) REVISED 10.21.22

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 6:01 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

Satpal Sidhu, County Executive, stated that Health and Community Services has found a place for a winter shelter, and he read from the Executive memo regarding the budget (on file in **AB2024-710**).

MINUTES CONSENT

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

1. [MIN2024-067](#) Joint Health Board and Public Health Advisory Board for October 1, 2024

Byrd 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. [MIN2024-068](#) Committee of the Whole Executive Session for October 8, 2024

Byrd 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. [MIN2024-070](#) Committee of the Whole for October 8, 2024

Byrd 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. [MIN2024-071](#) Regular County Council for October 8, 2024

Byrd 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

PUBLIC HEARINGS

1. [AB2024-644](#) Resolution approving the Whatcom County 2025 - 2030 Six-year Transportation Improvement Program

Buchanan opened the Public Hearing and the following person spoke:

- David Strich

Hearing no one else, Buchanan closed the Public Hearing.

Donovan moved and Byrd seconded that the Resolution Requiring a Public Hearing be APPROVED.

Doug Ranney, Public Works Department, answered a question about a concern raised from the public hearing speaker about there not being a project on the list for quiet zones in the Marietta neighborhood (including at Wynn Road and Country Lane) and about the difference between this resolution and the one for which they would need to rescind the motion to approve if they approve this one. He stated on September 24th, the Council approved the first attempt at the Six-year Transportation Improvement Program (TIP) and since then, based on Council comments, they are presenting this revised version to add back in some formerly-removed projects. Should Council approve this resolution they would need to rescind the motion that approved Resolution 2024-040 from September 24. He stated, in regard to the quiet zones, they investigated that and determined that it is infeasible, and have expressed that to the community. They have decided not to move forward with a Public Works implementation of a quiet zone in that area.

Elizabeth Kosa, Public Works Department Director, answered whether the revised TIP is the one that is commensurate with the budget for this biennium, and stated this is the plan and they will not spend more than whatever fiscal plan the Council approves for them. If they are able to receive further funds (grants or State funding), they would come back to Council for that approval and this does not hurt that.

Councilmembers voted on the motion (see below) and then continued the discussion.

Galloway moved to rescind (the motion that approved) Res 2024-040 (AB2024-579).

The motion was seconded by Donovan.

The motion to rescind carried by the following vote:

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

Nay: 0

Donovan's motion that the Resolution Requiring a Public Hearing be APPROVED carried by the following vote:

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

Nay: 0

Enactment No: RES 2024-042

Motion approved 7-0 to rescind (the motion that approved) Res 2024-040 (AB2024-579).

2. [AB2024-639](#) Resolution approving the Whatcom County 2025 Annual Construction Program
- Buchanan opened the Public Hearing and hearing no one, closed the Public Hearing.

Galloway moved and Donovan seconded that the Resolution Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

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

Nay: 0

Enactment No: RES 2024-043

OPEN SESSION

The following people spoke:

- Marian Henderson
- Craig Henderson
- Marcia Riek
- Bob Riek
- Mark Moder
- Ryan Bowman

- Doug Revelle (Yoshe)
- Lyle Sorenson
- John Westerfield
- David Strich
- Stephan Schneider
- Dejah Griffin
- Ken Calder
- Allison Calder
- John Herod
- Donna Bronstein
- Natalie Chavez
- Evan (last name not stated)
- Mona Galindo
- Misty Flowers

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 1-6 and 9-17.

Stremler requested that they also consider Consent Agenda items 9, 10, and 11 separately.

Donovan amended his motion and *moved* to approve Consent Agenda items 1-6 and 12-17.

Councilmembers voted on those items (see votes on individual items below).

1. [AB2024-636](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts where the states will reimburse the County for eligible interpreter expenses up to \$90,326

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

2. [AB2024-665](#) Request authorization for the County Executive to enter into a lease agreement

between Whatcom County and PeaceHealth to lease Suite 103 at the Way Station located at 1500 N State Street, in the amount of \$10

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

3. [AB2024-668](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Birch Bay Water and Sewer District for renewal of a 5-year interlocal agreement, in the amount of \$0 (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 BY CONSENT. The motion carried by the following vote:

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

Nay: 0

4. [AB2024-674](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Marysville Fire District to reimburse the EMS Levy for the paramedic training program, in the amount of \$66,750

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

5. [AB2024-675](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Camano Fire and Rescue to reimburse the EMS Levy for the paramedic training program, in the amount of \$29,356

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

6. [AB2024-677](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for Pretrial Services Reform, in the amount of \$99,500

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 Stremmer

Nay: 0

7. [AB2024-678](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Fire Protection District 7 for the paramedic training costs associated with program administration, student wages and benefits, preceptor training, and class supplies, in the amount of \$167,225

This item was considered separately below.

8. [AB2024-679](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham Fire Department for costs associated with the 2024-2026 Paramedic Training Program, in the amount of \$1,144,274

This item was considered separately below.

9. [AB2024-681](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Brigid Collins Family Support Center to expand mental health services to children ages 0-5, in the amount of \$452,907

This item was considered separately below.

10. [AB2024-683](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Ferndale School District to expand mental health services to children ages 3 - 5, in the amount of \$271,817

This item was considered separately below.

11. [AB2024-684](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Generations Early Learning to expand licensed infant childcare capacity, in the amount of \$67,000

This item was considered separately below.

12. [AB2024-685](#) Request authorization for the County Executive to enter into a lease agreement between Whatcom County and Bellingham Towers LLC to lease Suite 110 at Bellingham Towers located at 119 N Commercial Street, in the amount of \$10

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. [AB2024-686](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale Community Services to operate an overnight severe weather shelter, in the amount of \$120,000

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

14. [AB2024-687](#) Request authorization for the County Executive to enter into an interlocal joint funding agreement between Whatcom County and United States Geological Survey (USGS) for the ongoing operation and maintenance of the County's 11 stream gages within the Nooksack River early flood warning system, Jones Creek, and the Sumas River, in the amount of \$167,292 (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 BY CONSENT. The motion carried by the following vote:

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

Nay: 0

15. [AB2024-688](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Insight Public Sector, using the State of WA contract, to provide Neogov Insight recruitment software in the amount of \$50,204.89 through December 31, 2026

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

16. [AB2024-690](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Military Department to receive pass through funding from the Washington State Military Department for What-Comm equipment

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

17. [AB2024-701](#) Request authorization for the County Executive to enter into a lease agreement between Whatcom County and Best Chopsticks c/o of Yan Hua Chen Cheng for lease of space at 121 Unity Street, Bellingham, in the amount of \$42,099.72

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

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

7. [AB2024-678](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Fire Protection District 7 for the paramedic training costs associated with program administration, student wages and benefits, preceptor training, and class supplies, in the amount of \$167,225

Donovan reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:

Aye: 6 - Buchanan, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 1 - Byrd

8. [AB2024-679](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham Fire Department for costs associated with the 2024-2026 Paramedic Training Program, in the amount of \$1,144,274

Donovan reported for the Finance and Administrative Services Committee and moved that the Interlocal be AUTHORIZED. The motion carried by the following vote:

Aye: 6 - Buchanan, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 1 - Byrd

9. [AB2024-681](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Brigid Collins Family Support Center to expand mental health

services to children ages 0-5, in the amount of \$452,907

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

Stremmer spoke about why he would not vote for this and the next two items. He stated the constituents in his district overwhelmingly opposed this fund in the beginning and they continue to be disappointed in the implementation of it and are not in favor of it.

Councilmembers discussed Stremmer's comments, the motion, and support for the work of Brigid Collins Family Support Center. Scanlon stated this supports strategy seven of the Healthy Children's Fund Implementation Plan and that Brigid Collins has seen a big reduction in their share of Federal funding. Byrd stated he would like a more narrow focus for the implementation plan, with one focus being childcare slots.

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

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

Nay: 1 - Stremmer

10. [AB2024-683](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Ferndale School District to expand mental health services to children ages 3 - 5, in the amount of \$271,817

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

Allison Williams, Health and Community Services, answered whether they are funding an internship program in the school district, and stated that is just part of it. It also includes hiring a new social worker/mental health specialist who would be providing direct services to families as well. She answered whether parents would be involved in mental health services and who can apply for the internship.

George Roche, Prosecuting Attorney's Office, answered whether it would be a conflict of interest for a family member of a councilmember to apply for the internship and stated it would not.

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

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

Nay: 1 - Stremmer

11. [AB2024-684](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Generations Early Learning to expand licensed infant childcare capacity, in the amount of \$67,000

Donovan reported for the Finance and Administrative Services Committee and **moved** that the Contract be AUTHORIZED. He stated Council had not seen this yet because it was taking time to process on the executive side.

Byrd spoke about frustration expressed by some Councilmembers that they had not seen childcare slots yet, and stated they got an email from a respondent to a Request for Proposal (RFP) saying they have had an application in for a long time. He stated Councilmembers do not really have any insight into what other applications or contracts (especially for childcare slots) are out there that might be getting reprioritized, as the Health Director said happened to this one. He asked how they make sure there are not contracts and more childcare slots that are still stuck. He asked whether Director Lautenbach could send the Council a list of additional contracts and when they are expected to come to Council.

Buchanan stated he will be bringing forward some ideas in the next week or two on a reporting mechanism.

Eric Chambers, Health and Community Services, stated Council will be seeing four more of the contracts in the next month, all funded out of the Community Priorities Fund. The delay for a lot of the capital projects was that they spent a lot of time over the summer working with Legal and Finance to work out language around Public Works requirements.

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

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

Nay: 1 - Stremmler

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2024-642](#) Resolution amending the 2024 Flood Control Zone District and Subzones Budget, request no. 6, in the amount of \$11,350 (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 Resolution (FCZDBS) be APPROVED.

Elizabeth Kosa, Public Works Department Director, read from the

resolution about what the \$11,350 is for. It states it is, “To request spending authority for the cost increases associated with a new contract arrangement for the 24-25 Washington Conservation Corps contract.” She stated it is for salmon habitat and maintenance that they do on behalf of the Nooksack Salmon Enhancement Association (NSEA). For the 2024-25 contract, Ecology is doing a single contract with the FCZD and the FCZD will do a separate contract with NSEA to be reimbursed for their portion of the contract. This represents the increased costs associated with that.

Donovan's motion that the Resolution (FCZDBS) be APPROVED carried by the following vote:

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

Nay: 0

Enactment No: RES 2024-044

2. [AB2024-654](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale School District to purchase and install an ADA-compliant playground, in the amount of \$700,000

Donovan reported for the Finance and Administrative Services Committee and moved that the Contract be HELD IN COMMITTEE. The motion carried by the following vote:

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

Nay: 0

3. [AB2024-657](#) Ordinance amending the project budget for the Plantation Rifle Range Lead Reclamation & Captial Improvement Fund, request no. 2

Donovan reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED.

He stated he supports the lead abatement and cleanup but does not think that Real Estate Excise Tax (REET I) is the appropriate fund to use. It looks like they are using what could potentially be Parks money to do this cleanup without a clear plan.

Elenbaas stated he understands and asked Donovan if he has a better option in mind, because none of this feels good to him either.

Donovan stated he has voted in favor of every request to fund this rifle range but is not going to keep doing that without a sense of what the long-term plan is for it. If the justification for keeping the facility is the need for law enforcement to use it, he does not think it should be in Parks'

budget or under their department. He stated they should also be finding grant money to fund this.

Councilmembers discussed the need for cleanup, the concern about not having a plan, and the specific purpose for the \$700,000 Department of Ecology grant.

Christ Thomsen, Parks and Recreation Department, stated the original grant funding was for the preliminary investigation into the extent of contamination. It was not intended to fund the full amount of the planning process. They completed the work that was required in the initial phase within the 45-day timeline; it just did not cost \$700,000. So, at the end of June of 2023, the funds expired. The remaining funds, however, have still been in their project budget so Parks needs to take them out. Ongoing planning is continuing so they are asking for funding to continue the process. The next phase is going to be a feasibility study for cleanup which designs the actual cleanup process. That is what these funds are looking to do. There is also a component in there to look at hiring some additional support staff to help with grants if they get through the process and have support for it.

Aly Pennucci, Executive's Office, answered whether they considered any other funding sources other than REET, and stated, in general, they want to use more restricted funds first before they go to the General Fund and this is an eligible use of REET.

Thomsen answered questions about the potential of State reimbursement for some of the costs and stated they are in conversations about that. He answered why they have to spend a lot of money just for planning and why they have not started the actual cleanup. He stated there is a difference between lead reclamation that happens on a routine basis at a range and our site, which has been designated a dangerous waste site. He spoke about the steps they have to go through before cleanup can start, and stated that in the future, routine lead reclamation will become part of the normal operations.

Donovan stated they have not had a conversation for years about what the future plans are for this facility, why it is in the Parks Department, and the future costs associated with reopening the indoor range, but he wants the site cleaned up.

Donovan's motion that the Ordinance be ADOPTED carried by the following vote:

Aye: 6 - Buchanan, Byrd, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 1 - Donovan

Enactment No: ORD 2024-053

4. [AB2024-658](#) Ordinance amending the project budget for the Hovander Park Building Improvements Fund, request no. 2

Donovan reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED.

Christ Thomsen, Parks and Recreation Department, answered whether this is related to the tearing down of the house at Hovander Homestead Park, and stated it is not. It is for construction of a new shop facility there. He answered whether it is more feasible to remodel, and stated the existing building is 100 years old and floods extensively. They are looking for a modern facility that is not in the middle of the park and not in the floodplain. He answered if they would be better off leaving the old building there, and stated it could be part of the consideration after the master planning for Hovander is done. He answered whether every park gets a shop, and stated it is more of a regional shop than just a park shop and staff has their equipment and tools stationed there.

Donovan's motion that the Ordinance be ADOPTED carried by the following vote:

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

Nay: 1 - Elenbaas

Enactment No: ORD 2024-054

5. [AB2024-660](#) Ordinance amending the 2024 Whatcom County Budget, request no. 13, in the amount of \$2,122,735

Donovan reported for the Finance and Administrative Services Committee and **moved** that the Ordinance be ADOPTED.

Kayla Schott-Bresler, Executive's Office, answered whether the positions listed for the Health Department are new positions, and stated that generally speaking, they are. She stated it is possible there were a few positions where they have reclassified existing positions that have been vacant as opposed to creating a new position, but she would designate this as a new scope of work. She answered whether they are covered by State or other grants and stated they are grant funded. The Recovery Navigation Coordinator and the Substance Use Disorder (SUD) professional are actions in response to the Fentanyl executive order and the Health Department was successful in securing grant funding to cover those

investments.

Donovan's motion that the Ordinance be ADOPTED carried by the following vote:

Aye: 6 - Buchanan, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 1 - Byrd

Enactment No: ORD 2024-055

6. [AB2024-704](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pacifica Law Group, LLP for legal services for the Whatcom County Council for the appeals process regarding Initiative 2024-01 for an amended amount not to exceed \$100,000

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

Elenbaas stated whether they spend this money or not, clarification will come and he thinks it would be more beneficial if they walk away from this and let the people who are fighting it, fight it. Then they would not have to spend taxpayer money.

Galloway stated that in the courtroom, the prevailing arguments were the Council's arguments in protecting our Charter, so she does not think they should sit back and let other people make their arguments. Council did not have a say that it got appealed or how it got appealed, and it is unfortunate that they have to spend more taxpayer dollars, but she thinks it is necessary.

Scanlon stated he would like to get more clarity from the Courts about the best path forward with initiatives like this and whether they should be initiatives or referendums.

Byrd stated his frustration is that he thought they were asking for clarity on the process and not that they wanted to take sides against the process. Now it sounds like the Council's arguments were the lead arguments on deciding that it was the wrong process, and that they have taken a position.

Galloway and Buchanan spoke about the Court's findings and Councilmembers discussed what the Council was trying to do with this.

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

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

Nay: 3 - Byrd, Elenbaas, and Stremler

(From Council Public Works and Health Committee)

7. [AB2024-656](#) Resolution approving the revised Samish Water District Comprehensive Sewer Plan

Clerk of the Council note: approval of AB2024-656 rescinds Resolution 2023-032.

Scanlon reported for the Public Works and Health Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:

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

Nay: 0

Temp Absent: 1 - Buchanan

Enactment No: RES 2024-045

8. [AB2024-703](#) Letter of support for Washington State Parks' Recreation and Conservation Office grant application

Scanlon reported for the Public Works and Health Committee and moved that the Request for Motion be APPROVED. The motion carried by the following vote:

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

Nay: 0

Temp Absent: 1 - Buchanan

(From Council Committee of the Whole)

9. [AB2024-571](#) Resolution affirming food security as a public health priority

Galloway reported for the Committee of the Whole and ***moved*** that the Resolution be APPROVED.

Elenbaas spoke about being disappointed in not having input in the resolution's preparation.

Buchanan spoke about who they invited to be part of the conversation and give feedback.

Elenbaas spoke about how he would amend item number six under BE IT FURTHER RESOLVED and Councilmembers discussed the suggested language.

Elenbaas moved to amend item number six under BE IT FURTHER RESOLVED as follows:

6. Work with food producers ~~the Food System Committee~~ to identify and address policy barriers that hinder the ability of local agriculture producers to provide affordable and sustainable ~~produce~~ food to local partners.

Buchanan asked if it should be “the Food System Committee *and* food producers” so that it would read:

6. Work with the Food System Committee and food producers to identify and address policy barriers that hinder the ability of local agriculture producers to provide affordable and sustainable ~~produce~~ food to local partners.

Elenbaas accepted the friendly amendment.

The motion was seconded by Galloway.

Stremmer stated he thinks they did have time to give input on the resolution.

Councilmembers discussed the motion and the inability of organizations or large event holders to donate leftover food.

Satpal Sidhu, County Executive, spoke about food safety regulations.

Elenbaas stated food producers often have good ideas and the Council could listen to those and come up with common sense solutions.

Elenbaas restated his motion *and moved* to amend item number six under BE IT FURTHER RESOLVED as follows:

6. Work with the Food System Committee and/or food producers to identify and address policy barriers that hinder the ability of local agriculture producers and food providers to provide affordable and sustainable ~~produce~~ food to local partners.

The motion to amend carried by the following vote:

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

Nay: 0

Elenbaas stated he would love to have language in the resolution about working with State and Federal elected officials that could address policy

needs, and stated he is specifically thinking of land use policy needs. He gave examples of policies that have hindered efforts to feed people who are homeless.

Galloway moved to amend item number one under BE IT FURTHER RESOLVED to add the following language as follows:

1. Work with state and federal elected officials and the County's lobbyists to identify and advocate for policy solutions and additional food bank funding...

The motion was seconded by Elenbaas.

The motion carried by the following vote:

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

Nay: 0

Elenbaas asked if there was a bullet item in the resolution that would say that, in accordance with the Food System Plan, they would like to make it a priority that land use policy is evaluated to make sure they are providing zoning in order to not create or to solve food desert issues.

Councilmembers discussed language that could be added to bullet six, whether the resolution should be tabled or whether the suggested change is something that could be brought forward down the road, how it fits in to the goals of the Whatcom County Food System Plan, and which bullet item could be amended in the resolution.

Galloway moved to amend item number seven under BE IT FURTHER RESOLVED as follows:

7. Leverage county resources to build capacity and assist with Food System Plan implementation efforts, planning, grant solicitation, coordination across county food systems and partners, and updating the Comprehensive Plan and associated land use policies.

The motion was seconded by Buchanan.

The motion carried by the following vote:

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

Nay: 0

**Galloway's motion that the Resolution be APPROVED (AS AMENDED)
carried by the following vote:**

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

Nay: 0

Enactment No: RES 2024-046

Motion approved 7-0 to amend item number six under BE IT FURTHER RESOLVED so that it reads:

6. Work with the Food System Committee AND/OR FOOD PRODUCERS to identify and address policy barriers that hinder the ability of local agriculture producers AND FOOD PROVIDERS to provide affordable and sustainable FOOD to local partners.

Motion approved 7-0 to amend item number one under BE IT FURTHER RESOLVED so that it reads:

1. Work with state and federal elected officials and the County's lobbyists to identify and advocate for POLICY SOLUTIONS AND additional food bank funding...

Motion approved 7-0 to amend item number seven under BE IT FURTHER RESOLVED so that it reads:

7. Leverage county resources to build capacity and assist with Food System Plan implementation efforts, planning, grant solicitation, coordination across county food systems and partners, AND UPDATING THE COMPREHENSIVE PLAN AND ASSOCIATED LAND USE POLICIES

10. [AB2024-662](#) Resolution revising the membership of the Northwest Clean Air Agency by adding San Juan County to the Agency

Buchanan reported for the Committee of the Whole and ***moved*** that the Resolution be APPROVED.

The motion was seconded by Donovan.

Elenbaas discussed why he abstained on the motion in committee and stated he would abstain again because he does not believe that it is his place to say whether San Juan County can be a member of the Northwest Clean Air Agency.

Buchanan's motion that the Resolution be APPROVED carried by the following vote:

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

Nay: 0

Abstain: 1 - Elenbaas

Enactment No: RES 2024-047

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2024-638](#) Appointment to a vacancy on the Forest Resilience Task Force, trust land beneficiary

representative, Applicant(s): Tom Smith

Galloway moved and Donovan seconded that the Council Appointment Requiring Introduction be APPOINTED. The motion carried by the following vote:

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

Nay: 0

ITEMS ADDED BY REVISION

See AB2024-712 under Introduction Items below

INTRODUCTION ITEMS

Buchanan stated that Introduction item number 4 (**AB2024-712**) was added by revision.

Donovan moved to introduce items one through four. The motion was seconded by Byrd (see votes on individual items below).

1. [AB2024-680](#) Appointment to a vacancy on the Child and Family Well-Being Task Force, Applicant(s): Jessica Goette

Donovan moved and Byrd seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

2. [AB2024-691](#) Ordinance amending Whatcom County Code Section 5.04.085 EMS technical advisory board

Donovan moved and Byrd 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

3. [AB2024-695](#) Ordinance adopting amendments to WCC Titles 20 and 22 to enact SSB 5290 regarding local project review

Donovan moved and Byrd seconded that the Ordinance 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 Stremler

Nay: 0

4. [AB2024-712](#) Appointment to a vacancy on the Justice Project Oversight and Planning Committee, substance use disorder provider position, Applicant(s): Suzanne Scala, Alexis Hahs

Donovan moved and Byrd seconded that the Council Appointment Requiring Introduction 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

Buchanan reported for Committee of the Whole Executive Session.

Donovan moved to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

The motion was seconded by Buchanan.

The motion carried by the following vote:

Aye: 5 - Buchanan, Byrd, Donovan, Galloway, and Scanlon

Nay: 2 - Elenbaas and Stremler

Elenbaas spoke about Introduction item number three (**AB2024-695**) and the concerns that were raised during open session by septic designers pointing out some reasons why it is more equitable to do septic up front with the Health Department first because of efficiencies and that it could keep people from having to spend a lot of money later. He stated the change they are referring to was maybe not mandated by the Senate bill but is just what the Planning and Development Services Department is doing to help themselves comply with the bill. He requested that the Executive speak to the Planning Department to help them come to a good conclusion, which might mean that item three is updated when it comes to Council in two weeks.

Scanlon stated he forwarded related emails to the Planning and Development Services Department and that it might be helpful for them to talk to Health and Community Services.

Stremler stated he would encourage those departments to reach out to the people with concerns to hear where they are coming from.

Councilmembers gave committee reports.

Byrd spoke about the Northwest Youth Services director who has been put on leave and is under investigation, but is on multiple advisory committees.

George Roche, Prosecuting Attorney's Office, stated he interacted with Council staff who manages committees and the primary concern is with absenteeism and the ability to fulfill the positions strictly based on presence. He spoke about that concern and answered how Councilmembers should handle similar situations in the future.

Byrd asked about security in the courthouse.

Councilmembers gave updates on recent activities and upcoming events.

Satpal Sidhu, County Executive answered questions about whether the County is working on Legislative priorities to get back to the Council of Governments (COG), and stated they agree with the COG's list but are waiting to hear more about funding for a Slater Road project and whether it will be added as a priority project.

From Committee of the Whole Executive Session (AB2024-666):

Motion approved 5-2, with Elenbaas and Stremmer opposed, to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

ADJOURN

The meeting adjourned at 9:56 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription