

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, August 6, 2024

2:15 PM

Hybrid Meeting

**HYBRID MEETING - ADJOURNS BY 4:30 P.M. - MAY BEGIN EARLY -
(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

Committee Chair Barry Buchanan called the meeting to order at 2:27 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

Committee Discussion

1. [AB2024-336](#) Update from the investigative committee assigned to review recent employment law decisions

Elenbaas 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 was seconded by Donovan.

Councilmembers discussed who the summary report would be given to (the Council), and whether the items the contractor would work on would come from the report or whether the committee has already identified certain areas where they need help. Buchanan stated the report would be a scope of work that they would talk about as a Council to make sure it is appropriate, and then they would go from there to issue the RFP once that is approved.

Councilmembers discussed that there is a budget request for \$100,000 for this in an ordinance that is on the Council's agenda for introduction tonight (request #4719 in **AB2024-521**).

Donovan stated they are trying to wrap this up as far as what the investigative committee will be doing. He stated they are not making findings and determinations of fact. They want to respond to the memo they received from County employees and want to hear what the Council is expecting, then the report will say how they are going to proceed and inform what they will ask for in the RFP.

Cathy Halka, Clerk of the Council, spoke about the next steps after a supplemental budget request is approved, and stated staff would need direction on the scope of the RFP, then they can help to draft it. She

answered whether a motion would be needed to do that, and stated ideally, the Council could make a motion to ask staff to draft an RFP based on the report that is provided.

Elenbaas stated, without having a report in front of Council right now, they want Council to tell them they are good to go ahead and design a scope for the RFP and to direct staff to write the RFP.

Councilmembers discussed whether the outside entity will be tasked with looking at what happened and potentially assigning blame or finding fault if it exists, or whether they would be looking at policy and how it can be tweaked moving forward.

Elenbaas stated the three of them came to the conclusion that they were not interested in a political witch hunt. They gathered facts and put them on a timeline to make sure they understood what happened, and from the beginning, their goal was to make sure that in the end, County employees felt confident and secure in their workplace. The scope of work will revolve around that. The conclusions they come to will not be looking back but will be looking forward into how not to have a situation like this arise again. What they will be asking for is for someone to evaluate our system and make sure those safeguards are in place, and if they are not, then how they can put them in place.

Scanlon stated it sounds like they are looking for someone with human resources or employment law expertise, and he asked about whether the committee has been addressing the other piece of this, which is Council being informed of payments that are going out.

Donovan stated that would just involve a code change and he does not think it is in the scope of the RFP.

George Roche, Prosecuting Attorney's Office, answered how they should discuss that aspect, and stated Councilmembers are the ones who appoint the people who serve on the risk pool. They can choose whomever they want to be on that, and then they will know about all risk pool-based settlements. We can also change the code on our own and do not need someone else to tell us how to fix the problem.

Councilmembers discussed working on the Code and whether it already reads that Council should be noticed about settlements.

Elenbaas stated they saw how the County's human resource policies

function but the questions they have been hearing and asking in this process are whether our processes are set up to be as beneficial as possible, whether we have the right number of (human resources) people, and whether they are located in the right locations since the County departments are not centrally located. He thinks the scope of work should look at whether our model is correct.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved 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.

2. [AB2024-520](#) Discussion of a proposed resolution by the governing body of the Point Roberts Transportation Benefit District defining transportation improvements in accordance with newly amended state law

Scanlon briefed the Councilmembers on the resolution that is on the Council agenda for introduction tonight (**AB2024-494**). He pointed out a difference in the text of the proposed resolution between the discussion item and the introduction item, and stated the one they will be introducing has three Councilmembers' names as the proposers. He referred to the memo (attached to **AB2024-494**) and spoke about where the resolution came from. The Point Roberts Community, via the Point Roberts Community Advisory Committee, advocated for a change in State law and a bill was passed which allows the proceeds of their fuel tax to be used for transportation improvements and not just road maintenance and construction. This resolution updates our local legislation so we would be aligning with State law, and the next step would be for the advisory committee to come up with some priorities for the use of this fund. He spoke about different options.

George Roche, Prosecuting Attorney's Office, answered why this is in the form of a resolution and not an ordinance. He spoke about the laws and stated it is a resolution that has to follow all the procedural requirements of an ordinance.

This agenda item was DISCUSSED.

3. [AB2024-522](#) Discussion regarding Search and Rescue funding

Kayla Schott-Bresler, Executive's Office, briefed the Councilmembers. She

stated in August of 2023, the Council earmarked \$1.1 million of American Rescue Plan Act (ARPA) funds toward the relocation of Whatcom County Search and Rescue from their current location at the Northwest Annex site where the County is proposing a redevelopment project. Council asked the Administration to work with Search and Rescue to come to an agreement that would work, and they ultimately agreed on the County potentially leasing a privately-owned building with a sublet to Search and Rescue for a period of ten years. Search and Rescue has had discussions with a developer in Everson who is interested in building the space which could ultimately be leased to the County. When they originally had the discussions about the \$1.1 million it was assumed it would be paid as an initial capital outlay but that is not the best structure at this time. So, given that they would be paying that money out over time, and the value of the money diminishes over time, Search and Rescue is asking for \$1.5 million in lease costs over ten years plus \$32,000 a year for operating costs. She is looking for Council direction prior to entering any formal contract. She answered whether the lease works for this without it being a gift of public funds, and stated they have been advised by the Prosecuting Attorney's Office that the plan would work.

Satpal Sidhu, County Executive, pointed out that with the \$32,000 a year for 10 years, and the \$1.5 million, the total would be almost \$2 million over that period of time.

Schott-Bresler answered what the instrument would be for Search and Rescue to show the bank that the County is going to fund this for them.

Gwynne Gruizenga-Top, Search and Rescue (SAR), stated she talked to the bank and they need a resolution from the Council or something stating that they are willing to enter into this agreement of \$1.5 million over ten years in addition to covering the operating costs. That would be enough for the bank to start the construction loan before beginning the project in three months from now.

Schott-Bresler stated a resolution from the Council would be the preferred instrument at this time. She stated they are looking today, though, for Council direction on the amount of money they are willing to spend as an organization, and with that direction, the Administration can work with Search and Rescue and the Prosecuting Attorney's Office to figure out what they need to do and bring back to Council. She stated they are trying to fulfill the Council's direction to move this project forward while flagging the implications for the budget.

Councilmembers and the speakers discussed whether there are any other revenue options or legislative fixes, how Search and Rescue handles storing their equipment so that it is positioned closer to the places they serve, the fact that the Everson option is the only one on the table, that the \$1.5 million would come from the Community Priorities Fund and the \$32,000 a year would come out of the General Fund, whether people can be charged for a rescue, whether Search and Rescue is seeing any uptick in demand for their service, that people who want to donate or volunteer can go to their website, and the timeline for a resolution.

Donovan moved that the Council direct the Executive's Office to proceed with what is spelled out in this memo. 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

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

Motion approved that the Council direct the Executive's Office to proceed with what is spelled out in this memo.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 3:21 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription