

# **Whatcom County Council**

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



## **Minutes - Draft Minutes**

**Tuesday, November 19, 2024**

**6 PM**

**Hybrid Meeting - Council Chambers**

AGENDA REVISED 11.18.2024, SECOND AGENDA REVISION 11.19.2024 -  
HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN  
INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL  
360.778.5010)

### **COUNCILMEMBERS**

Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Kaylee Galloway  
Jon Scanlon  
Mark Stremmler

### **CLERK OF THE COUNCIL**

Cathy Halka, AICP, CMC

## COUNTY COUNCIL

### CALL TO ORDER

Council member Jon Scanlon 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

Satpal Sidhu, County Executive, read a statement regarding his proposed budget.

### MINUTES CONSENT

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

1. [MIN2024-076](#) Special Council AM for October 29, 2024

**Byrd moved and Donovan 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. [MIN2024-077](#) Health Board and Public Health Advisory Board for October 29, 2024

**Byrd moved and Donovan 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. [MIN2024-078](#) Special Council PM (Budget) for October 29, 2024

**Byrd moved and Donovan 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. [MIN2024-079](#) Special Council for October 30, 2024

**Byrd moved and Donovan 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**

***Galloway moved*** to reverse agenda item numbers 4 (**AB2024-728**) and 5 (**AB2024-779**).

The motion was seconded by Byrd.

The motion carried by the following vote:

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

**Nay:** 0

Motion approved 7-0 to reverse agenda item numbers 4 and 5.

1. [AB2024-745](#) Ordinance in the matter of the adoption of the final budget of Whatcom County for the Biennium 2025-2026

Scanlon opened the Public Hearing and the following people spoke:

- Adam Bellingar
- John Furdon
- Lance Jones
- Galen Koetje
- Rosemary VanBeek
- Travis Boyd
- Nick Piro
- Bill Bliss
- Bob Hollingsworth
- Max Perry
- John Westerfield
- Ralph Steele
- Kent Murray
- Lyle Sorenson
- Michelle Smith
- Cliff Langley
- Erin Baker

- Rolf Haugen
- Parneet Kaur
- Mary Kay Robinson
- Steve Torok
- Dave Bock
- Cal Leenstra
- Paul Isaacson
- Tammy (last name not stated)
- Jeremy Parriera
- Richard Verbree
- Raven Ira Seven
- Bev Sterk
- Lisa Kent
- Hannah Ordos
- Name not stated
- Name not stated
- Dave Sienko
- Jamayshaw Anna Marie Merculief
- Natalie Chavez
- Bob Anderson
- Kristin Keyes-Halterman
- Pam Gould
- Jason McFadden
- Rachael Wilson
- Barbara Chase
- Scott McAllister
- Tammie Lagerwey
- David McCluskey
- Peggy Uppiano
- Heidi Forsyth
- Laurie Williams
- Chris Kenner

Hearing no one else, Scanlon closed the Public Hearing.

***Donovan moved*** and Galloway seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Donovan stated he wishes that the Executive would emphasize more that they are cutting from the budget and will probably need to cut more. He

spoke about the County not taking the allowable one percent for several years until recently and that the percent being raised is on the County's portion of the property tax bill.

Satpal Sidhu, County Executive, stated the 11 percent being discussed in emails to Councilmembers is a bit of a misnomer, and he spoke about examples of tax increase amounts for average households. He stated the increase is only going to be on the portion of people's total property tax which is levied by the County.

Galloway stated the Executive's Office has been very collaborative in the budget process with Council and she appreciates the information. She encourages people who are just learning about the budget to go back and see the various presentations and meetings. It has been noted that they are having to both make cuts and raise revenue to get to a place of structural balance and neither is fun for them.

Aly Pennucci, Executive's Office, gave an overview of the budget and answered how much is dedicated to public safety and to wages, and what percentage of Health and Community Services funds come from State and local grants as opposed to the General Fund.

Byrd stated he is completely against the increases in the budget, and he spoke about Council's role in the process according to the Charter, and the increases in budgeted expenditures since 2019.

Elenbaas stated, in his time on the Council, he has never seen a budget item not pass and that tells him there is zero accountability for getting what you ask for here in Whatcom County.

Pennucci answered what the difference is in the percentage of increase for people who live in the unincorporated county compared to those who live in cities.

Stremmler stated he would like to look at what the County was doing in the past and what they are doing now. If they were not doing it 20-30 years ago, maybe it is not essential. He stated he cannot support the budget the way it is.

Councilmembers and the speakers discussed communication between the Council and the Executive.

Scanlon spoke about requests for funding that Council was responsive to,

that not increasing the tax would lead to cuts, that this budget does not really allow the County to increase services, and that this is probably the most difficult decision he has had to make on the council since January.

Councilmembers discussed the motion.

**Donovan's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 3 - Byrd, Elenbaas, and Stremmler

Enactment No: ORD 2024-057

2. [AB2024-695](#) Ordinance adopting amendments to WCC Titles 20 and 22 to enact SSB 5290 regarding local project review
- Clerk's note:* Councilmembers took a 10-minute break from 9:38 p.m. to 9:50 p.m.

Scanlon stated the actual proposed ordinance that was noticed for this agenda item is now out of date. There are now two other versions (under Introduction) that they will consider (one proposed by Galloway and one proposed by Planning and Development Services Department).

Scanlon opened the Public Hearing and the following people spoke:

- Pam Brady
- Lyle Sorenson
- Name not stated
- Allison Calder
- Ken Calder
- Perry Eskridge
- Rud Browne

Hearing no one else, Scanlon closed the Public Hearing.

Councilmembers discussed how to handle this since there are two other versions under introduction.

***Elenbaas moved*** and Byrd seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Councilmembers discussed whether this item should be tabled, and that the two other versions are under separate agenda bill numbers (**AB2024-793** -

Galloway's version, and **AB2024-809** - PDS version).

**Elenbaas's motion that the Ordinance Requiring a Public Hearing be adopted FAILED by the following vote:**

**Aye:** 0

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

3. [AB2024-697](#) Ordinance adopting the Seven-Year Capital Improvement Program for Whatcom County Facilities 2025-2031

Scanlon opened the Public Hearing and hearing no one, closed the Public Hearing.

***Donovan moved*** and Byrd seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Councilmembers discussed that the things listed still have to come to Council for approval, and the annual process to bring this back if they need to add other projects to the list.

**Donovan's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 0

Enactment No: ORD 2024-058

THE ORDER OF THE NEXT TWO AGENDA ITEMS WAS REVERSED (SEE MOTION ABOVE IN PUBLIC HEARING HEADER)

5. [AB2024-779](#) Ordinance authorizing the levy of taxes for Countywide Emergency Medical purposes for 2025

Scanlon stated this is the version proposed by Councilmembers Galloway and Buchanan. **AB2024-728** is the proposal from the County Executive.

Scanlon opened the Public Hearing and the following people spoke:

- Lyle Sorenson
- Travis Boyd
- Jim Hallett

Hearing no one else, Scanlon closed the Public Hearing.

***Galloway moved*** and Buchanan seconded that the Ordinance Requiring a

Public Hearing be ADOPTED.

Galloway spoke about the ordinance, that it proposes to address a structural imbalance in the fund, and that it is different than AB2024-728 in that it uses \$750,000 of the total banked capacity.

Councilmembers discussed that there is little communication about the EMS fund, how Council can get better information going forward about the health of the fund and services, and having more time to discuss this and hear from people.

Aly Pennucci, Executive's Office, stated the budget assumes levying an EMS tax, so, if this one is approved (as opposed to AB2024-728), future budget action would be necessary to program the additional revenue that they did not assume in the Executive's budget that Council just passed. She asked if one of the ordinances needs to pass tonight concurrently with the budget or whether the tax ordinance could wait until December 3 and meet budget requirements under State law.

George Roche, Prosecuting Attorney's Office, stated it can only wait until December 1st, it would take five votes to pass, and they would potentially have to reconsider AB2024-745. He, Pennucci, and Councilmembers discussed what process would be needed.

Scanlon suggested they take a break.

*Clerk's note:* Councilmembers took a break from 10:42 p.m. to 10:50 p.m.

Roche updated the Councilmembers after conferring with the deputy executive and stated they would not have to re-hear item one (AB2024-745), but this version would still require a supermajority vote, and they would have to adopt an ordinance by December 1st.

Kayla Schott-Bresler, Executive's Office, stated the Administration also believes this should be passed concurrently with the budget, which would be today.

Councilmembers and the speakers discussed that if this was passed, the end balance in the budget would increase but it would not change expenses, that appropriating the funds would be done through a supplemental action in 2025, why the main budget does not require a supermajority vote, the need to maybe look at the EMS levy plan and get status updates going forward, getting more communication from EMS about operations and expenses



before increasing revenue, that the original intent of the increased revenue was to fully fund the Community Paramedics Program but that they then started to see a structural imbalance, that Council can come back to this in the mid-biennium after hearing from EMS how the funds would be used, and how the reserve threshold was determined.

**Galloway's motion that the Ordinance Requiring a Public Hearing be adopted FAILED by the following vote:**

**Aye:** 2 - Buchanan, and Galloway

**Nay:** 5 - Byrd, Donovan, Elenbaas, Scanlon, and Stremler

4. [AB2024-728](#) Ordinance authorizing the levy of taxes for Countywide Emergency Medical purposes for 2025

Scanlon opened the Public Hearing and the following people spoke:

- Lyle Sorenson
- Travis Boyd
- Jim Hallett

Hearing no one else, Scanlon closed the Public Hearing.

***Galloway moved*** and Scanlon seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Scanlon stated this item is different than the last item because they have had presentations on it.

**Galloway's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 3 - Byrd, Elenbaas, and Stremler

Enactment No: ORD 2024-059

6. [AB2024-729](#) Ordinance authorizing the levy of taxes for Conservation Futures purposes for 2025

Scanlon opened the Public Hearing and hearing no one, closed the Public Hearing.

**Galloway moved and Scanlon seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:**

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

**Nay:** 3 - Byrd, Elenbaas, and Stremler

Enactment No: ORD 2024-060

7. [AB2024-730](#) Ordinance authorizing the levy of taxes for County Road purposes for 2025

Scanlon opened the Public Hearing and the following people spoke:

- Lyle Sorenson
- Travis Boyd

Hearing no one else, Scanlon closed the Public Hearing.

***Buchanan moved*** and Stremmler seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Councilmembers discussed that money is needed in this fund but that over a million dollars will be diverted back to the General Fund to cover General Fund expenses, and that this would hit the unincorporated rural community the hardest.

The following people answered questions:

- George Roche, Prosecuting Attorney's Office
- Elizabeth Kosa, Public Works Department Director
- Randy Rydel, Administrative Services Department Finance Director

They discussed with Councilmembers what the options are for this ordinance and whether banked capacity needs to be used for this particular fund, that this money would be needed to fully fund the capital projects that were added back to the capital program and operating expenses, that projects would be brought to Council as supplemental buybacks if this was passed, what they would have to do procedurally if this ordinance was to be amended to just take the one percent, the fact that they normally divert money from this fund to the General Fund for traffic law enforcement in unincorporated areas but that the amount was increased a few years ago, that an amendment to change the dollar amount and percentage would require re-introduction and a new public hearing, that the money that gets diverted from the fund will be used for more than just traffic deputy FTEs, and the motion.

**Buchanan's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 3 - Byrd, Elenbaas, and Stremmler

Enactment No: ORD 2024-061

8. [AB2024-731](#) Ordinance authorizing the levy of taxes for County and State Purposes in Whatcom County, Washington for the year of 2025

Scanlon opened the Public Hearing and the following people spoke:

- Lyle Sorenson
- G. David Bock
- Travis Boyd
- Hannah Ordos
- Natalie Chavez

Hearing no one else, Scanlon closed the Public Hearing.

***Galloway moved*** and Scanlon seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Councilmembers discussed the motion and that there was a communication gap in conveying the percentage of the increase to the community.

Aly Pennucci, Executive's Office, answered what percentage of Health and Community Services' budget comes from the General Fund, and stated when you exclude some of the external grant funds that get deposited into the General Fund, it is about two percent.

Kayla Schott-Bresler, Executive's Office, spoke about state funding for the Health and Community Services Department.

Councilmembers and Pennucci discussed the percentage of the tax increases proposed tonight, that increases in staff in one department result in other costs to the County, even if the staff are State funded, and how the tax increase translates to a homeowner.

**Galloway's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 3 - Byrd, Elenbaas, and Stremmer

Enactment No: ORD 2024-062

9. [AB2024-732](#) Resolution amending the levy of taxes for the Whatcom County Flood Control Zone District for 2025 (Council acting as the Flood Control Zone District Board of Supervisors)

Scanlon opened the Public Hearing and the following people spoke:

- Lyle Sorenson
- Travis Boyd
- Natalie Chavez

Hearing no one else, Scanlon closed the Public Hearing.

***Elenbaas moved*** and Scanlon seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED.

Councilmembers discussed that this is not a tax increase.

Gary Stoyka, Public Works Department, stated it is the same levy as last year.

**Elenbaas's motion that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED carried by the following vote:**

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

**Nay:** 0

Enactment No: RES 2024-049

10. [AB2024-742](#) Resolution adopting the 2025 budget for the Whatcom County Flood Control Zone District and Subzones (Council acting as the Flood Control Zone District Board of Supervisors)

Scanlon opened the Public Hearing and hearing no one, closed the Public Hearing.

***Buchanan moved*** and Scanlon seconded that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED.

Councilmembers discussed the motion.

**Buchanan's motion that the Resolution (FCZDBS) Requiring a Public Hearing be APPROVED carried by the following vote:**

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

**Nay:** 3 - Byrd, Elenbaas, and Stremler

Enactment No: RES 2024-050

11. [AB2024-743](#) Ordinance authorizing the 2025 Whatcom County Unified Fee Schedule

Scanlon opened the Public Hearing and the following person spoke:

- Ralph Steele

Hearing no one else, Scanlon closed the Public Hearing.

***Scanlon moved*** and Buchanan seconded that the Ordinance Requiring a Public Hearing be ADOPTED.

Councilmembers discussed the item with the following:

- Aly Pennucci, Executive's Office
- Randy Rydel, Administrative Services Department Finance
- Elizabeth Kosa, Public Works Department Director
- George Roche, Prosecuting Attorney's Office

They discussed the fee schedule being used as authorization for staff to make rules, that the executive has authority to adjust the fee schedule as needed and that changes would be reviewed by the Council at its next adoption, reviewing the fees in regards to ferry fares and permits after more discussion with stakeholders, fees for the Parks Department having very little difference between county and non-county residents, that Public Works cannot bring a fee option that would put them into the red, the need to look at other sources of revenue and service adjustments for the ferry, and what would happen if this ordinance fails.

**Scanlon's motion that the Ordinance Requiring a Public Hearing be ADOPTED carried by the following vote:**

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

**Nay:** 1 - Elenbaas

Enactment No: ORD 2024-063

## **OPEN SESSION**

The following people spoke:

- David Foreman
- Lyle Sorenson
- Bev Sterk
- Travis Boyd
- Hannah Ordos
- Natalie Chavez

Hearing no one else, Scanlon 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 item numbers 1-3, 5, and 7-9. Councilmembers voted on those items (see votes on individual items below).

1. [AB2024-741](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Caspio, Inc. to purchase and implement a low-code software solution, in the amount of \$68,049

**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

2. [AB2024-762](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and ACCU Reference Medical Lab for Jail Lab Services in the amount of \$40,000 for a total contract amount of \$65,000

**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

3. [AB2024-764](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Dr. Tyson Hawkins for Jail Administrative Physician Services in the amount of \$13,940

**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. [AB2024-769](#) Resolution approving the 2025 recommended convention center allocations for tourism-related facilities and activities as defined through RCW 67.28.1816

Enactment No: RES 2024-052

This item was considered separately below.

5. [AB2024-771](#) Request authorization for the County Executive to enter into a contract between Whatcom County and YWCA Bellingham to provide supportive services and oversight for families supported in emergency motel shelter during the winter season, in the amount of \$98,158

**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. [AB2024-772](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide housing case management services, in the amount of \$1,003,932

This item was considered separately below.

7. [AB2024-773](#) Request authorization for the County Executive to enter into a contract between Whatcom County and AssetWorks, Inc. to provide professional services for the implementation of the new ER&R asset management system, in the amount of \$197,345.78

**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. [AB2024-777](#) Resolution approving a salary schedule and policies for Unrepresented Whatcom County employees effective January 1, 2025 through December 31, 2025

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

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

**Nay:** 0

Enactment No: RES 2024-051

9. [AB2024-786](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of

Children, Youth, and Families to provide funding for the Nurse Family Partnership Program in the amount of \$404,218.60, for a total amended contract amount of \$818,837.20

**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 CONSIDERED SEPARATELY**

4. [AB2024-769](#) Resolution approving the 2025 recommended convention center allocations for tourism-related facilities and activities as defined through RCW 67.28.1816

**Donovan** reported for the Finance and Administrative Services Committee and ***moved*** that the Resolution be HELD FOR TWO WEEKS.

Councilmembers discussed the rationale for the recommendation in committee to hold, and Donovan stated there was interest among Councilmembers to get more information because there is a substantial fund balance and yet some things that were not funded. They did hear in committee that those were Bellingham-centric things and that they have a separate fund for that, but Councilmembers wanted to have more discussion about whether there is a target fund balance for the fund and whether any of the money could be used to fund some of the items that did not get funded.

Galloway spoke about the funding priorities of the Lodging Tax Advisory Committee and the strategy around keeping a fund balance.

**Donovan withdrew** his motion.

**Donovan moved and Byrd seconded that the Resolution be APPROVED. The motion carried by the following vote:**

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

**Nay:** 0

Enactment No: RES 2024-052

6. [AB2024-772](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to provide housing case management services, in the amount of \$1,003,932

**Donovan** reported for the Finance and Administrative Services Committee and ***moved*** that the Contract be HELD IN COMMITTEE for two weeks.



Councilmembers spoke about why the committee recommended to hold the item, and Elenbaas stated the Opportunity Council is going to give a presentation in two weeks so they wanted to wait for that.

Kayla Schott-Bresler, Executive's Office, stated the contract has a January 1 start date so staff was happy to defer to the next meeting and come back with additional context and information on the outcomes of the programs.

**Donovan's motion that the Contract be HELD IN COMMITTEE carried by the following vote:**

**Aye:** 6 - Buchanan, Byrd, Donovan, Elenbaas, Scanlon, and Stremler

**Nay:** 1 - Galloway

## **OTHER ITEMS**

**(From Council Finance and Administrative Services Committee)**

1. [AB2024-719](#) Ordinance amending the project budget for the Central Shop NPDES Stormwater Improvements Project Fund, request no. 1

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

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

**Nay:** 0

Enactment No: ORD 2024-064

2. [AB2024-723](#) Ordinance amending the project based budget for the Goshen Road/Anderson Creek Bridge No. 248 Replacement Fund and Project Based Budget, request no. 1, in the amount of \$200,000, for a total amended amount of \$700,000

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

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

**Nay:** 0

Enactment No: ORD 2024-065

3. [AB2024-739](#) Ordinance amending Whatcom County Code Chapter 2.130 Economic Development Investment Board

**Donovan reported for the Finance and Administrative Services Committee**

**and moved that the Ordinance be HELD IN COMMITTEE. The motion carried by the following vote:**

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

**Nay:** 0

4. [AB2024-744](#) Ordinance amending the 2024 Whatcom County Budget, request no. 14, in the amount of \$4,564,923

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

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

**Nay:** 0

Enactment No: ORD 2024-066

5. [AB2024-748](#) Ordinance amending the project budget for the 23-Hour Crisis Relief Center Project Fund, request no. 1

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

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

**Nay:** 0

Enactment No: ORD 2024-067

6. [AB2024-749](#) Ordinance amending the project budget for the Hovander Park Building Improvement Project, request no. 3

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

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

**Nay:** 1 - Elenbaas

Enactment No: ORD 2024-068

7. [AB2024-750](#) Ordinance amending the project budget for the Courthouse Building Envelope Fund, request no. 6

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

Kayla Schott-Bresler, Executive's Office, answered where the money is coming from, and stated this is funded by the Real Estate Excise Tax (REET) One and the Economic Development Investment (EDI) fund. She answered whether any of the money is coming from the State for adjudication, and stated the exterior of the courthouse has not been part of the State funding for that.

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

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

**Nay:** 0

Enactment No: ORD 2024-069

8. [AB2024-752](#) Ordinance amending the project budget for the Integrated Land Records and Permit Management System Fund, request no. 3

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

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

**Nay:** 0

Enactment No: ORD 2024-070

9. [AB2024-753](#) Ordinance establishing the project based budget and an initial budget for the courtroom audio visual systems upgrade

**Donovan** reported for the Finance and Administrative Services Committee and ***moved*** that the Ordinance be HELD IN COMMITTEE.

Aly Pennucci, Executive's Office, stated while there have been many ongoing projects related to court audio visual, this is actually a new project. It is not anything they have previously approved. It is a new round of upgrades to some of the courtroom audio visual recording systems.

Byrd spoke about whether the upgrades need to take place.

**Donovan's motion that the Ordinance be HELD IN COMMITTEE carried by the following vote:**

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

**Nay:** 0

10. [AB2024-778](#) Request council review and approval of the Economic Development Investment Board's recommendation for funding of the Habitat for Humanity property acquisition for an affordable housing project

**Donovan reported for the Finance and Administrative Services Committee and moved that the Request for Motion be APPROVED. The motion carried by the following vote:**

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

**Nay:** 0

**(From Council Public Works and Health Committee)**

11. [AB2024-765](#) Resolution approving the Equipment Rental and Revolving Rental Rates (ER&R) for the 2025-2026 calendar years

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

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

**Nay:** 0

Enactment No: RES 2024-053

**(From Council Planning and Development Committee)**

12. [AB2024-785](#) Discussion of and request for motion on recommendation for 2024 Open Space applications

***Elenbaas* reported for the Planning and Development Committee and *moved* that the Request for Motion be APPROVED.**

Galloway spoke about a concern discussed in committee about the public benefit rating system being developed many years ago, and that maybe it is something they should look at.

Elenbaas spoke about the RJ Group parcel and asked about adding a legislative priority to look at getting rid of the mandatory seven years of back taxes.

Scanlon stated it would have also been helpful to hear from the City of Ferndale on this and to hear about how they are looking at it in their Comprehensive Plan if it is in city limits.

**Elenbaas's motion that the Request for Motion be APPROVED carried by the following vote:**

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

**Nay:** 0

**(From Council Committee of the Whole)**

13. [AB2024-747](#) Ordinance amending Whatcom County Code Chapter 2.06 Medical Examiner to establish a Medical Examiner Department

**Scanlon** reported for the Committee of the Whole and ***moved*** that the Ordinance be HELD IN COMMITTEE.

Elenbaas spoke about the concerns discussed in committee, including growing costs and exactly what the staffing in the department would be. He stated they have already approved some of the salaries and it seems that staffing will be less than what the previous contract had.

Councilmembers discussed the motion and whether it should be held.

**Scanlon's motion that the Ordinance be HELD IN COMMITTEE carried by the following vote:**

**Aye:** 4 - Buchanan, Byrd, Donovan, and Scanlon

**Nay:** 3 - Elenbaas, Galloway, and Stremler

14. [AB2024-767](#) Resolution to establish Council goals for full, timely awarding of Healthy Children's Fund contracts

**This agenda item was WITHDRAWN.**

15. [AB2024-789](#) Discussion and motion to approve Whatcom County's state legislative priorities for 2025 legislative session.

**Scanlon** reported for the Committee of the Whole and ***moved*** that the Request for Motion be APPROVED.

Galloway stated it would be nice for Council to build in some flexibility for the Administration to adjust this legislative agenda and/or to prioritize it based on feedback they receive from the delegation since it is going to be a challenging budget year.

Elenbaas spoke about the State Prime Act and that he hoped it would be listed under food security.

Kayla Schott-Bresler, Executive's Office, asked if Council would like staff to research that issue as well as the open space payback (see discussion in

AB2024-785 above), and Councilmembers concurred that the Administration should do some research and bring information back to Council before there is a decision point during the legislative session.

**Scanlon's motion that the Request for Motion be APPROVED carried by the following vote:**

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

**Nay:** 0

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

1. [AB2024-781](#) Request confirmation of the County Executive's appointment of Patrick Bush to the Bicycle / Pedestrian Advisory Committee

**Scanlon moved** and Elenbaas seconded that the Executive Appointment be CONFIRMED.

Councilmembers discussed the applicant and the importance of this committee.

**Scanlon's motion that the Executive Appointment be CONFIRMED carried by the following vote:**

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

**Nay:** 0

2. [AB2024-782](#) Request confirmation of the County Executive's appointment of Rosemarie Tom and Heidi Bode to the Bellingham-Whatcom County Commission on Sexual and Domestic Violence

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

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

**Nay:** 0

3. [AB2024-783](#) Request confirmation of the County Executive's appointment of Alexi Guddal to the Marine Resources Committee

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

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

**Nay:** 0

### **ITEMS ADDED BY REVISION**

Introduction items 12 and 13 were added by revision and are under the Introduction header below.

## **INTRODUCTION ITEMS**

***Donovan moved*** to introduce items one through thirteen. The motion was seconded by Buchanan.

Councilmembers discussed that Introduction item number 8 (**AB2024-793**) is Councilmember Galloway's version and Introduction item number 13 (**AB2024-809**) is Planning and Development Service's related version. They voted down **AB2024-695** earlier tonight, which was an older version.

Cathy Halka, Clerk of the Council, stated Introduction item number 5 has a substitute and a revised title to reflect the amount in the substitute ordinance. Introduction item number 11 also has a substitute and needs to be considered separately because Council needs to choose between the Planning and Development Services Department version and the substitute version recommended by Councilmember Scanlon. Item number 8 also needs to be considered separately to determine which of the items Council is moving forward.

***Donovan amended*** his motion ***and moved*** to introduce item numbers 1-7, 9, 10, 12, and 13.

Councilmembers discussed whether item number 13 should also be considered separately and that it includes code language about development agreements which may not be necessary for SSB 5290 compliance.

***Donovan amended*** his motion ***and moved*** to introduce item numbers 1-7, 9, 10, and 12.

Councilmembers discussed the motion.

Kayla Schott-Bresler, Executive's Office, stated she believes that Planning Director Personius had some questions about implementability and consistency with State law that were unresolved for item number 8.

Councilmembers voted (6-0 with Byrd out of the meeting) on item numbers 1-7, 9, 10, and 12 (see votes on those individual items below).

1. [AB2024-761](#) Appointment to a vacancy on the Business and Commerce Advisory Committee, manufacturing industry representative position, Applicant(s): Gil Lund

**Donovan moved and Buchanan seconded that the Council Appointment**

**Requiring Introduction be INTRODUCED. The motion carried by the following vote:**

**Aye:** 6 - Buchanan, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

**Nay:** 0

**Temp Absent:** 1 - Byrd

2. [AB2024-766](#) Ordinance establishing a project based budget for the Central Shop Underground Storage Tank Removal project

**Donovan moved and Buchanan seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

**Aye:** 6 - Buchanan, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

**Nay:** 0

**Temp Absent:** 1 - Byrd

3. [AB2024-768](#) Ordinance amending the project based budget for the North Fork Road/Kenney Creek Fish Passage Project Fund, request no. 1

**Donovan moved and Buchanan seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

**Aye:** 6 - Buchanan, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

**Nay:** 0

**Temp Absent:** 1 - Byrd

4. [AB2024-770](#) Resolution amending the 2024 Flood Control Zone District and Subzones Budget, request no. 7, in the amount of \$20,695 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Donovan moved and Buchanan seconded that the Resolution (FCZDBS) be INTRODUCED. The motion carried by the following vote:**

**Aye:** 6 - Buchanan, Donovan, Elenbaas, Galloway, Scanlon, and Stremmer

**Nay:** 0

**Temp Absent:** 1 - Byrd

5. [AB2024-775](#) Ordinance amending the 2024 Whatcom County Budget, request no. 15, in the amount of \$12,651,067



**Donovan moved and Buchanan seconded that the SUBSTITUTE Ordinance be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

**Temp Absent:** 1 - Byrd

6. [AB2024-776](#) Ordinance amending Ordinance 2013-022, to allow the Road Fund to issue cash-flow loans to capital project budgets from \$1 million to \$2 million for a term not to exceed two years

**Donovan moved and Buchanan seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

**Temp Absent:** 1 - Byrd

7. [AB2024-780](#) Ordinance amending the 2025 Whatcom County Budget, request no. 1, in the amount of \$16,292,701

**Donovan moved and Buchanan seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

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

**Nay:** 0

**Temp Absent:** 1 - Byrd

8. [AB2024-793](#) Ordinance adopting amendments to Whatcom County Code Titles 20 and 22 to enact SSB 5290 regarding local project review

This item was considered separately below.

9. [AB2024-794](#) Ordinance establishing Whatcom County Code 2.190 Birch Bay Community Advisory Committee

**Donovan moved and Buchanan seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

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

Nay: 0

Temp Absent: 1 - Byrd

10. [AB2024-795](#) Ordinance amending Whatcom County Code 2.03 Advisory Groups

**Donovan moved and Buchanan seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

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

Nay: 0

Temp Absent: 1 - Byrd

11. [AB2024-796](#) Ordinance amending Whatcom County Code Title 20 (Zoning) to define appropriate industrial uses and conditions for industrial uses in Heavy Impact Industrial (HII) districts within a city's designated Urban Growth Area

Enactment No: ORD 2024-071

This item was considered separately below.

12. [AB2024-802](#) Resolution adopting the 2025-2026 budget for the Point Roberts Transportation Benefit District (Council acting as the governing body of the Point Roberts Transportation Benefit District)

**Donovan moved and Buchanan seconded that the Resolution Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

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

Nay: 0

Temp Absent: 1 - Byrd

13. [AB2024-809](#) Ordinance adopting amendments to Whatcom County Code Titles 20 and 22 to enact SSB 5290 regarding local project review

This item was considered separately below.

### **INTRODUCTION ITEMS CONSIDERED SEPARATELY**

8. [AB2024-793](#) Ordinance adopting amendments to Whatcom County Code Titles 20 and 22 to

enact SSB 5290 regarding local project review

***Elenbaas moved*** and Galloway seconded that the SUBSTITUTE Ordinance Requiring a Public Hearing (Substitute Proposed Ordinance [Galloway] added 11.19.24) be INTRODUCED FOR PUBLIC HEARING.

Galloway stated she is OK with introducing both versions to give them a couple more weeks to work through it.

**Elenbaas's motion that the SUBSTITUTE Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING carried by the following vote:**

**Aye:** 6 - Buchanan, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

**Nay:** 0

**Absent:** 1 - Byrd

11. [AB2024-796](#) Ordinance amending Whatcom County Code Title 20 (Zoning) to define appropriate industrial uses and conditions for industrial uses in Heavy Impact Industrial (HII) districts within a city's designated Urban Growth Area

***Elenbaas moved*** and Scanlon seconded that the SUBSTITUTE Ordinance Requiring a Public Hearing (the Scanlon edit) be INTRODUCED FOR PUBLIC HEARING.

Scanlon briefed the Councilmembers on the differences between the proposed ordinance and the substitute, and they discussed Scanlon's version.

**Elenbaas's motion that the SUBSTITUTE Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING carried by the following vote:**

**Aye:** 6 - Buchanan, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

**Nay:** 0

**Temp Absent:** 1 - Byrd

13. [AB2024-809](#) Ordinance adopting amendments to Whatcom County Code Titles 20 and 22 to enact SSB 5290 regarding local project review

***Galloway moved*** and Scanlon seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING.

Elenbaas spoke against introducing this item.

***Galloway moved*** to amend 22.05.029 subsections seven and nine as

follows:

(7) Consistency with Whatcom County Code and the Comprehensive Plan. The development standards and conditions set forth in a development agreement shall provide relief and/or deviation as appropriate from the specific ~~be consistent with the~~ applicable development regulations set forth in the Whatcom County Code ~~and provided they are consistent with~~ the goals and policies of the Comprehensive Plan.

(9) Procedures.

(a) A development agreement shall be initiated by a written request from the property owner to Planning and Development Services with a copy to the County Council.

(b) If the ~~Director~~ County Council determines that a development agreement should be considered by the County ~~Council~~, the property owner shall be so informed by the Director.

The motion was seconded by Elenbaas.

Galloway answered questions about the proposed amendments and Councilmembers discussed the motion.

The motion carried by the following vote:

**Aye:** 6 - Elenbaas, Galloway, Scanlon, Stremmer, Buchanan, and Donovan

**Nay:** 0

**Out of the Meeting:** 1 - Byrd

Galloway spoke about another potential amendment in Section 22.05.070 Notice of application (4)(C)(i), regarding notice for LAMIRDS, and stated the question is whether they want to treat LAMIRDS as UGAs or if they want to treat them as their own category.

The following people also spoke:

- Allison Calder
- Aly Pennucci, Executive's Office

**Galloway's motion that the Ordinance Requiring a Public Hearing be introduced for public hearing as amended FAILED by the following vote:**

**Aye:** 2 - Galloway, and Scanlon

**Nay:** 3 - Buchanan, Elenbaas, and Stremler

**Temp Absent:** 2 - Byrd, and Donovan

### **SPECIAL COUNCIL ONLY ITEM**

1. [AB2024-651](#) Approval of 2025 standing meeting dates (Health Board)

**Scanlon moved and Buchanan seconded that the Special Council Only Item be APPROVED BY THE COUNCILMEMBERS. The motion carried by the following vote:**

**Aye:** 5 - Buchanan, Elenbaas, Galloway, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 2 - Byrd, and Donovan

### **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

***Buchanan moved*** to adjourn. The motion was seconded by Galloway.

The motion carried by the vote:

**Aye:** 4 - Buchanan, Galloway, Scanlon, and Stremler

**Nay:** 1 - Elenbaas

**Out of the Meeting:** 2 - Byrd and Donovan

Motion approved 4-1, with Elenbaas opposed and Byrd and Donovan out of the meeting, to adjourn the meeting.

### **ADJOURN**

The meeting adjourned at 2:37 a.m. on Wednesday, November 20, 2024.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Cathy Halka, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

Meeting Minutes prepared by Kristi Felbinger