

Whatcom County Council Committee of the Whole

**COUNTY COURTHOUSE
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Bellingham, WA 98225-4038
(360) 778-5010**



Committee Minutes - Draft Minutes

Tuesday, September 23, 2025

1 PM

Hybrid Meeting - Council Chambers

**HYBRID MEETING - ADJOURNS BY 4:30 P.M. (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 Stremmer

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Call To Order

Council Chair Kaylee Galloway called the meeting to order at 1:03 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

Special Presentation

1. [AB2025-505](#) Presentation on the final report of the independent study of Whatcom County's fire district and Emergency Management Services (EMS) system by Rick Harrison and Jason Malloy, Mission Critical Partners

Rick Harrison, Mission Critical Partners, read from a presentation (on file).

Jason Malloy, Mission Critical Partners, also answered questions.

Harrison stated the goal of the study is to provide an independent, objective evaluation that the Council can use as a foundation for dialogue, decision-making, and long-term planning. He summarized the recommendations of the report.

Councilmembers and the speakers discussed some of the recommendations:

Prospect should be consolidated with, or co-located into, What-Comm to enhance operational efficiency (Section 6.2)

While MCP has not identified a pressing need to expand the current ALS or BLS deployment models, an annual review should be conducted to assess emerging needs and address factors contributing to extended response times. The Deming area, in particular, should be continually monitored for delays and evaluated for the potential placement of a dedicated unit (Section 5.2)

Paramedic training should be provided through local academic institutions to increase the availability of qualified personnel within the region (Section 9.1)

Galloway asked if they looked at some of the potential downfalls of a co-located dispatch (6.2), and she spoke about benefits of having separate locations, which she learned more about when she spent a day at the Prospect location. She asked whether there are any cost savings with the

current dispatch model versus a consolidated model.

Harrison stated their recommendation was to co-locate the two centers (hopefully in one room) and he spoke about the benefits of that and of consolidation, which is a different story. He and Malloy spoke about the sharing of technology as a benefit of co-location but that they did not do a technology assessment.

Scanlon asked whether they looked at gaps in Advanced Life Support (ALS) in other parts of the county besides Deming (5.2).

Byrd asked if they have estimated cost savings related to their recommendations, an estimated cost of what a consolidation analysis would be, whether applicability of recommendations and structures apply specifically to Washington State, whether they looked at what other paramedic schools are available in Washington State and what they cost (9.1), and what recommendations Whatcom County should move forward with first.

Councilmembers discussed continuing to work on this, working with the EMS Oversight Board representative, that Galloway, Elenbaas, and Byrd could work on it together, and whether someone from the Executive's Office should join them in their conversations.

Kayla Schott-Bresler, Executive's Office, stated she is happy to join in and can also loop in the new EMS administrator when she comes on board in mid-October.

This agenda item was PRESENTED.

2. [AB2025-665](#) Presentation from Matrix Consulting Group on the Harassment and Complaint Policies and Procedures Evaluation Final Report

Alan Pennington, Matrix Consulting Group President, read from a presentation (on file) on their findings and the recommendations in their report.

Donovan spoke about the original call from employees about what the County can do to rebuild trust and that he does not know how they measure that, that he does not know the mechanism for the recommendation about having all elected offices adopt the same sort of HR policies, what meaningful training would look like to employees, and why having an Ombuds Office was not a recommendation.

Pennington stated rebuilding trust takes time and they need to make sure

they treat HR as independent and objective and not an arm of the Administration or the Council. He spoke about why they did not recommend an Ombuds Office and stated it makes sense that investigation functions remain in HR.

Buchanan stated it is critical to have HR policies that are consistent across the board for everybody that works for the County. He asked what the relationship is between HR and all the elected offices and what they need to do to build consistency across them.

Pennington stated that is not an easy one to resolve which is why they used language like “encouraged” and “request.”

Scanlon stated he would like to look at the recommendations and at what HR reported today (**AB2025-644**) that they are doing, and see what is not covered and what would be needed in order to take on other recommendations in the report. He would also like to look at timelines for these tasks.

Aly Pennucci, Executive's Office, stated they can report back on that.

Galloway stated it would be helpful to have a Council point person for this body of work in coordination with the Executive’s Office and HR.

Elenbaas stated our HR policies and practices maybe came from an era when there were fewer employees and that maybe the high response level to the survey should be a red flag. He would like to have surveys like this on an annual basis.

Pennucci spoke about the role of HR but also the role of County leadership in departments to prioritize this work.

Byrd spoke about the idea of having an annual survey, and that they need to have a conversation about information and identifying factors that are getting back to supervisors and that may potentially lead to retaliation.

Stremmler spoke about incorporating that anyone in a listening position needs to know how to respond in a way that makes the other person feel valued and heard.

This agenda item was PRESENTED.

Committee Discussion

1. [AB2025-509](#) 2025-2026 Mid-Biennium Budget Review

The following people read from a presentation (on file) about the Road Fund and discussed the item with the councilmembers:

- Aly Pennucci, Executive's Office
- Elizabeth Kosa, Public Works Department Director
- Satpal Sidhu, County Executive

The presentation focused on how the Road Fund got to where it is, what the proposal is to address the issues in the fund in the 2026 mid-biennium review, and potential additional strategies on which they would like Council feedback.

Councilmembers and the speakers discussed the fund balance reserve and setting guardrails for spending it down so that what happened after 2015 does not happen again, doing five-year fund projections rather than biennial projections, that the County maybe prioritized policies that have made things cost more, continuing to be clear and transparent with the public about why it may feel like they are getting less when they are paying more, telling the public what the County is doing with the money that we have so they know where their tax dollars are going and that the County is investing in the public good, educating legislators to help them understand the cause and effect of State and Federal policies on local government, and that one-time additional funds would go toward the operations side of the house.

This agenda item was DISCUSSED.

2. [AB2025-616](#) Discussion of an ordinance amending Whatcom County Code Chapter 3.05, Tort and Damage Claims, to create a risk management committee and clarify the processing of tort claims

Donovan briefed the councilmembers on the origins of the proposed ordinance.

Scanlon spoke about the proposed Risk Management Working Group and stated there is something in place that started with an executive order many years ago but they are trying to codify it, and then have a council member on that committee. Council would like to be able to look at trends to be able to determine if changes to the code or budget need to be made.

Donovan stated the substitute ordinance corrects some of the titles of members on the working group.

Christopher Quinn, Prosecuting Attorney's Office, answered whether this

requires a public hearing and stated it does.

Galloway pointed out a Whereas clause which states “Resolution 2025-021 does not designate the Chair of the Finance Committee to serve as an alternate director in contrast with the Resolution 1988-045” and stated they will likely bring a resolution to amend that resolution should this ordinance pass. It would formally add the chair of the Council’s Finance Committee or a designee to the state risk pool board as an alternate member. She stated this working group (proposed in this ordinance) would be different, though, than the Washington County’s Risk Pool Board.

Satpal Sidhu, County Executive, referenced the added last sentence in code section 3.05.030 and asked if the disclosures would be in executive session or in a public setting.

Quinn stated it would be on a case-by-case basis. He answered if the ordinance, how it is written, gives the flexibility to disclose in the way that is appropriate, and stated he would be happy to review that.

Aly Pennucci, Executive's Office, stated that, as it is written, it is unclear who is responsible for disclosing information.

Byrd spoke about when something might need to be disclosed in executive session as opposed to publicly.

Donovan moved to amend 3.05.030 A to change the last sentence so that it reads:

Council shall be notified of payments made by third parties in settlement of county claims.

The motion was seconded by Byrd.

The motion carried by the following vote:

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

Nay: 0

Out of the meeting: 1 - Galloway

Elenbaas stated he supports the ordinance.

Quinn asked if the Council is concerned about a timeline for notification (in the amendment).

Donovan stated it depends on how often the risk pool group meets.

Byrd moved to add “within 30 days” to the end of the previous amendment so that it reads:

Council shall be notified of payments made by third parties in settlement of county claims within 30 days.

The motion was seconded by Donovan.

Councilmembers discussed the motion.

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 to amend 3.05.030 A to change the last sentence so that it reads:

Council shall be notified of payments made by third parties in settlement of county claims.

Motion approved to amend 3.05.030 A to add “within 30 days” to the end of the previous amendment so that it reads:

Council shall be notified of payments made by third parties in settlement of county claims within 30 days.

3. [AB2025-632](#) Discussion relating to preliminary Planning Commission recommendations on Whatcom County Comprehensive Plan Chapter 7, Economic Development, associated with the 2025 Comprehensive Plan Update

Matt Aamot, Planning and Development Services Department, introduced the item.

Aly Pennucci, Executive's Office, also answered questions.

Galloway asked how they can build in time in the process to more exclusively go through Councilmember amendments.

Councilmembers and the other speakers discussed whether someone will go through the whole plan to look for grammar or scrivener-type errors and inconsistencies.

Elenbaas asked about the language that was recommended and inserted by Public Works about adjudication (on page 7-15) and what about that needs to be in the Comprehensive Plan. He stated he does not necessarily agree with the statements and would rather they acknowledge the negative impacts of adjudication.

Galloway stated the theme of some of her amendments (Policy 7A-3) have to do with recognizing the County and other public sector employers as being part of the economy. She read from her document (attached as “Draft proposed amendments - Galloway 9.24.2025”) and Councilmembers discussed them briefly.

In Policy 7A-5, she stated her suggested amendment would add language around what they were calling green infrastructure which she thought was a little bit narrow. Scanlon suggested they could also add manufacturing to the list at the end of that policy.

In Policy 7A-6, she added a broad reference to apprenticeship programs and Scanlon suggested adding the K-12 component to the list of partnerships.

In Policy 7A-7, she stated she was trying to list out the partners or industries.

In Policy 7A-11, she stated she was hoping that her suggested amendment, regarding establishing a competitiveness review, would bring more clarity. Councilmembers discussed whether that would create an unfunded mandate, whether calling it out in the Comprehensive Plan will facilitate it getting done in a meaningful fashion, and that it is in the current Comprehensive Plan.

Aly Pennucci, Executive's Office, stated this policy guidance is not a mandate but it would support actions the Council could take.

Galloway stated there was a sentence in the Public/Private Partnerships introductory paragraph on page 7-13 that the Planning Commission had attempted to amend but she struggled to wrap her head around what it was saying, so she proposed an alternate sentence.

Under Goal 7-B, she suggested adding a policy regarding opportunities for government entities to stimulate the local economy, and stated our jail build is a great example of government facilitating an opportunity for local contractors and workers to have a job on a public project.

In Policy 7D-1, she suggested adding tribal agencies because she believes there is a more co-managed approach (especially as it pertains to cultural resources) to some of the environmental review for permitting, at least at the State level.

In Policy 7D-2 she stated the word “Conduct” as opposed to “Consider conducting,” seems more assertive.

She proposed to combine Policies 7D-3 and 7D-4 with more understandable language.

Under Business Retention and Expansion on page 7-20, she amended language so as to more expansively articulate businesses’ contributions to our community and economy.

In Policy 7F-3, she stated her amended language is trying to capture things like philanthropic donations (such as from Phillips 66 for the soccer fields).

In Policy 7F-4, she stated she would like to memorialize that our resource-based economies are sustainable.

Under Economic Growth and Environmental Quality on page 7-20, she just stated that her amendment adds trails and employees.

Because of time, Galloway did not finish speaking to all of her proposed amendments but said she could distribute them to Council, and they could pick up on them whenever they get their next opportunity.

Elenbaas stated he would have Council Office staff prepare his proposed amendments and send them to Council as well.

This agenda item was DISCUSSED.

4. [AB2025-654](#) Discussion regarding Petrogas West, LLC reaching an agreement on a compliance path for Cherry Point facility
- Donovan stated that Planning and Development Services (PDS) had created an expectation that there would be an environmental impact statement (EIS) on the project changes/improvements to the Petrogas facility and kind of pulled the rug out on September 3rd by saying they are issuing a Mitigated Determination of Nonsignificance (MDNS) instead. He asked what they can do about it. Several years ago, the Council went through a process to update the code to deal with these kinds of things and the impacts that these sorts of facilities (particularly fossil fuel facilities) would have on our community. He stated this is maybe the first real test of that and it does not look like it is working, so he asked what they do with that. He spoke about things regarding the scale of this project about which the Council was not told, and stated he would like PDS and the Executive to withdraw the MDNS and to do the EIS. He stated we need to reflect on our code and whether

there is a problem with it, and he does not have a clear explanation of why the County changed its mind. He asked what they can do as a Council to request the Planning director to do the EIS.

Satpal Sidhu, County Executive, stated he would like to hear from the councilmembers before commenting.

Elenbaas stated he feels Councilmember Donovan's passion but he appreciates the fact that PDS found a path to say yes to living wage jobs and to operating our heavy industry in a manner in which we have historically operated, and that we have gotten this company on board with doing things the right way. He stated if they move forward with something from this discussion, his intention would be to keep in mind the perception in Whatcom County that we will do anything we can to crush a living wage job. He stated he is appreciative that PDS worked toward getting the company in compliance while allowing them to provide living wage jobs in Whatcom County and a service to the world.

Scanlon stated one of his concerns is having full understanding of the needs for public safety and emergency management around this and he does not know if our plans are in place to be able to deal with the changes that have occurred there. He thinks they should plan ahead for that, and one way is to go through the SEPA and EIS process.

Elenbaas responded to Scanlon's concerns and stated he could facilitate an information session on that specific topic or direct him to other people who could do it.

Stremmler asked who makes the decision about whether an EIS needs to be done.

Mark Personius, Planning and Development Services Department Director, stated it is his responsibility and authority to make the SEPA threshold determinations and he referred to the rules, as written in his memo to Council (on file). He responded to the comment about public safety and stated that Fire District 7 issued comment letters in support of these permits and he spoke about other input they have received.

Councilmembers discussed with the following people the process that was followed, whether Council could find an alternative or file an appeal to address the concerns, that Council should look at fixing the code, and that follow-up questions can be routed through Personius:

- Satpal Sidhu
- Dennis McLerran, Cascadia Law Group

This agenda item was DISCUSSED.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:36 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger