

Whatcom County Council

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



Minutes - Final

Tuesday, May 7, 2024

6 PM

Hybrid Meeting

HYBRID MEETING (PARTICIPATE IN-PERSON, VIEW ONLINE, OR REGISTER TO SPEAK REMOTELY - PLEASE SEE AGENDA NOTES UNDER "ANNOUNCEMENTS", "OPEN SESSION", OR "PUBLIC HEARINGS" FOR MORE INFORMATION); AGENDA REVISED 5.6.2024

COUNCILMEMBERS

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

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 6:04 p.m. in a hybrid meeting.

ROLL CALL

Present: 7 - Barry Buchanan, Tyler Byrd, Todd Donovan, Ben Elenbaas, Kaylee Galloway, Jon Scanlon, and Mark Stremler

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

There was no report.

MINUTES CONSENT

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

1. [MIN2024-019](#) Committee of the Whole Executive Session for April 23, 2024

Galloway 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. [MIN2024-020](#) Committee of the Whole for April 23, 2024

Galloway 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. [MIN2024-021](#) Regular County Council for April 23, 2024

Galloway 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

1. [AB2024-259](#) Review final project performance on the CARES Act CDBG Coronavirus (CV) grant, funding activities that prevent, prepare for, and respond to the coronavirus in Whatcom County

Approximate Timestamp: 03:03

Tyler Schroeder, Director of Administrative Services, stated this is a closeout hearing for work associated with a community development block grant.

Buchanan opened the Public Hearing and the following person spoke:

- Greg Winter

Hearing no one else, Buchanan closed the Public Hearing.

Donovan asked whether a motion was needed to approve the report and Schroeder stated he thinks it is just a review and does not need to be approved by the Council.

Donovan moved that they accept the report. The motion was seconded by Buchanan.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved 7-0 to accept the report

2. [AB2024-263](#) Ordinance amending Whatcom County Code 2.85, Developmental Disabilities Department

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

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

Councilmembers discussed how long this has been a department, and whether they should dissolve the department and put it in Health and Community Services.

Erika Lautenbach, Health and Community Services Director, stated this ordinance is just changing the number of members on the Developmental Disabilities Advisory Board. She is not sure why is says department because there is not a Developmental Disabilities Department.

Galloway read from Whatcom County Code (WCC) 2.85.010 which states, “The department of developmental disabilities shall be dissolved and all of its duties, powers and responsibilities shall be assigned to the county health department on January 1, 1997,” but that language is stricken in this ordinance.

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 2024-031

OPEN SESSION

The following people spoke:

- Cynthia Sue Ripke Kutsagoitz
- Tammy K
- Name not stated
- Charles Sullivan
- Cathy Craver
- Christopher Deile
- Lindsey McDonough
- Misty Flowers
- Elizabeth White
- Ryan Bowman
- Natalie Chavez
- Lyle Sorenson
- Mark Tisland
- Patrick Alesse
- Cliff Langley

Hearing no one else, Buchanan closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Donovan reported for the Finance and Administrative Services Committee and **moved** to approve Consent Agenda items one and three through fifteen (Consent Agenda Item number two (**AB2024-278**) was voted on separately). Councilmembers voted on those items (see votes on individual items below).

1. [AB2024-274](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Bellingham to extend the agreement which provides funding for staffing and implementation of the Alternative Response Team Program in the amount of \$0 for a total amended agreement amount of \$402,179

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. [AB2024-278](#) Request authorization for the County Executive to enter into a contract between Whatcom County and K&H Printers-Lithographers, Inc dba K&H Election Services, to procure election related materials in the amount of \$862,000.00

This item was considered separately below.

3. [AB2024-281](#) Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County, the City of Bellingham, the City of Blaine, the City of Everson, the City of Ferndale, the City of Lynden, the City of Nooksack and the City of Sumas to jointly finance a new Whatcom County Justice Facility and Behavioral Health Treatment Center

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

4. [AB2024-285](#) Request permission for the County Executive to enter into a contract between Whatcom County and Western Refinery Services, in the amount of \$877,105.00

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

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

Nay: 0

5. [AB2024-287](#) Request authorization for the County Executive to enter into a grant agreement between Whatcom County and the State of Washington Recreation and Conservation Office (RCO) for Black Slough comprehensive barrier removals design, in the amount of \$207,000 plus \$40,500 in match for a total project amount of \$247,500 (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

6. [AB2024-293](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Remote Medical Training (RMT) to provide instruction of an Emergency Medical Technician (EMT) course to students in order for them to achieve a Washington State EMT certification, National Registry of EMTs (NREMT) and ECSI BLS Healthcare provider certification, in the amount of \$51,500.95

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

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

Nay: 0

7. [AB2024-295](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Blaine School District for the provision of behavioral health services in the amount of \$144,540

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

8. [AB2024-296](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Bellingham School District #501 for the provision of behavioral health services in the amount of \$151,800

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

9. [AB2024-297](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Ferndale School District for the provision of behavioral health services in the amount of \$132,000

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

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

Nay: 0

10. [AB2024-298](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Lynden School District for the provision of behavioral health services in the amount of \$122,100

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

11. [AB2024-299](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Mount Baker School District for the provision of behavioral health services in the amount of \$118,800

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

12. [AB2024-300](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Meridian School District for the provision of behavioral health services in the amount of \$118,800

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

13. [AB2024-301](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Nooksack Valley School District for the provision of behavioral health services in the amount of \$132,000

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

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

Nay: 0

14. [AB2024-305](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Organized Crime Drug Enforcement Task Force (OCDETF) for overtime reimbursement for case RL-23-0008, in the amount of \$5,000

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

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

Nay: 0

15. [AB2024-306](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Organized Crime Drug Enforcement Task Force (OCDEFT) for overtime reimbursement for case RL-23-0010, in the amount of \$5,000

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

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

Nay: 0

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

2. [AB2024-278](#) Request authorization for the County Executive to enter into a contract between Whatcom County and K&H Printers-Lithographers, Inc dba K&H Election Services, to procure election related materials in the amount of \$862,000.00

Donovan moved that the Contract be AUTHORIZED. The motion carried by the following vote:

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

Nay: 0

OTHER ITEMS**(From Council Climate Action and Natural Resources Committee)**

1. [AB2024-289](#) Resolution approving the Drayton Harbor Shellfish Recovery and Protection Plan 2024 update

Galloway reported for the Climate Action and Natural Resources Committee and *moved* that the Resolution be APPROVED.

Elenbaas read from the Drayton Harbor Shellfish Recovery and Protection Plan and stated it is nice to hear that substantial water quality improvements have been observed in both the marine and fresh water portions of the system since 2007.

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

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

Nay: 0

Enactment No: RES 2024-023

(From Council Finance and Administrative Services Committee)

2. [AB2024-268](#) Request authorization to amend Resolution 2023-048 for Unrepresented County employees

Donovan reported for the Finance and Administrative Services Committee and *moved* that the Resolution be APPROVED.

Elenbaas stated he is not going to support this at this time because there are aspects of it that are putting the cart before the horse. We need to make a department for some of the employees called out in the resolution and we do not have that yet.

Donovan's motion that the Resolution be Approved FAILED by the following vote:

Aye: 3 - Donovan, Galloway, and Scanlon

Nay: 4 - Buchanan, Byrd, Elenbaas, and Stremler

Enactment No: RES 2024-024

3. [AB2024-271](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Triangle Associates, Inc. to support the Forest Resilience Task Force for a total amount of \$74,927.50

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

Councilmembers discussed the motion and Triangle Associates' commitment statement on their website.

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

ITEMS ADDED BY REVISION

1. [AB2024-311](#) Request authorization for the County Executive to enter into an agreement between Whatcom County and Justice AV Solutions (JAVS) for equipment to replace the audio visual recording system in the Superior Court Department 4 courtroom in the amount not to exceed \$84,799.81

Donovan moved and Buchanan seconded that the Contract be AUTHORIZED. The motion carried by the following vote:

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

Nay: 0

(From Council Committee of the Whole)

4. [AB2024-310](#) Selection of three Councilmembers to form an investigative committee to review recent employment law decisions pursuant to Council's April 30, 2024, vote during discussion of AB2024-294, and confirmation of Council's legal representation related to this matter

Buchanan reported for the Committee of the Whole and **moved** to appoint Elenbaas, Donovan and himself to form the investigative committee. The motion was seconded by Donovan.

Elenbaas stated the reason this is functioning the way it is, is because that is how it is spelled out in the Charter.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved 7-0 to appoint Buchanan, Elenbaas, and Donovan

(No Committee Assignment)

5. [AB2024-309](#) Discussion and request for motion related to appointment of Clerk of the Council successor

Donovan moved to authorize that the Council extend an offer of appointment to the Clerk of the Council position to the most qualified candidate, as indicated in the results of our recent interviews and pending negotiations of terms and conditions. The name of the candidate will be announced upon acceptance of appointment. The motion was seconded by Buchanan.

Councilmembers discussed what the motion is saying and what an affirmative or negative vote would mean.

George Roche, Prosecuting Attorney's Office, stated he would suggest, if they want to have a detailed conversation, it would be appropriate to do that in executive session.

Galloway moved to go into executive session. The motion was seconded by Elenbaas.

Roche stated it is pursuant to RCW42.30.110 (1)(g) and the purpose is to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee.

Donovan withdrew his motion.

Buchanan stated executive session would go no later than 7:35 p.m.

The motion carried by the following vote:

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

Nay: 0

Councilmembers entered into executive session at 7:21 p.m.

Dana Brown-Davis, Clerk of the Council, announced for the Council Chair that executive session would be extended and that the regular meeting would resume at 7:45 p.m.

Councilmembers returned from executive session and the regular County Council meeting resumed at 7:47 p.m.

Donovan moved to authorize that the Council extend an offer of appointment to the Clerk of the Council position to the most qualified candidate, as indicated in the results of our recent interviews and pending negotiations of terms and conditions. The name of the candidate will be announced upon acceptance of appointment. The motion was seconded by Buchanan.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved 7-0 to enter into executive session

Motion approved 7-0 to authorize that the Council extend an offer of appointment to the Clerk of the Council position to the most qualified candidate, as indicated in the results of our recent interviews and pending negotiations of terms and conditions. The name of the candidate will be announced upon acceptance of appointment.

CONFIRMATION OF EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2024-290](#) Request confirmation of the County Executive's reappointment of Gina Bring to the Developmental Disabilities Board

Galloway moved and Donovan 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

INTRODUCTION ITEMS

Buchanan stated there are two items for introduction and that **AB2024-302** is a substitute ordinance.

Donovan moved to introduce items one and two. The motion was seconded by Galloway (see votes on individual items below).

1. [AB2024-302](#) Ordinance amending the 2024 Whatcom County Budget, request no. 7, in the amount of 1,605,662

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

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

Nay: 0

Enactment No: ORD 2024-033

2. [AB2024-303](#) Ordinance amending the project budget for the Lake Whatcom Park Trail Development Fund, request no. 3

Donovan moved and Galloway 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

Enactment No: ORD 2024-032

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Buchanan reported for the Committee of the Whole Executive Session.

From Executive Session AB2024-284

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 Galloway.

The motion carried by the following vote:

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

Nay: 0

Councilmembers gave Committee reports and other updates.

Donovan stated it is Deputy Executive, Tyler Schroeder's last Council meeting and Councilmembers expressed their appreciation for him.

Councilmembers continued updates.

Tyler Schroeder, Director of Administrative Services, spoke about the Medical Examiner item (AB2024-268) and the importance of the decision regarding bringing the team in-house, and he stated he would like to recognize the good work that Dr. Hunt is doing.

Satpal Sidhu, County Executive, spoke about Tyler Schroeder and thanked him for his work.

Motion approved 7-0 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 8:29 p.m.

The County Council approved these minutes on May 21, 2024.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE