

Whatcom County Council

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



Minutes - Final

Tuesday, April 23, 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 4.19 & 4.23.2024

COUNCILMEMBERS

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

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COUNCIL

CALL TO ORDER

Council Vice Chair Kaylee Galloway called the meeting to order at 6:01 p.m. in a hybrid meeting.

ROLL CALL

Present: 6 - Tyler Byrd, Todd Donovan, Ben Elenbaas, Kaylee Galloway, Jon Scanlon, and Mark Stremler

Absent: 1 - Barry Buchanan

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

Donovan spoke about a recent headline which read, "Whatcom County paid \$225K to settle sexual harassment complaints" and Tyler Schroeder, Director of Administrative Services, responded to his comments. There was no executive report.

MINUTES CONSENT

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

1. MIN2024-017 Committee of the Whole for April 9, 2024

Scanlon moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Buchanan

2. MIN2024-018 Regular County Council for April 9, 2024

Scanlon moved and Donovan seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Buchanan

PUBLIC HEARINGS

1. AB2024-238 Ordinance Amending WCC 10.34 Ferry Rates

Galloway opened the Public Hearing and the following people spoke:

- Pam Gould
- Catherine Shornick

Hearing no one else, Galloway closed the Public Hearing.

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

Galloway asked about the suggestion that was recommended to the Councilmembers during the comments around the timeline for the ferry fund reserve target and what, if any, impacts there might be if Council were to extend that.

Elizabeth Kosa, Public Works Department Director, spoke about the start date and the concern about the loss of revenue when they do not have vehicle service, and stated that is actually the cost of bringing on a new vessel, and they are incorporating that cost into the total cost of the build and the new retrofit of the terminals in order to bring on the new vessel. So, they would not be suggesting that the community take that burden on. She would also not suggest postponing trying to replenish the reserve fund balance since the timeline for the new vessel being in place is a bit of a moving target as they go through the whole permit process.

Donovan stated he appreciates the work of the Ferry Advisory Committee and also appreciates the discussion they had today in committee (Public Works and Health) about the potential crisis of an unanticipated repair being charged to the fare box revenue. He thinks the new code in 10.34.005 (C), the spirit of which says if something like that happens, Council can say “here is some other money to cover that,” addresses some of the issues that were brought to them this morning and the previous code did not do that. He thinks that is an important change that they should recognize.

Scanlon thanked the advisory committee and Public Works for their work on this. He stated one of the things he appreciated about this process was a markup version of the code that showed where the ideas came from. He also hopes the fiscal note, showing the cost impacts of code language, is something they see with other items. He spoke about looking at other potential revenue options for future ferry financing in years to come that can help them in the longer run.

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

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

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2024-023

- 2. AB2024-157 Ordinance amending Whatcom County Code 12.24, Franchise Requirements, to update procedures for processing applications

Galloway opened the Public Hearing and the following person spoke:

- Mike Kaufman

Hearing no one else, Galloway closed the Public Hearing.

Cathy Halka, Council Legislative Analyst, answered questions about whether anything has changed since the last time they discussed this item and stated she does not believe there were any changes. She spoke about the overall changes to the code language in the ordinance.

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

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

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2024-024

OPEN SESSION

Galloway read from the agenda on rules of open session.

George Roche, Prosecuting Attorney’s Office, answered a question about what topics might fall into the category where Councilmembers are prohibited from engaging in ex parte communications as read by the Council vice chair. He stated there is an effort to offer a more specific list of topics that are currently in a position that they would come before the Council in a quasi-judicial manner, but they do not have a specific list today. He gave some examples and stated they are putting the instruction in the agenda, and the intent at this point is that there will be no more interrupting of any of the speakers if they choose to venture into that territory. He is just going to let them speak, and make note of it, and make a disclosure to

any affected parties at a later point in time, to avoid disruption during the council meetings.

The following people spoke:

- Doug Revelle "Yoshe"
- John Young
- Joseph McDonald
- Christopher Deile
- Mike Kaufman
- Name not stated
- Ryan Bowman
- Natalie Chavez

Hearing no one else, Galloway closed the Open Session.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Donovan reported for the Finance and Administrative Services Committee, stated they also had a request to remove item number 9, and *moved* to approve Consent Agenda item numbers 1, 2, 4, 5, 6, and 8. Councilmembers voted on those items (see votes on individual items below).

1. AB2024-219 Request authorization for the County Executive to enter into a contract between Whatcom County and Makers Architecture and Urban Design to implement a Fleet Electrification Study, in the amount of \$80,000.00

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

Nay: 0

Absent: 1 - Buchanan

2. AB2024-258 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Lynden Tribune and Print Co. to provide print and mail services in the amount of \$30,623.32 for a total amended contract amount of \$90,623.32

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

Nay: 0

Absent: 1 - Buchanan

3. AB2024-260 Request authorization for the County Executive to enter into a contract with Cascadia Consulting Group, Inc. to perform certain tasks associated with developing the 2025 Comprehensive Plan's new Climate Change and Resiliency element in the amount of \$180,295

This item was considered separately below.

4. AB2024-265 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom Fire Protection District No. 7 for EMS Captain start up costs, in the amount of \$39,900.00

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

Nay: 0

Absent: 1 - Buchanan

5. AB2024-267 Request authorization for the County Executive to enter into a contract between Whatcom County and ScoCon LLC for the 4th Floor District Court - Courtroom 1 remodel, in the amount of \$227,265.00

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

Nay: 0

Absent: 1 - Buchanan

6. AB2024-270 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Regional Council for Inmate Care Coordinator Services in the amount of \$125,000.00 for a total amended amount of \$8,482,536.17

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

Nay: 0

Absent: 1 - Buchanan

7. 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

This item was considered separately below.

8. AB2024-255 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Administrative Office of the Courts for reimbursement for Coordinator wages and benefits related to Family and Juvenile Court Improvement Program (FJCIP) in the amount of \$108,000

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

Nay: 0

Absent: 1 - Buchanan

9. AB2024-266 Request approval for the County Executive to authorize the purchase of radios and related installation parts, using the Washington State Contract #00318, in an amount not to exceed \$200,000.00 in 2024

This item was considered separately below.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

3. AB2024-260 Request authorization for the County Executive to enter into a contract with Cascadia Consulting Group, Inc. to perform certain tasks associated with developing the 2025 Comprehensive Plan's new Climate Change and Resiliency element in the amount of \$180,295

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

Elenbaas noted the two funding sources mentioned in the Staff Memo (on file) and asked what portion, if any, Whatcom County is paying.

Galloway stated she thinks this was part of the State funding that the county had received through the Climate Planning Grant.

Tyler Schroeder, Director of Administrative Services, stated that is accurate, and stated they were State dollars that came into the county and the different cities. He would have to look up the interlocal to see how those dollars from the State were allocated out to the cities, and how much the county kept, but he thinks it would be from the State Climate Planning Grant and the State dollars for Comprehensive Plan services. So, there are no local dollars going into this work.

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

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

Nay: 0

Absent: 1 - Buchanan

7. 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.

Stremler stated he looked at Triangle Associate's website and one of their statements caught his attention. He stated it said they cannot be impartial in their work. He stated some of their statements had activism written all over them and he does not see how they can be a fair group to do what they are asking them to.

Elenbaas spoke about his decision-making process on the Request for Proposal (RFP) hiring committee. He was a no vote on the original proposal to do this, but what made him vote for Triangle Associates over the other group was that they had done some work in an area that was controversial in building a plan, and they made the claim that they had zero complaints after the plan was presented to all parties.

Galloway read Triangle Associates' commitment statement (regarding racial equity) from their website and Stremler confirmed that is where he read the statement he referred to.

Galloway spoke about how the equity and inclusion piece might fit into this contract.

Elenbaas stated he wanted to be involved in the onboarding process because

he was concerned that, if they were going to do the work, it needed to be as impartial and unbiased as it could be and take into account all the stakeholders. He is going to vote no as he did before on setting this group up but he feels good about Triangle.

Donovan stated he thinks they might have a different outcome if the whole Council was there and *moved* to hold this for two weeks. The motion was seconded by Galloway.

The motion to hold failed by the following vote:

Aye: 3 - Donovan, Galloway, and Scanlon

Nay: 3 - Stremler, Byrd, and Elenbaas

Absent: 1 - Buchanan

Councilmembers discussed the main motion and whether a new motion can be made at a future meeting if this one fails.

Donovan's motion that the Contract be Authorized FAILED by the following vote:

Aye: 2 - Galloway, and Scanlon

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

Absent: 1 - Buchanan

9. AB2024-266 Request approval for the County Executive to authorize the purchase of radios and related installation parts, using the Washington State Contract #00318, in an amount not to exceed \$200,000.00 in 2024

Brett Piepel, Public Works Department, briefed the Councilmembers on what the radios are for. He stated these are radios for our Sheriff's department, Maintenance and Operations, Parks, and pretty much every other participant in the County fleet. It is what we utilize to communicate across the county, including at our central shop and the entirety of the Sheriff's Department.

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

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

Nay: 0

Absent: 1 - Buchanan

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. AB2024-217 Ordinance establishing the project budget for the Austin Court Stormwater Improvements Fund, request no. 1

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

Elenbaas asked why most of the funding comes from the Lake Whatcom Stormwater Utility Fund and a small amount (\$25,000) comes from Real Estate Excise Tax (REET). He asked why they did not just pull it all from what looks like the appropriate fund.

Tyler Schroeder, Director of Administrative Services, stated they have had a policy about the utilization of REET 2 funds for stormwater purposes for the last few years. So, all of the stormwater projects, whether it be Lake Whatcom or Birch Bay, have a combination of those two funding sources. There is a REET 1 and a REET 2. REET 1 is all capital projects for the county. REET 2 is specific to Parks and to stormwater purposes. There are not enough dollars in the utility fund to pay for all the capital improvements so they have to supplement those funds with REET dollars, and that has been a consistent practice for the last ten years or so.

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

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

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2024-025

2. AB2024-229 Ordinance closing the Birch Bay Drive and Pedestrian Facility Fund and Project Based Budget

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 - Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremmler

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2024-026

3. AB2024-235 Ordinance amending the project budget for the new Public Health, Safety and Justice

Facility, request no. 6

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 - Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2024-027

4. AB2024-237 Ordinance amending the project budget for the Way Station Project Fund, request no. 3

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

Elenbaas referred to the earlier discussion on this in the Finance and Administrative Services Committee, and stated this was good forward thinking from the Executive team.

Tyler Schroeder, Director of Administrative Services, stated that Rob Ney (in Facilities) and his project managers have really been keeping an eye on the project and they wanted to ensure that the project moves forward and that they do not have to hold up the contractor.

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

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

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2024-028

5. AB2024-239 Ordinance amending the 2024 Whatcom County Budget, request No. 6 in the amount of \$8,600,501

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

Elenbaas stated it is nice to see some FTEs in here other than the Health Department.

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

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

Nay: 0

Absent: 1 - Buchanan

Enactment No: ORD 2024-029

6. AB2024-118 Resolution to declare Whatcom County owned structure located in Hovander Park as worthless

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

Donovan stated they received an email from Christ Thomsen in Parks with code language on why they use the word “worthless.”

Galloway stated her biggest concern previously was around the tenant, but it sounds like the tenant has moved on.

Elenbaas asked whether the tenant left under their own free will, were asked to leave, or whether they just saw the writing on the wall with what the Parks Department was trying to do with the house.

Bennett Knox, Parks and Recreation Department Director, stated the tenant did hear about the plans but there was no attempt to move the tenant out.

Councilmembers discussed options for the resolution and the building with the following people:

- George Roche, Prosecuting Attorney’s Office
- Bennett Knox
- Christ Thomsen, Parks and Recreation Department
- Tyler Schroeder, Director of Administrative Services

They discussed whether they could get rid of the term “worthless” in the resolution and put the building out for bid to see if anyone was willing to buy it or move it, what Whatcom County Code (WCC) sections 1.10.170 and 1.10.395 say about worthless property, and whether they could put the building up for sale without the Council taking this step tonight.

Thomsen stated that demolition of this building was actually funded last year but the funds expired, and this resolution is the first step in Parks moving forward. They will have to come back to Council for budget authority to do this work. He stated perhaps (if they can get through this

step), when they come back, they could present a range of options at that time for disposal of the building and it could be part of that package. He answered whether there was minimal interest in buying it and moving the house and stated that was the case in the past with a different structure. If it is more advantageous to the County to move it off site or to raze it, that is a decision than could be made through the bid process.

Councilmembers and the speakers discussed whether the portion of land with the house on it could be split off from the rest of the park and made into a separate parcel. But Thomsen and Knox stated that the structure is at the entrance of the park so that would not be desirable. They discussed whether they could have applied for flood assistance money to move the house since it gets flooded, allowing the house to be sold at a very low price if the County does not have to pay the costs to move it, how the portion of the property that has the house on it will fit into the park's master plan, and whether it would make sense to hold this resolution until they can get some additional information from the Parks Department about the plans for the park entrance and a range of options for disposing with the house.

Knox stated the third option is for Parks to go forward with their planning and then come back to this, and that is acceptable to them. He answered what the timeline on that would be and stated they need to go through the process for selecting a consultant for the master plan. That will take about a month and a half, so by October they would be well underway in the planning. They wanted to complete this project by October, but they will need to see how far they can get with the master plan and if they feel they are at a point where they can come back to Council based on those initial planning sessions.

Tyler Schroeder, Director of Administrative Services, answered whether they would need a Council action to initiate a process of putting the house out for purchase and whether they can do that first before declaring it worthless. He stated WCC 1.10.270 indicates that you can take a recommendation to be sold or exchanged to the Council for final action and that recommendations "may be for any one of the following actions..." One of those actions is to retain the property and change the manner of county use. So, maybe an indication of surplus, changing the manner of county use from residential use to larger park purposes, would allow us to move forward with the option to not demo the building but to work with someone to move the building off the site and continue to use it.

Stremmler stated that could be a long, drawn-out process.

Knox stated they are willing to go through that process if that is the will of the Council.

Councilmembers and the speakers discussed the fact that they want the land for Park purposes, whether and how they should determine the value of the house to see if it is worth attempting to sell it, whether they could give the house away if someone can move it and save the County the demo costs, the definition of worthless property under the law, flood level statistics as it pertains to the structure and how that fits in to the Parks Department's determination of it being worthless, and how long Parks would need to go out and try to see if they could sell the structure. Knox stated about a month and Thomsen stated that Finance felt they could do that process through a sealed bid.

Scanlon moved to hold this until May 21, 2024. The motion was seconded by Galloway.

Knox answered what he heard Council is asking Parks to do between now and then if they hold it.

The motion to hold failed by the following vote:

Aye: 3 - Donovan, Galloway, and Scanlon

Nay: 3- Elenbaas, Stremler, and Byrd

Absent 1 - Buchanan

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

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

Nay: 2 - Byrd, and Elenbaas

Absent: 1 - Buchanan

Enactment No: RES 2024-020

(From Council Public Works and Health Committee)

Clerk's note: Councilmembers took a short recess.

7. AB2024-220 Ordinance amending WCC 2.106 to change reporting due date for the Child & Family Well-Being Task Force

Scanlon reported for the Public Works and Health Committee and *moved* that the Ordinance be ADOPTED.

He stated the recommendation from staff is that they no longer need this item. In our code there are deadlines for two reports from the Child &

Family Well-Being Task Force. One is March 30th and the other is September 30th and the task force has already missed the first deadline because they spent a good amount of time on recommendations requested by the County regarding the Comprehensive Plan update. They voted on the report yesterday but it was too late to get it to the Council for this meeting. It will be in front of the Council on May seventh and there will also be an update from Health and Community Services on the Healthy Children's Fund. The recommendation here is that staff has asked that the Council not make this change to the code.

Scanlon's motion that the Ordinance be adopted FAILED by the following vote:

Aye: 0

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

Absent: 1 - Buchanan

(From Council Planning and Development Committee)

8. AB2024-233 Resolution approving revised Business Rules of the Whatcom County Hearing Examiner

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

Elenbaas stated he likes that something is printed out there with an expectation for everyone to see and he wishes they had that for a lot of things, including Planning and Development Services.

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

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

Nay: 0

Absent: 1 - Buchanan

Enactment No: RES 2024-021

9. AB2024-262 Discussion of and request for motion on recommendation for 2023 Open Space Current Use Assessment applications under Whatcom County's property tax exemption program

Elenbaas reported for the Planning and Development Committee and stated that the committee voted to recommend approval of the application.

Galloway stated they added a new file to the agenda in order to deal with

that recommendation and it is under Items Added by Revision.

Dana Brown-Davis, Clerk of the Council, stated there is not a substitute for this file because they are different file types (this was a request for motion and the new one is a resolution). See **AB2024-286** below.

No action is needed on this file.

This agenda item was NOT ACTED UPON.

(From Council Committee of the Whole)

10. AB2024-275 Discussion and approval of request for Council to send a letter in support of Opportunities Industrialization Center (OIC) of Washington's application to the U.S. Department of Labor's National Farmworker Jobs Program (NFJP)

Galloway reported for the Committee of the Whole and stated this was forwarded to Council without a recommendation because they had some members interested in doing a little bit more outreach. She asked if Councilmembers who reached to people had updates.

Elenbaas stated the general feedback was positive about this group and that they are actually helping farmworkers with the things they said they are. He is, however, leery about sending the letter because he thinks it would tip the scales in a competition for a grant and he does not know that he wants to do that for this group over another group. He also does not know if he wants the Council to engage in this type of work. He stated if the group was actively working on our behalf that would be different but right now he would prefer to remain neutral but not close the door to working with them. He would also encourage them to reach out to the Farm Bureau.

Galloway stated she sees value in sending letters of support for these types of programs and they should want to support organizations in our county who are doing good work. She wants federal money coming to Whatcom County.

Stremmler stated he would like to see it work but the way the letter was written seemed bold on their part.

Scanlon stated they received an email from OIC of Washington in which they listed some of the current partners they work with in the county. They have not heard about anyone else applying for this grant so he is willing to support this with the changes that were made in committee.

Donovan spoke about what this group is doing and stated if there are other

groups that want to ask them for help to bring money and provide these benefits to our community, he is happy to entertain supporting them. Supporting this group does not mean they cannot support other groups when they come to the Council.

Elenbaas stated he would have liked to have seen the farmworkers here asking the Council to do this and does not want these letter requests to be a regular thing on the Council's agenda.

Donovan moved and Byrd seconded that the letter be APPROVED (AS AMENDED IN COMMITTEE).

Scanlon stated if the Council has organizations that they would like OIC of Washington to conduct outreach to and build relationships with, they should send those to them.

Donovan's motion that the letter be APPROVED AS AMENDED carried by the following vote:

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

Nay: 1 - Elenbaas

Absent: 1 - Buchanan

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. AB2024-256 Appointment to a vacancy on the Board of Equalization, at-large alternate - Applicant(s): John Young, Micah Anderson, Bruce Thames

Scanlon moved to consider all applicants.

Dana Brown-Davis, Clerk of the Council, answered whether they need to make a motion first to consider the late applicant and stated they do.

Scanlon moved to consider the late application (Omega Johnson). The motion was seconded by Galloway.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Buchanan

Scanlon moved to consider all applicants. The motion was seconded by Galloway.

Councilmembers voted for one applicant and John Young was appointed

with five votes as follow:

Scanlon: John Young
Stremler: John Young
Byrd: John Young
Donovan: John Young
Elenbaas: Bruce Thames
Galloway: John Young
 Buchanan: Absent

This agenda item was APPOINTED.

Appointed John Young with five votes.

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

1. AB2024-264 Request confirmation of the County Executive's appointments of Isaiah Del Giorgio and Eliza Steele to the Agricultural Advisory Committee

Donovan moved and Byrd seconded that the Executive Appointment be CONFIRMED.

Councilmembers discussed the applicants, the risk of having an echo chamber on the Ag Advisory Board if all the members have the same type of farm, whether they should put parameters on the seats of the board, and a proposal that Elenbaas has in which the Ag Advisory Board would be elected by their peers.

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

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

Nay: 0

Absent: 1 - Buchanan

ITEMS ADDED BY REVISION

1. AB2024-166 Ordinance amending Whatcom County Code 8.10, Solid Waste and Residential Recycling Collection

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

Scanlon stated the recommendation out of committee today was two to one.

Galloway stated she did not support recommending it in committee because

former Councilmember Weimer’s comments were well-taken and warrant more inquiry by this body and by the Solid Waste Advisory Committee.

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

Aye: 4 - Byrd, Elenbaas, Scanlon, and Stremler

Nay: 2 - Donovan, and Galloway

Absent: 1 - Buchanan

Enactment No: ORD 2024-030

- 2. AB2024-286 Resolution approving recommendations on applications for open space current use assessment

Dana Brown-Davis, Clerk of the Council, stated this is a different item than the one that was in committee today.

Elenbaas moved that the Resolution be APPROVED. The motion was seconded by Donovan.

He spoke about the discussion in the Planning and Development Committee. He stated the property, being in the Drayton Harbor watershed, probably deserved to be bumped up a few extra points which would have brought it above the threshold to be approved, and he spoke about the reasons he supported it moving to a new classification.

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

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

Nay: 1 - Stremler

Absent: 1 - Buchanan

Abstain: 1 - Byrd

Enactment No: RES 2024-022

INTRODUCTION ITEMS

Donovan moved to introduce items one and two. The motion was seconded by Scanlon.

Tyler Schroeder, Director of Administrative Services, answered whether the second item is the conclusion of the study the County did and stated it is not.

Councilmembers voted on the introduction items (see votes on individual items below).

1. AB2024-263 Ordinance amending Whatcom County Code 2.85, Developmental Disabilities Department

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

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

Nay: 0

Absent: 1 - Buchanan

2. 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

Donovan moved and Scanlon seconded that the Special Executive Only Item be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Buchanan

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Galloway reported for the Committee of the Whole Executive Session.

Donovan moved regarding the opioid litigation settlement, to authorize Satpal Sidhu, Whatcom County Executive, to sign the Janssen, JNJ WA Participation Form on behalf of Whatcom County, as discussed in Executive Session. The motion was seconded by Stremler.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Buchanan

Councilmembers gave Committee reports and gave other updates.

From Committee of the Whole Executive Session:

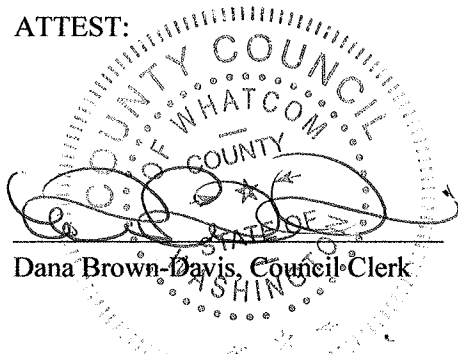
Motion approved 6-0 to authorize Satpal Sidhu, Whatcom County Executive, to sign the Janssen, JNJ WA Participation Form on behalf of Whatcom County, as discussed in Executive Session.

ADJOURN

The meeting adjourned at 9:22 p.m.

The County Council approved these minutes on May 7, 2024.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

A handwritten signature in black ink, appearing to read "Barry Buchanan", is written over a horizontal line.

Barry Buchanan, Council Chair

A handwritten signature in black ink, appearing to read "Kristi Felbinger", is written over a horizontal line.

Kristi Felbinger, Minutes Transcription