

Whatcom County Council

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



Minutes - Final

Tuesday, June 10, 2025

6 PM

Hybrid Meeting - Council Chambers

**HYBRID MEETING (PARTICIPATE IN-PERSON, SEE REMOTE JOIN
INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010); AGENDA REVISED 6.10.2025**

COUNCILMEMBERS

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

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

COUNTY COUNCIL

CALL TO ORDER

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

ROLL CALL

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

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

There was no report.

MINUTES CONSENT

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

1. MIN2025-033 Committee of the Whole Executive Session for May 27, 2025

Buchanan moved and Byrd 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 Stremmler

Nay: 0

2. MIN2025-034 Committee of the Whole for May 27, 2025

Buchanan moved and Byrd 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 Stremmler

Nay: 0

3. MIN2025-035 Regular County Council for May 27, 2025

Buchanan moved and Byrd 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 Stremmler

Nay: 0

PUBLIC HEARINGS

1. AB2025-378 Resolution approving the sale of easements on Whatcom County property located at 3645 East McLeod Road to Verizon Wireless

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

Byrd moved and Buchanan seconded that the Resolution Requiring a Public Hearing be APPROVED. The motion carried by the following vote:

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

Nay: 0

Enactment No: RES 2025-019

2. AB2025-381 Ordinance amending Whatcom County Code Chapter 20.82, Public Utilities, to increase allowable power line voltage to 230 kilovolts in zones currently limited to 115 kilovolts

Galloway opened the Public Hearing and the following people spoke:

- Mike Kaufman
- Lance Calloway

Hearing no one else, Galloway closed the Public Hearing.

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

Donovan commended Galloway for working with Puget Sound Energy (PSE) and revisiting old language in our code to advance grid modernization.

Galloway stated she sees this as a necessary code amendment as they think about the modernization of the county's energy grid and transmission capacity. It has the potential to bring jobs to Whatcom County and to make sure energy needs are being met.

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

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

Nay: 0

Enactment No: ORD 2025-029

OPEN SESSION

The following people spoke:

- Adam Bellinger
- Daniel Harm
- Mike Kaufman
- David Foreman
- Parneet Kaur
- Natalie Chavez
- Markis Dee
- Andrew Paterson
- Richard (last name not audible)
- Lori Wickham
- Erin Deinzer

Hearing no one else, Galloway closed the Open Session.

Councilmembers discussed rules regarding speakers talking about their criminal acts and whether they should be removed from appointments to advisory boards.

Kimberly Thulin, Prosecuting Attorney's Office, answered how this relates to the first amendment during open session, if the Council has the authority to remove someone they appointed to an advisory committee, and whether the Code states they have to give the person the ability to protest the removal.

Councilmembers discussed how they are responding to the speaker and a request to keep public comments relevant.

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 through ten.

Elenbaas stated he would like to consider Consent Agenda item number 6 (**AB2025-429**) separately.

Donovan amended his motion and moved to approve Consent Agenda item numbers 1-5 and 7-10.

Councilmembers voted on those items (see votes on individual items

below).

1. AB2025-416 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Northwest ESD 189 to provide substance use prevention services, in the amount of \$121,000

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 Stremmler

Nay: 0

2. AB2025-423 Request authorization for the County Executive to enter into a contract between Whatcom County and Cascade Connections to provide services to eligible individuals with developmental disabilities, in an estimated amount not to exceed \$1,661,673

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 Stremmler

Nay: 0

3. AB2025-424 Request authorization for the County Executive to enter into a contract between Whatcom County and Kulshan Supported Employment to provide services to eligible individuals with developmental disabilities, in an estimated amount not to exceed \$1,588,773

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 Stremmler

Nay: 0

4. AB2025-426 Request authorization for the County Executive to enter into a contract between Whatcom County and Washington Vocational Services to provide services to eligible individuals with developmental disabilities, in an estimated amount not to exceed \$255,333

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 Stremmler

Nay: 0

5. AB2025-427 Request authorization for the County Executive to enter into a contract between Whatcom County and Work Opportunities to provide services to eligible individuals with developmental disabilities, in an estimated amount not to exceed \$1,166,120
- 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 Stremmer
- Nay:** 0
6. AB2025-429 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Cascadia Law Group, PLLC to provide investigation and legal defense of County and District water rights, in the amount of \$300,000 for a total amended amount of \$325,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

THIS ITEM WAS CONSIDERED SEPARATELY BELOW.

7. AB2025-430 Request authorization for the County Executive to award construction project Bid # 19088003 and enter into a contract between Whatcom County and Northwest Brush Busters, LLC for the Subzone Levee Vegetation Maintenance 2025 project, in the amount of \$62,286.97
- 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 Stremmer
- Nay:** 0
8. AB2025-431 Request authorization for the County Executive to enter into a contract between Whatcom County and Clean Earth Environmental Solutions, Inc. to provide transportation and disposal of moderate risk waste from the Disposal of Toxics Facility, in an estimated amount of \$350,000
- 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 Stremmer
- Nay:** 0
9. AB2025-433 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and DVSAS to operate and maintain three safe shelters in the amount of \$131,052, for a total amended contract amount of \$287,922

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 Stremmler

Nay: 0

10. AB2025-435 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and YWCA Bellingham for housing case management and other operational support services for shelter and permanent supportive housing units in the amount of \$910,503, for a total amended contract amount of \$1,335,515

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 Stremmler

Nay: 0

CONSENT AGENDA CONSIDERED SEPARATELY

6. AB2025-429 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Cascadia Law Group, PLLC to provide investigation and legal defense of County and District water rights, in the amount of \$300,000 for a total amended amount of \$325,000 (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.

Elenbaas stated because not everyone can get a lawyer, he is going to vote no to taking taxpayer dollars to defend the County's position and compete with every citizen involved in this lawsuit. He is bringing attention to the inequality that is the water rights adjudication.

Donovan's motion that the Contract (FCZDBS) be AUTHORIZED carried by the following vote:

Aye: 5 - Buchanan, Donovan, Galloway, Scanlon, and Stremmler

Nay: 2 - Byrd, and Elenbaas

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. AB2025-379 Resolution amending the 2025 Flood Control Zone District and Subzones Budget, request no. 2, in the amount of \$445,550 (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 Resolution (FCZDBS) be APPROVED. The motion carried by the following vote:

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

Nay: 1 - Elenbaas

Enactment No: RES 2025-020

2. AB2025-437 Resolution to update position titles for the Washington Counties Risk Pool (WCRP) Board

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

Councilmembers discussed that this is just a technical amendment to update the title positions of HR representatives who serve as the Executive's designee on the risk pool board, but that there should be further discussion about Whatcom County Code 3.05 (Tort and Damage Claims) that might involve language about who the positions are on the risk pool board.

Galloway stated this resolution does not change the fact that the chair of the Finance and Administrative Services Committee was designated as an alternate by a 1988 resolution (on file), and they talked about making sure that the Finance chair starts getting looped in on emails and meeting information. She stated she and Councilmembers Donovan and Scanlon are working on code amendments to WCC 3.05 and will hopefully have that before this body in two to four weeks.

Donovan'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 2025-021

(From Council Committee of the Whole)

3. AB2025-413 Resolution requesting information from the Executive and Planning and Development Services regarding the 2025 Comprehensive Plan update

Galloway reported for the Committee of the Whole and ***moved*** that the SUBSTITUTE Resolution be APPROVED.

The motion was seconded by Donovan.

Donovan stated this is taking some discussions that he and Councilmembers Elenbaas and Scanlon have had with the Deputy Executive (and others) to get a short term ask for information from the Administration to help councilmembers on the Comprehensive Plan update, but that in the strikethrough version, there are things they will come back with as a longer-term update plan going forward.

Galloway stated they should also think strategically about whether there are longer term policy discussions there that need to be docketed.

Aly Pennucci, Executive's Office, stated they have been in conversation for several months about some of these things and are also looking at resource needs to ensure there are resources available to get started on this work next year.

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

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

Nay: 0

Enactment No: RES 2025-022

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. AB2025-372 Appointment to the Solid Waste Advisory Committee, position for a citizen representative with no financial ties to other included sectors, Applicant(s): Andrew Paterson

Buchanan moved and Donovan seconded that the Council Appointment Requiring Introduction be APPOINTED. The motion carried by the following vote:

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

Nay: 0

2. AB2025-442 Appointment to the Open Space Advisory Committee, Applicant(s): Easton Fenberg
Donovan moved and Byrd seconded that the applicant be appointed.

Scanlon stated it appears this person does not currently live in our county which is a requirement in our code for advisory committees. He stated this person does intend to live in Whatcom County, but not until September. Also, according to the State law for this advisory committee, and our own

code, the members of this committee are supposed to represent the active farming community within the county and it does not appear that this person has that experience. He would be interested in putting a pause on this one and hearing from the Assessor on the intention of this committee since it currently only has one member.

Donovan withdrew his motion.

Councilmembers discussed the applicant and how to proceed.

Byrd moved and Buchanan seconded to table and ask the candidate to reapply if they end up moving here.

Councilmembers discussed the motion and the committee.

Byrd's motion that the Council Appointment be TABLED carried by the following vote:

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

Nay: 0

ITEMS ADDED BY REVISION

Items AB2025-451 and AB2025-453 were added by revision to Introduction below.

INTRODUCTION ITEMS

Galloway stated that Introduction item number 5 (**AB2025-440**) has been bifurcated into two different ordinances (**AB2025-451** and **AB2025-453**) for consideration and she requested that they amend the motion and vote to introduce item numbers 1-4 and consider item numbers 5-7 separately.

Donovan moved to introduce items one through four. The motion was seconded by Scanlon.

Councilmembers voted on those items (see votes on individual items below).

Galloway read item numbers 5-7 into the record and stated that items six and seven together would equal number five. They can either introduce **AB2025-440** (number 5) as was presented or move to introduce **AB2025-451** and **AB2025-453** (numbers 6 and 7).

Donovan moved to introduce items six and seven. The motion was seconded by Scanlon.

Councilmembers discussed the motion and then voted on item numbers 6 and 7 (they did not take action on item number 5). See votes on the individual items below.

1. AB2025-418 Ordinance granting Whatcom County Water District #7 a franchise and the right privilege, and authority thereunder to locate, set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use facilities in, upon, over, under, along, across and through the franchise area to allow for the provision of water services

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

Nay: 0

2. AB2025-420 Ordinance granting Whatcom County Water District #2 a franchise and the right, privilege, and authority thereunder to locate, set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use facilities in, upon, over, under, along, across and through the franchise area to allow for the provision of water services

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

Nay: 0

3. AB2025-422 Ordinance granting Whatcom County Water District #18 a franchise and the right, privilege, and authority thereunder to locate, set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use facilities in, upon, over, under, along, across and through the franchise area to allow for the provision of water services

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

Nay: 0

4. AB2025-434 Appointment to a vacancy on the Business and Commerce Advisory Committee, for-profit health care position, Applicant(s): Dave Chase, Elizabeth Hampton

Donovan moved and Scanlon seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

5. AB2025-440 Ordinance amending the 2025 Whatcom County Budget, request no. 6, in the amount of \$18,235,908

This agenda item was NOT ACTED UPON.

6. AB2025-451 Ordinance amending the 2025 Whatcom County Budget, request no. 7, in the amount of \$1,500,000

Donovan moved and Scanlon 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

7. AB2025-453 Ordinance amending the 2025 Whatcom County Budget, request no. 6, in the amount of 16,735,908

Donovan moved and Scanlon 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 2025-031

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Councilmembers gave committee reports and updates on recent activities and upcoming events.

ADJOURN

The meeting adjourned at 7:51 p.m.

The County Council approved these minutes on June 24, 2025.

ATTEST:



Cathy Halka, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

A handwritten signature in black ink, "Kaylee Galloway", written over a horizontal line.

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger