

# **Whatcom County Council Committee of the Whole**

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



## **Committee Minutes - Final**

**Tuesday, March 19, 2024**

**2:30 PM**

**Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 2:25 P.M.; MAY BEGIN EARLY  
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010)**

### **COUNCILMEMBERS**

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

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## Call To Order

Council Chair Barry Buchanan called the meeting to order at 2:40 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

## Committee Discussion

1. [AB2024-203](#) Update on Whatcom County Ferry Advisory Committee's discussion of Whatcom County Code 10.34 and ferry fares

Pam Gould, Whatcom County Ferry Advisory Committee (WCFAC), read from a presentation (on file). She stated the WCFAC was presented with the Executive's fair proposal less than two weeks ago and they presented it at their last meeting four days ago. She stated the proposal they got was for a 25 percent increase and not the 15 percent increase the Executive had indicated that he desired. Additionally, residents were notified four days ago that the annual dry dock, which was already scheduled for an unprecedented length of four weeks, may occur on one of the busiest three weekends of the summer. That period generates high volume revenue for the ferry system and the island. At their meeting, they adopted a resolution requesting that dry dock dates avoid the peak summer revenue period. She then spoke about Whatcom County Code 10.34 "Ferry Rates." She referenced the two attachments titled, "WACFAC Recommendation WCC Chapter 10.34" and "WCFAC Chapter 10.34 with commentary" which show the committee's recommendations for code language and she highlighted the key changes. These include putting speed limits on how fast the Adjusted Total Operating Expense (used to set fares) can go up, whether capital costs should be included in Total Operating Expenses, and increasing fares at a rate that will maintain a full-time residential population.

She answered whether they are hoping the advisory committee's proposed resolution regarding dry dock will be guidance for the future or whether they are hoping it would put the brakes on the dry dock this year, and she stated it is this year's issue.

Elizabeth Kosa, Public Works Department Director, spoke about the desire to never have dry dock on a major holiday and stated that is what they usually practice. The reason had to do with shipyard availability. She stated she understands it is a loss of revenue but they cannot sacrifice the safety of

people including the crew. They are replacing one of the engines because it is old and the boat cannot wait all summer long for that. She spoke about how they have saved money with every-other-year dockside maintenance, but stated shipyard costs have also increased. Next year they could look at doing the dry dock in September.

Gould stated the community does not understand why the long dry dock was not planned for and scheduled earlier and Kosa stated they will have to plan far in advance for the future.

Kosa answered whether they could get another boat and explained why they could not. She answered questions about other ideas for mitigation and whether there is anything the County can do through partnership with other entities to support creative ways to drive visitorship to the island during their busy weekend. She answered what month they did maintenance last year and who it is that is saying that the engine and metal work have to be done right now. She stated the replacement is a recommendation from the engine service provider and they *could* wait, but that is not a risk she is willing to take. She believes stretching the time out is a poor choice. She has seen it done with State ferries and she does not want to re-live that.

Diane Harper, Whatcom County Ferry Advisory Committee, spoke about the ferry suddenly going out of service for an emergency dry dock and stated she would rather risk doing that again than have the island businesses miss Memorial Day weekend.

Donovan stated he really needs to know what Public Works thinks is the best proposal, from a County-wide perspective, and asked whether they will be coming to the Council with that in April. Kosa stated that is true. The objective today was to give the advisory committee the opportunity to give feedback to both the Council and Public Works to do justice to the process. The plan is to take the feedback from today and whatever Council wants to provide in the next week, then get a final version to the Council in April.

Donovan stated he would like to know where Public Works is on what qualifies as capital verses operating expense and he has no interest in deferring any maintenance that is being recommended to them by Director Kosa. She has more background on ferry issues and running ferries than anyone we have in the County and almost in the state.

Councilmembers and the speakers discussed that Director Kosa's fiscal notes on the Code will help them understand the costs associated with potential code changes, what the impact is if they go to dry dock in between

the major summer holidays, the fact that there are only four available dry docks in the entire Puget Sound, and when the advisory committee met to draft and approve the dry dock resolution.

Harper presented on an alternate fare structure developed through the WCFAC with community members on March 18th (last night). She requested that the Council give the committee more time to deal with all the issues.

Donovan stated they dispatched the idea of a summer subsidy in part because of the sense that people on the mainland are paying a lot for a facility they do not use. He asked Director Kosa how the fare box split (55/45) looks in other counties, and she stated she can get those numbers for their next conversation.

Tyler Schroeder, Director of Administrative Services, answered where the Administration is with the fares and whether they are willing to negotiate and talk to the community. He stated there has been some good conversation in the community and it seems that action needs to be taken. He stated a 15 percent increase seems to be a good goal, they could look into a multi-ride discount between 15 and 25 percent as the community proposed, and that the truck increase may not be quite as large as what the committee came back with yesterday, but it should be some percentage to meet the overall goal of 15 percent. There is also a resolution (**AB2024-209**) on the agenda today supporting \$358,000 of American Rescue Plan Act (ARPA) funds.

Scanlon stated that once they are done with all of this, he would like to look at long-run financial issues of the ferry.

**This agenda item was DISCUSSED.**

2. [AB2024-156](#) Discussion regarding a proposed ordinance amending Whatcom County Code 12.24, Franchise Requirements, to update procedures for processing applications

Andrew Hester, Public Works Department, stated that he, Public Works Director Elizabeth Kosa, and Councilmember Galloway, met yesterday to go over Galloway's suggestion from the last meeting to revise this proposed code amendment and they ultimately decided to proceed as planned with this code revision. There will likely be another code change with Galloway's proposal in the future, but there needs to be more work on it, involving some other departments, to figure out procedures on how to get her ideas working. This item is scheduled to be introduced at the April 9 Council meeting with a public hearing at the meeting after that.

**This agenda item was DISCUSSED.**

3. [AB2024-214](#) Discussion regarding a proposed resolution supporting expanding internet access for all in Whatcom County

Galloway briefed the Councilmembers and went over the six bullet items the resolution is outlining as potential actions the Administration can take.

Donovan asked whether this proposal is different than a previous one that was going to require that to get a permit you would have to have demonstrated that you can get internet. Galloway stated this one is a little less prescriptive in that and it could be as simple as adding a checkbox for internet on a permit review checklist or site plan. Being on that list signals our value that internet should be regarded as a utility.

Donovan stated if someone does not want to get internet or does not want to have that expense, he is hoping they can keep it possible for them to be able to get a building permit, while, at the same time, trying to figure out a way to incentivize it.

Scanlon stated he likes that this expresses their value and intent and that it is technology neutral. He asked when the resolution will be in front of the Council, and Galloway stated if the Council feels like this is a good direction, it may be as soon as the next Council meeting.

**This agenda item was DISCUSSED.**

4. [AB2024-205](#) Update and discussion on Justice Project Agreement

Tyler Schroeder, Director of Administrative Services, read from a presentation (on file) and stated all this conversation is in preparation for bringing forward a finance agreement for Council consideration in regards to the City of Bellingham, the small cities, and the County sharing the public safety tax that was passed last November for the commitment of the construction of a new facility and the 50% commitment for incarceration prevention efforts. They would like to get some input and dialogue before they actually present the agreements to Council in May of this year.

He answered whether the \$150 million estimated cost is for both the jail and behavioral health facility, and stated it is if they are co-located in the same facility. He answered what the timeline is for Council to see design options and stated they would get to that at the end of the jail timeline conversation. He answered whether these agreements will be defined in interlocal agreements that are more binding and stated they will be.

Galloway stated as they are negotiating with the small cities and having

conversations around affordable housing, and shelter or treatment needs, she hopes they are not letting those cities off the hook for some of the implementation plan strategies. She stated she encourages the small cities to see where their niche is so they can support the implementation project as well.

Schroeder stated that is a valued conversation. They have had continued discussions about that and it is in the ordinance and was a part of the implementation strategies. He does think there is a willingness from the small cities to pay into those services but it is a good policy discussion to have. He spoke about financial assumptions and stated they are in process of identifying the work on the facility and the true costs but that those true costs will not be known until 2026. The agreement allows for the commitments that the cities and the County have made to slide consistent with the truing up of the capital costs. He answered when they anticipate engaging consultants to get a handle on the true construction costs and he went over the jail construction timeline in the presentation. He answered what would happen if, by 2026, the costs of building a facility have gone crazy.

Schroeder continued the presentation about the status of the interlocal agreements and stated the funding commitment is important to have in place by June before the Department of Revenue starts to allocate the public safety tax back. He answered whether the interlocals will be approved by the other jurisdictions before they come to the Council and he stated he believes so but he will check on that.

Scanlon stated he is interested in continuing the discussion about incarceration reduction and Schroeder stated that is a main component of the implementation plan.

Kayla Schott-Bresler, Executive's Office, answered when they need the \$1 million for the 23-hour crisis relief center and how they will fill that gap. She stated they would like to close that gap in the next 12 months.

Schroeder stated without the \$2.3 million from the State Legislature that would have been a larger issue.

Buchanan stated they would be moving the next two discussion items to the evening meeting.

**This agenda item was PRESENTED AND DISCUSSED.**

5. [AB2024-206](#) Discussion regarding options for enhancing Courthouse security measures during

evening meetings

**This agenda item was NOT ACTED UPON.**

This item was not discussed.

**Committee Discussion and Recommendation to Council**

- 1. [AB2024-209](#) Resolution supporting a Whatcom County ferry rate increase and allocation of American Rescue Plan Funds

**This agenda item was NOT ACTED UPON.**

This item was not 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 4:29 p.m.

The County Council approved these minutes on April 9, 2024.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

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Barry Buchanan, Council Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE