

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, January 14, 2025

2 PM

Hybrid Meeting - Council Chambers

**HYBRID MEETING - MAY BEGIN EARLY - ADJOURNS BY 4:30 P.M.
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010)**

COUNCILMEMBERS

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

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Call To Order

Council Chair Kaylee Galloway called the meeting to order at 2 p.m. in a hybrid meeting.

Roll Call

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

Announcements

Special Presentation

1. [AB2024-854](#) Presentation from Tyler Schroeder, Director of Economic Development, Port of Bellingham, regarding economic development activities and metrics

Tyler Schroeder, Port of Bellingham Economic Development Director, read from a presentation (on file) and answered questions about the 2022-2026 Comprehensive Economic Development Strategy (CEDS) goals around developing and enhancing infrastructure to support businesses in conjunction with the Comprehensive Plan, collaboration with Canada regarding foreign trade zones and the importance of the cross-border economy, tools the Port is using that are most effective for recruitment and retention, and looking for ways to retain livestock producers in Whatcom County.

This agenda item was PRESENTED.

Committee Discussion

1. [AB2025-039](#) Request confirmation of the County Executive's appointment of Dr. Amy Harley as Co-Health Officer effective since December 6, 2021

Clerk's note: Discussion for this item also pertained to **AB2025-041** (the next agenda item).

The following people spoke about Dr. Amy Harley and Dr. Meghan Lelonek.

- Kayla Schott-Bresler, Executive's Office
- Erika Lautenbach, Health and Community Services Director

Scanlon spoke about a letter sent to councilmembers from the Public Health Advisory Board (PHAB) with a strong recommendation for Dr. Lelonek.

Lautenbach spoke about the role of the health officers with San Juan County

as discussed in the staff memo for **AB2025-041**.

This agenda item was DISCUSSED.

2. [AB2025-041](#) Request confirmation of the County Executive's appointment of Dr. Meghan Lelonek as Co-Health Officer effective January 20, 2025

Clerk's note: Discussion for this item was under **AB2025-039**.

This agenda item was DISCUSSED.

3. [AB2025-057](#) Discussion of an ordinance adopting amendments to Whatcom County Code Titles 20 & 22 to enact SSB 5290 regarding local project review

Amy Keenan, Planning and Development Services Department, briefed the councilmembers on the history of the ordinance (see **AB2024-793**), changes made after stakeholder meetings which resulted in this ordinance (**AB2025-059**), and topics they did not come to agreement on (timeframes associated with type 4 permits and keeping site plan review in the code), and she answered questions.

Cliff Strong, Planning and Development Services Department, spoke about the substitute ordinance and Exhibit A in **AB2025-059** and stated it contains the latest changes based on discussions with stakeholders.

Councilmembers discussed that they need to decide if they want to introduce the proposed ("revised") ordinance or the substitute ordinance for the related file (**AB2025-059**) tonight.

Strong spoke about three items that the stakeholders wanted but the staff could not get behind, including deleting the reference to the administrative manual, providing a timeframe for type 4 permits, and changing the burden of proof section.

Galloway stated site plan review could be something they put on a work plan to revisit after seeing what works and what does not.

Perry Eskridge, Building Industry Association, stated some people believed that the site plan should be included with the permit process and both subject to one timeframe as opposed to being two separate processes. They will discuss the interpretation with the Government Affairs Committee, then get back to the County with what they hear and ask Council to decide.

Keenan spoke about the purpose of the Administrative Manual and stated it will be updated and available online when the new application materials are online.

Councilmembers and staff discussed things like this spending more time at the Planning Commission and in Council committee, that the County was not able to take advantage of some grant opportunities for various reasons, and that the permit process is fully digital, but that staff will accommodate those who are not able to utilize it that way.

This agenda item was DISCUSSED.

4. [AB2025-072](#) Discussion regarding financing capital projects

Donovan stated he would like to discuss the Council's role in financing capital projects in light of four major capital projects and potential debt or financing packages that will be coming to them. He would like to know when and how they as a Council should engage and what the projects are going to cost. And, since Council is the debt issuer for the County, he would like to know what happens if they are uncomfortable with a proposal that comes to them. He stated he does not think information has been coming to Council very quickly or adequately.

The following people spoke:

- Aly Pennucci, Executive's Office
- Steve Oliver, County Treasurer
- Kayla Schott-Bresler, Executive's Office

They discussed with Councilmembers what the process will be leading up to the Council approving debt issuance, getting a sense of the role of each entity (Treasurer, Administration, Council) involved in the process, the amount of the last major debt the County took on, the preference of the Administration to come back to Council with an analysis and recommendation of upcoming capital projects by the end of the first quarter, the work that the Administration does leading up to decisions and letting the Council be more involved in that, making sure that any changes made to the justice facility plan keep it as similar as possible to what the voters thought they were passing when they cast their vote, the plan to bring the recommendation on the scope of the jail facility from the Finance and Facility Advisory Board by the end of April, and how the recommendation from that group will align with the stipulations from the small cities around their willingness to put money toward that project.

This agenda item was DISCUSSED.

Committee Discussion and Recommendation to Council

1. [AB2024-767](#) Resolution to establish Council goals for full, timely awarding of Healthy Children’s Fund contracts

Buchanan briefed the Councilmembers on why this item was held from their last meeting in December, and stated there is a substitute version (on file). He ***moved*** that the SUBSTITUTE Resolution be RECOMMENDED FOR APPROVAL.

The motion was seconded by Byrd.

Erika Lautenbach, Health and Community Services Director, answered what the gap is between the current spending plan and what is spelled out on pages four and five of the resolution, and stated that spending \$15 million by June is not possible. She spoke about what they *can* do. She answered what the timeline is for the subsidy and rate augmentation programs, and stated they are hoping to have a request for proposal (RFP) for a third party administrator written by the end of this month or early next month. She answered what some of the barriers are to accelerating spending as outlined in the resolution, and spoke about the process for an RFP and contract.

Councilmembers discussed the reason for the resolution and getting a presentation about what the efficiencies might be if they change the dollar threshold for having contract approval by Council.

Kayla Schott-Bresler, Executive's Office, stated they would be happy to share that with the Council. She spoke about the audits that are called for in the resolution.

Buchanan's motion that the SUBSTITUTE Resolution be RECOMMENDED FOR APPROVAL carried by the following vote:

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

Nay: 0

2. [AB2024-843](#) Ordinance amending Whatcom County Code 2.21 Board of Equalization to clarify Board of Equalization membership

Cathy Halka, Clerk of the Council, stated this ordinance is clarifying the code to match with how the Council Office has been operating, and she answered questions about district representation of board members and whether this is going back to how the language was before changing to five Council districts. She stated the intent is to remove the “one from each Council district” (first paragraph) and to have no more than two members reside in any one Council district (second paragraph). She stated there are currently seven members but three members serve as the board for a

hearing, and she answered whether those applying for a position (being voted on tonight) applied for the specific district in which they reside.

George Roche, Prosecuting Attorney's Office, stated the way the code is currently written, there have been assertions from the Assessor's Office that they intend to argue that with the five regular members, we have a quorum number of three. These changes are intended to prevent the Council from litigating against the Assessor at the Board of Tax Appeals over these issues and to clarify what we perceive to be a quorum on the Board of Equalization, which is two people by our perceptions. The most important sentence to him is the one that reads, "Two board members shall constitute a quorum."

Scanlon moved and Elenbaas seconded to strike "on a rotating basis" in Whatcom Code 2.21.010 in Exhibit A (in lines three and four of that section) because it seems unnecessary.

Roche stated that should be stricken.

Clerk's note: there was not a main motion on the table yet.

Roche and Council staff discussed whether the change was substantive.

Scanlon moved to recommend adoption of the Ordinance. The motion was seconded by Elenbaas.

Scanlon moved and Elenbaas seconded to strike "on a rotating basis" in Whatcom Code 2.21.010 in Exhibit A.

The motion to amend carried by the following vote:

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

Nay: 0

Abstain: 1 - Donovan

Councilmembers, Roche, and Halka discussed whether the three regular members can be from the same district and whether another amendment needs to be made, but no other amendments were made.

Scanlon's motion that the Ordinance be RECOMMENDED FOR ADOPTION WITH PROPOSED AMENDMENT(S) carried by the following vote:

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

Nay: 0

Abstain: 1 - Donovan

Motion approved to amend to strike "on a rotating basis" in Whatcom Code 2.21.010.

3. [AB2024-870](#) Ordinance amending Whatcom County Code Chapter 2.130 Economic Development Investment Board

Donovan briefed the Councilmembers on the ordinance, input from the economic development investment (EDI) board, and changes previously made to it by Council.

Mayor Scott Korthuis, City of Lynden, stated the recommendation from the board was to have two mayors and not a County Council member and he would like to go back to that original proposal. He also spoke about the language (2.130.040 subsection D) which states, "All members of the EDI Board will be appointed by the County Executive and confirmed by the Whatcom County Council," and stated it should just be the *appointed* members.

Councilmembers discussed those recommendations.

Elenbaas moved and Scanlon seconded that the Ordinance be RECOMMENDED FOR ADOPTION.

Galloway moved and Elenbaas seconded to amend 2.13.040 (Membership) subsection D to add the word "appointed" so that it would read:

D. All appointed members of the EDI Board will be appointed by the County Executive and confirmed by the Whatcom County Council.

George Roche, Prosecuting Attorney's Office, stated he is in agreement with also striking all of the current subsection C, but that was not considered with the motion on the table.

The motion to amend carried by the following vote:

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

Nay: 0

Galloway moved to strike subsection C in 2.13.040 as follows:

~~C. Due to the composition of this board, it is not subject to Charter Section 3.23.~~

The motion was seconded by Donovan.

Galloway and Roche spoke about the proposed amendment.

The motion carried by the following vote:

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

Nay: 0

Galloway moved that they strike the second County Council representative in 2.13.040 (subsection 5) and retain the language for two mayors as designated by the Small Cities Caucus (subsection 3).

The motion was seconded by Scanlon.

Councilmembers and Roche discussed the motion and whether they would need to amend the committee appointments.

The motion to amend carried by the following vote:

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

Nay: 0

Elenbaas's motion that the Ordinance be RECOMMENDED FOR ADOPTION WITH PROPOSED AMENDMENT(S) carried by the following vote:

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

Nay: 0

Motion approved to amend 2.13.040 (Membership) subsection D to add the word "appointed" so that it would read:
D. All APPOINTED members of the EDI Board will be appointed by the County Executive and confirmed by the Whatcom County Council.

Motion approved to amend to strike subsection C in 2.13.040 which reads:

C. Due to the composition of this board, it is not subject to Charter Section 3.23.

Motion approved that they strike the second County Council representative in 2.13.040 (subsection 5) and retain the language for two mayors as designated by the Small Cities Caucus (subsection 3).

4. [AB2025-073](#) Letter from the Whatcom County Council to the Executive regarding homelessness and shelters

Because of time, Councilmembers did not discuss this item and Galloway stated they would do so in the evening meeting.

This agenda item was NOT ACTED UPON.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:28 p.m.

The County Council approved these minutes on January 28, 2025.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger

SIGNED COPY ON FILE