

Whatcom County Council

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



Minutes - Draft Minutes

**Tuesday, January 13, 2026
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 1.12.2026; SECOND AGENDA REVISION
1.12.2026**

COUNCILMEMBERS

Elizabeth Boyle
Barry Buchanan
Ben Elenbaas
Kaylee Galloway
Jessica Rienstra
Jon Scanlon
Mark Stremler

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

COUNTY COUNCIL

CALL TO ORDER

Council Chair Kaylee Galloway called the meeting to order at 6:02 p.m. in a hybrid meeting.

ROLL CALL

Present: 7 - Elizabeth Boyle, Barry Buchanan, Ben Elenbaas, Kaylee Galloway, Jessica Rienstra, Jon Scanlon, and Mark Stremler

FLAG SALUTE

ANNOUNCEMENTS

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, welcomed the two newly-sworn-in councilmembers (Boyle and Rienstra) and the two re-elected councilmembers (Buchanan and Galloway). He spoke about the recent floods, their impacts on the community, the county's and cities' response, that they asked Washington elected officials for help with permitting and with money and discussed short and long term solutions, and that they will also be meeting with two members of parliament from Canada tomorrow.

MINUTES CONSENT

Scanlon moved to accept the minutes consent items. The motion was seconded by Buchanan.

Christopher Quinn, Prosecuting Attorney's Office, answered whether the new councilmembers can approve minutes since they were not in office for those meetings, and stated they could.

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

1. [MIN2026-001](#) Special Council for December 1, 2025

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

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

2. [MIN2026-002](#) Special Council for December 2, 2025

Scanlon moved and Buchanan seconded that the Minutes Consent be

APPROVED BY CONSENT. The motion carried by the following vote:

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

3. [MIN2026-003](#) Committee of the Whole for December 9, 2025

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

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

4. [MIN2026-004](#) Regular County Council for December 9, 2025

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

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

5. [MIN2026-005](#) Special Committee of the Whole for December 2, 2025

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

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

6. [MIN2026-006](#) Health Board and Public Health Advisory Board for December 2, 2025

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

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

PUBLIC HEARINGS

1. [AB2025-810](#) Ordinance adopting amendments to Whatcom County Code Title 20, Zoning and Title 22, Land Use and Development

Lucas Clark, Planning and Development Services Department, briefed the councilmembers.

Galloway opened the Public Hearing and the following person spoke:

- Brian Gass

Hearing no one else, Galloway closed the Public Hearing.

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

Scanlon spoke about how Whatcom County voters voted to require the Executive to publish a credible analysis of how land supply and construction costs could be affected before the County amends any land use or construction section of the County Code, and that the memo (on file) addresses that. He also stated there were items that the Council removed from the originally proposed ordinance for further discussion.

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

Aye: 5 - Boyle, Buchanan, Galloway, Rienstra, and Scanlon

Nay: 2 - Elenbaas, and Stremler

Enactment No: ORD 2026-001

2. [AB2025-814](#) Resolution authorizing the sale of personal property, pursuant to Whatcom County Code 1.10, Procedures for Management and Disposition of County-owned Personal and Real Property

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

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

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

Enactment No: RES 2026-001

OPEN SESSION

The following people spoke:

- Cynthia Sue Ripke-Kutsagoitz
- Eileen McCracken
- Wendy Courtemanche
- Miranda LeonJones
- Jim Shaver
- Jesse Clawson
- John Westerfield

- Bruce Bosch
- Sherman Polinder
- Sarah Bosch
- Samantha Doering
- Gina Bosch
- Christina Cook
- Stacey Dailey
- Shawn Martinez
- Ryan Wittig
- Marissa Wittig
- Julie Jansen
- Carl Crouse
- Robert Vit
- David Edelman
- Stephanie Anderson
- Daniel Stephenson
- Austin Streubel
- Cleveland Harris II
- Amelia Vader
- Brian Gass
- Jason Postma
- Amy Kenna
- Joshua Williams
- Ian Schaefer Lorenz
- Ron Bronsema
- Terence Diffley
- Kelsey Forbes
- Andres Rosales
- Jocelyn Pena
- Charlie Brown
- Steven Thomas
- Lucy Kesterson
- Rachel McGarrity
- Miriam Karamoko
- Michael Berres
- Jonathan Cook
- Stan Streubel
- Monica Kohler
- Markis Dee Stidham

- Lyle Sorenson
- Frank Lee
- Johnathan King
- Jill Meadows
- Debra Shawver
- Natalie Chavez
- Rebecca Rettmer
- Leslie Hemmerling
- Rianna Godshall

Hearing no one else, Galloway closed the Open Session.

Councilmembers took a short break and resumed the meeting at 9:03 p.m.

CONSENT AGENDA

(From Council Finance and Administrative Services Committee)

Scanlon reported for the Finance and Administrative Services Committee and **moved** to approve Consent Agenda items one through nine.

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

1. [AB2026-001](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Health Care Authority to provide Medicaid-related outreach and linkage activities to Whatcom County residents as a fee for service agreement, without a not-to-exceed amount

Scanlon 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 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

2. [AB2026-009](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Cascadia Law Group PLLC to provide legal advice and services regarding SEPA procedures in relation to permit applications submitted by Petrogas in the amount of \$50,000 for a total amended contract amount of \$150,000

Scanlon 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 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

3. [AB2026-012](#) Request authorization for the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and General Teamsters Union Local No. 231 for the period of January 1, 2026 - December 31, 2028

Scanlon 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 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

4. [AB2026-020](#) Request authorization for the County Executive to enter into a Collective Bargaining Agreement between Whatcom County and the Deputy Sheriff's Guild for the period January 1, 2026 - December 31, 2028

Scanlon 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 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

5. [AB2026-018](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Axon Enterprises to add 36 months to Axon's proprietary cloud-based storage, software, and professional services, and to replace 90 cameras and 12 docking stations, in the amount of \$236,734

Scanlon 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 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

6. [AB2026-024](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Criminal Justice Training Commission to reimburse salary and related benefit costs for an instructor at the Arlington Regional Law Enforcement Academy, in the estimated amount of \$200,000 for 2026

Scanlon 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 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

7. [AB2026-013](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale Youth Sports for Northwest Fields Renovations Project capital improvements funded by the Lodging Tax, in the amount of \$109,140

Scanlon 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 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

8. [AB2026-019](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Washington State Military Department for What-COMM Equipment (Prime contract in pass-through mechanism to City of Bellingham), in the amount of \$94,107

Scanlon 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 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

9. [AB2026-022](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Stryker Corporation to increase EMS equipment assigned to the EMS Captain at Whatcom County Fire District 7 in the amount of \$23,414 per year for the last five years of the 10-year contract, for a total amended contract amount of \$668,595

Scanlon 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 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2025-854](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the City of Bellingham to eliminate funding for three lateral paramedic positions, decreasing the contracted amount by \$224,823 for a total amended contract amount of \$783,619

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

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

(From Council Criminal Justice and Public Safety Committee)

2. [AB2026-015](#) Request for motion to establish full term lengths for Justice Project Oversight and Planning (JPOP) Committee members

Buchanan reported for the Criminal Justice and Public Safety Committee and **moved** to have the JPOP be on staggered four-year terms.

The motion carried by the following vote:

Aye: 7 - Rienstra, Scanlon, Stremler, Boyle, Buchanan, Elenbaas, and Galloway

Nay: 0

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

Motion approved 7-0 to have the JPOP be on staggered four-year terms.

COUNCIL APPOINTMENTS TO ADVISORY GROUPS

1. [AB2026-026](#) Appointments to vacancies on the Acme/VanZandt Flood Control Subzone Advisory Committee, applicant(s): William Dominic Moceri (Council acting as the Flood Control Zone District Board of Supervisors)

The applicant addressed the councilmembers.

Scanlon moved and Rienstra seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

2. [AB2026-027](#) Appointments to vacancies on the Flood Control Zone District Advisory Committee, various positions, applicant(s): Michael Bozzo, Bruce Bosch, Jeff DeJong, Loren Hoekema, John Perry, Ron Bronsema (Council acting as the Flood Control Zone District Board of Supervisors)

Michael Bozzo addressed the councilmembers.

Elenbaas moved and Rienstra seconded that all the applicants be APPOINTED.

Councilmembers discussed the motion, advice to the applicants, and a hope that the Council can hear what the committee members tell them.

Elenbaas's motion that the applicants be APPOINTED carried by the following vote:

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

Appointed all the applicants.

3. [AB2026-028](#) Appointments to vacancies on the Board of Equalization, applicant(s): W. Thomas Follis

Buchanan moved and Scanlon seconded that the Council Appointment be APPOINTED.

Councilmembers discussed the motion, positive feedback about the applicant they have received from former and current staff and from people who have been through the Board of Equalization process, and whether they should wait on the appointment in order to take into consideration emails they received about the appointment.

Cathy Halka, Clerk of the Council, stated the applicant is a current board member and is scheduled for hearings which begin on February 3rd (which is tentative based on his reappointment).

Scanlon spoke about his conversations with staff about the applicant, and stated the applicant being recently elected to serve as the vice chair of the board is an indication that this is a person that other people like working with.

Buchanan's motion that the Council Appointment be APPOINTED carried by the following vote:

Aye: 5 - Buchanan, Elenbaas, Rienstra, Scanlon, and Stremler

Nay: 0

Abstain: 2 - Boyle, and Galloway

4. [AB2026-029](#) Appointments to vacancies on the Climate Impact Advisory Committee, applicant(s): Charles Brown, Derek Gremban, Stevan Harell, Randall Hays, Jonathan King, Theodor Scott, Joshua Williams

Galloway read the names from the (substitute) applicant list, and stated they have seven applicants and can appoint up to six. They then have to assign one

member to the partial term ending January 31, 2027. She asked if any applicants would like to address the Council but there were none.

Scanlon moved to appoint all seven and vote for six.

The motion was seconded by Rienstra.

Councilmembers discussed the applicants.

Charles Brown (7 votes), Derek Gremban (7 votes), Stevan Harell (7 votes), Jonathan King (7 votes), Theodor Scott (6 votes), and Joshua Williams (6 votes) were appointed as follows:

Charles Brown: 7 - Buchanan, Rienstra, Boyle, Elenbaas, Galloway, Scanlon, and Stremler

Derek Gremban: 7 - Buchanan, Rienstra, Boyle, Elenbaas, Galloway, Scanlon, and Stremler

Stevan Harell: 7 - Buchanan, Rienstra, Boyle, Elenbaas, Galloway, Scanlon, and Stremler

Jonathan King: 7 - Buchanan, Rienstra, Boyle, Elenbaas, Galloway, Scanlon, and Stremler

Theodor Scott: 6 - Rienstra, Boyle, Elenbaas, Galloway, Scanlon, and Stremler

Joshua Williams: 6 - Buchanan, Rienstra, Boyle, Galloway, Scanlon, and Stremler

Randall Hays: 2 - Buchanan and Elenbaas

Galloway stated she would be interested in letting the incumbents serve their full terms, and if the Council was amenable to that, they would consider Brown or King for the partial term.

Rienstra moved and Scanlon seconded that Council vote on Brown and King for the partial term.

King was appointed to the partial term by the following vote:

King: 7 - Rienstra, Boyle, Elenbaas, Galloway, Scanlon, Stremler, and Buchanan

Brown: 0

Galloway stated Brown, Gremban, Harell, Scott, and Williams will fill the five three-year terms.

This agenda item was APPOINTED.

Appointed Charles Brown (7 votes), Derek Gremban (7 votes), Stevan Harell (7 votes), Jonathan King (7 votes), Theodor Scott (6 votes), and Joshua Williams (6 votes).

Appointed King 7-0 to the partial term ending 1/31/2027.

5. [AB2026-030](#) Appointments to vacancies on the Whatcom County Ferry Advisory Committee, various positions, applicant(s): Steven Thomas, Virgil Thompson, Janice Catrell, Terence Diffley, Corey Williams

Janice Catrell addressed the councilmembers.

Elenbaas moved to appoint Janice Catrell as the applicant who lives in Whatcom County and does not live or own property on Lummi Island.

The motion was seconded by Scanlon.

The motion carried by the following vote:

Aye: 7 - Elenbaas, Galloway Rienstra, Scanlon, Stremler, Boyle, and Buchanan

Nay: 0

Councilmembers considered the applicants who live or own property on Lummi Island for two vacancies.

Scanlon moved and Rienstra seconded to appoint all four with a vote of two.

Councilmembers spoke about the applicants.

Terrance Diffley (7 votes) and Steven Thomas (6 votes) were appointed as follows:

Buchanan: Thomas and Diffley

Rienstra: Thomas and Diffley

Boyle: Thomas and Diffley

Elenbaas: Thomas and Diffley

Galloway: Thomas and Diffley

Scanlon: Thomas and Diffley

Stremler: Diffley and Williams

Scanlon moved and Elenbaas seconded to appoint Terence Diffley to the partial term.

The motion carried by the following vote:

Aye: 7 - Rienstra, Boyle, Elenbaas, Galloway, Scanlon, Stremler, and

Buchanan

Nay: 0

This agenda item was APPOINTED.

Appointed Janice Catrell 7-0 for the position that lives in Whatcom County and does not live or own property on Lummi Island.

Appointed Terence Diffley (7 votes) and Steven Thomas (6 votes) for the positions that live or own property on Lummi Island.

Appointed Diffley 7-0 to the partial term ending 1/31/2027.

6. [AB2026-031](#) Appointments to vacancies on the Forest Advisory Committee, various positions, applicant(s): David New, Malloree Weinheimer

Scanlon moved and Boyle seconded to appoint both applicants to the spots that they applied for.

Malloree Weinheimer addressed the councilmembers.

Councilmembers spoke about the applicants and that there will still be one vacancy on the committee.

Scanlon's motion to appoint both applicants to the spots that they applied for carried by the following vote:

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

Appointed David New for the position of community member with forestry, forest ecology, or forest management expertise.

Appointed Malloree Weinheimer to the harvester or silviculturist position .

7. [AB2026-032](#) Appointments to vacancies on the Incarceration Prevention and Reduction Task Force, various positions, applicant(s): Heather Flaherty, Alexis Hahs, Robert Sullivan

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

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

8. [AB2026-033](#) Appointments to vacancies on the Justice Project Oversight and Planning Committee, various positions, applicant(s): Tawsha Thompson, Pamela Kahn, Cori Reece

Scanlon moved and Buchanan seconded that the Council Appointment be

APPOINTED. The motion carried by the following vote:

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

9. [AB2026-034](#) Appointments to vacancies on the Public Health Advisory Board, applicant(s): Mike Cohen, Christine Espina, Alison Fontaine, Carl Isom-McDaniel, Rachel McGarrity, Nathaline Nivens, Robyn Phillips-Madson, Deb Shawver, Markis Dee Stidham, Ashley Thomasson, Ben Twigg, Amelia Vader, Shu-Ling Zhao (Council acting as the Health Board)

Scanlon moved to postpone this to their next full Council meeting on January 27th.

The motion was seconded by Boyle.

Scanlon stated on this applicant list everyone is just listed as an applicant, but the other appointments list people for specific spots on the committee, and our code and State law do say specific spots for this board. They can reach back out to applicants and ask which of the requirements they meet. He stated he and the Health Department director were not clear whether the group has someone who has experience in tribal communities or with tribal government. He answered how many categories there are, and stated there are seven in County code.

Rachel McGarrity, Chair of PHAB, spoke about her support for generally ensuring that they are in compliance with County code, and stated she would not, however, necessarily take it as a given that each of these positions gets equal weight on the board.

Councilmembers discussed that there may also be sitting members that may fall under some of the categories listed in code.

Scanlon's motion that the Council Appointment be HELD IN COUNCIL carried by the following vote:

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

10. [AB2026-035](#) Appointments to vacancies on the Planning Commission, applicant(s): Alvin Scott Van Dalen

Scanlon moved and Rienstra seconded that the Council Appointment be APPOINTED.

Councilmembers spoke about the applicant.

Scanlon's motion that the Council Appointment be APPOINTED carried by the following vote:

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

11. [AB2026-036](#) Appointments to vacancies on the Solid Waste Advisory Committee, various positions, applicant(s): Ted Carlson, Pinky Vargas

Scanlon moved and Rienstra seconded that the Council Appointment be APPOINTED. The motion carried by the following vote:

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

ITEMS ADDED BY REVISION

1. [AB2026-049](#) Resolution affirming the dignity and civil and human rights of all Whatcom County residents, regardless of immigration or citizenship status

Galloway reported for the Committee of the Whole and stated there was not a motion forwarded from committee.

Scanlon moved to approve the *Substitute Resolution* **then withdrew** his motion.

Scanlon moved to approve the Proposed Resolution.

The motion was seconded by Boyle.

Councilmembers referred to the suggested amendments noted in the Substitute Resolution but worked off of the original proposed version and made their amendments to that.

MOTION 1

Scanlon moved and Boyle seconded to amend the second to last Whereas statement on page one of the substitute resolution to strike “are foreign” and add “were born outside of the United States” so that it reads:

WHEREAS, according to a 2023 American Community Survey, approximately 22,000 of Whatcom County’s more than 230,000 residents were born outside of the United States; and

The motion carried by the following vote:

Aye: 7 - Stremler, Boyle, Buchanan, Elenbaas, Galloway, Rienstra, and Scanlon

Nay: 0

MOTION 2

Scanlon moved and Boyle seconded to amend the 6th whereas clause on page two of the substitute resolution to add the word "all" so that is reads:

WHEREAS, the KWW Act prevents all local law enforcement from:

Galloway stated there were suggestions to add additional bullet points here but the advice from legal was to not move forward with that because it was not their interpretation of the Keep Washington Working Act, so the authors wanted to keep this language clean and simple.

Christopher Quinn, Prosecuting Attorney's Office, stated he was not the attorney in the office advising this so he could not answer questions about the advice.

The motion carried by the following vote:

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

MOTION 3

Scanlon moved and Boyle seconded to amend to add the whereas clause as presented (on page 2 of the substitute resolution in yellow highlight), and with scrivener's error corrections, so that it reads:

WHEREAS, Washington State passed the Courts Open to All (COTA) Act in 2020, which protects individuals' access to justice by:

Prohibiting warrantless civil immigration arrests at courts,
Prohibiting court staff and prosecutors from using state and local justice resources to report people for federal immigration enforcement, unless required by law, necessary for an active criminal investigation, or done pursuant to valid court order or warrant, and

Requiring courts to collect data on the surveillance by immigration agents of courthouses in Washington; and

Quinn answered if the whereas statement about the COTA Act is true and whether any of the statements are false or misleading, and stated Kimberly

Thulin from the Prosecuting Attorney's Office has signed off on the proposed language as amended. He would say that, based on her legal review, she is satisfied that it complies with State, local, and Federal law.

The motion carried by the following vote:

Aye: 7 - Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, Stremler, and

Boyle

Nay: 0

Councilmembers discussed with Executive's Office staff the language highlighted in green in the Substitute Resolution which Executive Sidhu requested to delete (the two whereas clauses that reference the Racial Equity Commission's Action Guide and the reference to the Racial Equity Commission in the "BE IT FURTHER RESOLVED" statement) on page three of the substitute version.

Kayla Schott-Bresler, Executive's Office, stated the intent behind the request was to think about the community impact and outcomes and the statement they are trying to make with the resolution, rather than attach themselves to the work of a particular committee.

Councilmembers discussed the suggested amendments and the resolution as a whole, but no motion was made.

MOTION 4

Scanlon moved and Boyle seconded to amend the second to last BE IT FURTHER RESOLVED statement on page 3 of the substitute resolution to change the word "bilingual" to "multilingual" so that it reads:

BE IT FURTHER RESOLVED that the Whatcom County Council urges the Executive branch to prominently post multilingual Immigrant Rights and legal resources posters and make multilingual Know Your Rights and legal resources pamphlets readily available at County public facilities; and

The motion carried by the following vote:

Aye: 5 - Galloway, Rienstra, Scanlon, Boyle, and Buchanan

Nay: 1 - Stremler

Abstain: 1 - Elenbaas

MOTION THAT DID NOT PASS

Stremler moved that they strike the third BE IT FURTHER RESOLVED statement which states: BE IT FURTHER RESOLVED by the Whatcom County Council that Whatcom County condemns the pursuit of arrest and deportation activities on or adjacent to county property by federal law enforcement agencies; and

He stated county properties are all over the county and all those properties have adjacent properties, so he thinks this paragraph is out of line.

The motion was seconded by Boyle.

Councilmembers discussed the possibility of clarifying the language instead of striking it, that there is an item in the Courts Open to All (COTA) Act that relates to this, whether the resolved statement can be dictated on other people's property, whether the State law already provides the kind of protection they are looking for in the resolution, whether the language should just refer to the courts or whether it should be more broad, that legal had signed off on the language as it is stated in the resolution, and possible amendments to the language.

The motion to strike failed by the following vote:

Aye: 2 - Stremler and Elenbaas

Nay: 5 - Galloway, Rienstra, Scanlon, Boyle, and Buchanan

Councilmembers and Quinn discussed how the statement could be amended but no further motion was made.

MOTION 5

Scanlon moved and Rienstra seconded to amend the final BE IT FURTHER RESOLVED statement on page 3 of the substitute resolution as it is presented in that version so that it reads (*Clerk's note:* this was further amended later in motion 7):

BE IT FURTHER RESOLVED by the Whatcom County Council that Whatcom County remains committed to ongoing compliance with the Keep Washington Working Act and the Courts Open to All Act and reminds the County Sheriff, Prosecutor, and their staff to refrain from coordinating or assisting Department of Homeland Security, Immigration and Customs Enforcement, or other relevant federal agencies on immigration or adjacent related law enforcement activities; and

Scanlon spoke about the motion and stated the Sheriff's Office has a lot of work to do and does not need any other work.

The motion carried by the following vote:

Aye: 5 - Rienstra, Scanlon, Boyle, Buchanan, and Galloway

Nay: 2 - Stremler and Elenbaas

MOTION 6

Scanlon moved and Boyle seconded to amend the final BE IT FINALLY RESOLVED on page 4 of the substitute resolution to add the text in blue so that it reads:

BE IT FINALLY RESOLVED by the Whatcom County Council that Whatcom County strives to cultivate a community where all individuals are free, have equal protection and are provided due process under the law, and are safe to live their lives and pursue their personal, familial, educational, and economic goals without fear of surveillance, harassment, intimidation, injury, abduction, or death.

Councilmembers discussed a comment provided by the public tonight about being detained with a warrant, and what they would hope a response from Federal law enforcement would be if the Sheriff called on them for help.

Donnell Tanksley, Sheriff, spoke about the Sheriff's Department's work with Federal partners, that they adhere to the Keep Washington Working Act, that if there was a critical incident the Sheriff's Office would respond to help Federal partners, that there have been critical incidents in Whatcom County that the county's Federal partners have responded to, that it is very clear what local law enforcement can and cannot do, that they have not participated in any immigration activity with their Federal partners, and that the Sheriff's Office does not need a reminder of the law.

Quinn stated the final BE IT FURTHER RESOLVED statement on page 3 of the substitute resolution (which they amended in MOTION 5), regarding reminding the County Sheriff, Prosecutor, and their staff, could be perceived as a directive from Council to the Prosecutor's Office and Sheriff, and he is not sure if that is the Council's intention. Council should not be directing them and there are lots of situations where both those entities will be cooperating with Federal law enforcement.

Galloway stated they need to dispose of the motion on the table first.

The motion carried by the following vote:

Aye: 5 - Scanlon, Boyle, Buchanan, Galloway, and Rienstra

Nay: 2 - Stremler and Elenbaas

MOTION 7

Councilmembers returned to considering the final BE IT FURTHER RESOLVED statement on page 3 of the substitute resolution. They, Quinn, and Tanksley discussed the intent of the language, an incident that took place in Lynden, and that the Sheriff's Office followed the law.

Scanlon moved and Galloway seconded to amend the earlier-amended final BE IT FURTHER RESOLVED statement on page 3 of the substitute resolution to strike the word "reminds" and retain the original word, "encourages" so that it reads:

BE IT FURTHER RESOLVED by the Whatcom County Council that Whatcom County remains committed to ongoing compliance with the Keep Washington Working Act and the Courts Open to All Act and encourages the County Sheriff, Prosecutor, and their staff to refrain from coordinating or assisting Department of Homeland Security, Immigration and Customs Enforcement, or other relevant federal agencies on immigration or adjacent related law enforcement activities; and

The motion carried by the following vote:

Aye: 6 - Stremler, Boyle, Buchanan, Galloway, Rienstra, and Scanlon

Nay: 1 - Elenbaas

Councilmembers spoke about the motion to approve the resolution as amended and Galloway spoke about other suggested changes things that did not make it into the formal amendment process.

Scanlon's motion that the Resolution be APPROVED AS AMENDED carried by the following vote:

Aye: 5 - Boyle, Buchanan, Galloway, Rienstra, and Scanlon

Nay: 2 - Elenbaas, and Stremler

Enactment No: RES 2026-002

MOTION 1:

Motion approved 7-0 to amend the second to last Whereas statement on page one of the substitute resolution to strike “are foreign” and add “were born outside of the United States” so that it reads:

WHEREAS, according to a 2023 American Community Survey, approximately 22,000 of Whatcom County’s more than 230,000 residents were born outside of the United States; and

MOTION 2:

Motion approved 7-0 to amend the 6th whereas clause on page two of the substitute resolution to add the word "all" so that it reads:

WHEREAS, the KWW Act prevents all local law enforcement from:

MOTION 3:

Motion approved 7-0 to amend to add the whereas clause as presented (on page 2 of the substitute resolution in yellow highlight), and with scrivener's error corrections, so that it reads:

WHEREAS, Washington State passed the Courts Open to All (COTA) Act in 2020, which protects individuals' access to justice by:

Prohibiting warrantless civil immigration arrests at courts,

Prohibiting court staff and prosecutors from using state and local justice resources to report people for federal immigration enforcement, unless required by law, necessary for an active criminal investigation, or done pursuant to valid court order or warrant, and

Requiring courts to collect data on the surveillance by immigration agents of courthouses in Washington; and

MOTION 4:

Motion approved 5-1, with Elenbaas abstaining and Stremler opposed, to amend the second to last BE IT FURTHER RESOLVED statement on page 3 of the substitute resolution to change the word “bilingual” to “multilingual” so that it reads:

BE IT FURTHER RESOLVED that the Whatcom County Council urges the Executive branch to prominently post multilingual Immigrant Rights and legal resources posters and make multilingual Know Your Rights and legal resource pamphlets readily available at County public facilities; and

MOTION 5:

Motion approved 5-2, with Stremler and Elenbaas opposed, to amend the final BE IT FURTHER RESOLVED statement on page 3 of the substitute resolution so that it reads (clerk's note: this was further amended in motion 7):

BE IT FURTHER RESOLVED by the Whatcom County Council that Whatcom County remains committed to ongoing compliance with the Keep Washington Working Act and the Courts Open to All Act and reminds the County Sheriff, Prosecutor, and their staff to refrain from coordinating or assisting Department of Homeland Security, Immigration and Customs Enforcement, or other relevant federal agencies on immigration or adjacent related law enforcement activities; and

MOTION 6:

Motion approved 5-2, Stremler and Elenbaas opposed, to amend the final BE IT FINALLY RESOLVED on page 4 of the substitute resolution so that it reads:

BE IT FINALLY RESOLVED by the Whatcom County Council that Whatcom County strives to cultivate a community where all individuals are free, have equal protection and are provided due process under the law, and are safe to live their lives and pursue their personal, familial, educational, and economic goals without fear of surveillance harassment, intimidation, injury, abduction, or death.

MOTION 7:

Motion approved 6-1, with Elenbaas opposed, to amend the earlier-amended final BE IT FURTHER RESOLVED statement on page 3 of the substitute resolution to strike the word “reminds” and retain the original word, “encourages” so that it reads:

BE IT FURTHER RESOLVED by the Whatcom County Council that Whatcom County remains committed to ongoing compliance with the Keep Washington Working Act and the Courts Open to All Act and encourages the County Sheriff, Prosecutor, and their staff to refrain from coordinating or assisting Department of Homeland Security, Immigration and Customs Enforcement, or other relevant federal agencies on immigration or adjacent related law enforcement activities; and

INTRODUCTION ITEMS (considered in opposite order and separately)

Galloway read both introduction items into the record.

Scanlon moved and Buchanan seconded to introduce the introduction items and ***then withdrew*** his motion so they could consider each item separately and item number 2 (AB2026-016) first.

2. [AB2026-016](#) Ordinance amending Whatcom County Code Chapter 20.34 Rural Residential Island (RRI) to allow food preparation for off-site consumption when accessory to and located within an approved community center

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

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

1. [AB2026-040](#) Ordinance establishing Whatcom County Code Section 2.02.195 Performance Audits

Scanlon moved to request that the chair work with the clerk and vice chair to schedule a work session for this item (in Committee of the Whole, but time unspecified).

Councilmembers discussed that they would invite all the Charter Review Commissioners but request that the original sponsors of this amendment be prepared to speak on it.

The motion was seconded by Boyle.

Scanlon's motion carried by the following vote:

Aye: 7 - Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler

Nay: 0

Motion approved 7-0 to request that the chair work with the clerk and vice chair to schedule a work session for this item (time unspecified).

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Buchanan moved and Boyle seconded to adjourn.

The motion carried by the following vote:

Aye: 6 - Galloway, Rienstra, Scanlon, Stremler, Boyle, and Buchanan

Nay: 1 - Elenbaas

Motion approved 6-1, with Elenbaas opposed, to adjourn (and not do committee reports).

ADJOURN

The meeting adjourned at 11:12 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger