

Whatcom County Council

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



Minutes - Final

Tuesday, February 25, 2025

6 PM

Hybrid Meeting - Council Chambers

**AGENDA REVISED 2.21.2025 - HYBRID MEETING (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

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

FLAG SALUTE

ANNOUNCEMENTS

Buchanan spoke about the loss of former Councilmember Barbara Brenner this month and Councilmembers observed a moment of silence.

COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, paid tribute to former Councilmember Barbara Brenner. He reported on:

- The lifting tomorrow of the hiring freeze instituted last May
- A new way of presenting supplemental budget requests as shown in the Finance and Administrative Services Committee today
- Jail planning as presented in Committee of the Whole today
- The Healthy Children's Fund and Bellingham Technical College (BTC) contract

He and Aly Pennucci, Executive's Office, answered questions.

MINUTES CONSENT

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

1. MIN2025-008 Special Committee of the Whole for February 4, 2025

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

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

Nay: 0

Temp Absent: 1 - Elenbaas

2. MIN2025-009 Health Board and Public Health Advisory Board for February 4, 2025

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

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

Nay: 0

Temp Absent: 1 - Elenbaas

PUBLIC HEARINGS

1. AB2025-059 Ordinance adopting amendments to Whatcom County Code Titles 20 & 22 to enact SSB 5290 regarding local project review

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

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

Scanlon stated they have been working on this for several weeks now.

Buchanan stated the process was thorough and yielded some pretty good results that most of the stakeholders were happy with.

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

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

Nay: 0

Abstain: 1 - Donovan

Enactment No: ORD 2025-005

2. AB2025-145 Ordinance authorizing a revision to the Unified Fee Schedule

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

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

Donovan stated this and the next item are related.

Gary Stoyka, Public Works Department, stated they needed to create some new fee categories. The ordinance after this one (**AB2025-147**) creates those categories and this ordinance is the fee schedule that actually

establishes the fees. AB2025-147 adds a new risk category based on where the vessel originated. He answered questions about the fees and stated it anticipates that they are going to bring in about another \$100,000 for the program in a year.

Galloway stated this came up in the Lake Whatcom Policy Group and she spoke about their decision-making process in finding a way to address the risk associated with out-of-state watercraft that are higher risk of introducing an invasive species to our drinking water source.

Stoyka answered how this affects residents of Whatcom County and stated the higher fees will be for those out of state and then a little lower fees will be for those who are out of county. He answered if they have ever found invasive species on a vessel and stated they have.

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

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

Nay: 1 - Elenbaas

Enactment No: ORD 2025-006

3. AB2025-147 Ordinance amending Whatcom County Code 2.27A, Aquatic Invasive Species (AIS)

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

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

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

Nay: 2 - Byrd, and Elenbaas

Enactment No: ORD 2025-007

OPEN SESSION

The following people spoke:

- John Westerfield
- Ryan Bowman
- David Foreman
- Kyle Christensen
- Alexander Fisenko
- Daniel Harm

- Kristy Backer
- Ivy Little
- Natalie Chavez
- Hannah Ordos
- Kaia Hayes
- Misty Flowers
- Markis Dee Stidham
- Eve Smason-Marcus

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 and *moved* to approve Consent Agenda item numbers 1, 2, 4, 6, 7, and 8. He stated that item number 1 (**AB2025-141**) is a substitute.

Stremler requested to vote on Consent Agenda item four (**AB2025-175**) separately and Councilmembers discussed the request and whether there needs to be a motion to do so.

George Roche, Prosecuting Attorney's Office, stated if any of the seven want to separate an item, a motion would be procedurally valid.

Stremler moved to amend the motion to pull item number 4 from the consent agenda to vote on separately. The motion was seconded by Byrd.

Councilmembers discussed the motion and Roche stated any single member of the body that wants to remove something from the consent agenda can do so. He just thinks it is best done by a motion and they do not have to vote on it. It is a vote of one to remove something from consent.

The motion to amend carried by the following vote:

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

Nay: 0

Abstain: 1 - Elenbaas

Councilmembers voted on Consent Agenda item numbers 1, 2, 6, 7, and 8 (see votes on individual items below).

MOTION:

Motion approved 6-0-1, with Elenbaas abstaining, to amend the (consent) motion to pull item number 4 from the consent agenda to vote on separately.

1. AB2025-141 Request authorization for the County Executive to enter into a contract between Whatcom County and Matrix Consulting Group, Ltd. to evaluate human resources policies and procedures

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

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

Nay: 0

2. AB2025-169 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Nooksack Indian Tribe to establish responsibilities of each party in regards to the Acme Woody Revetment Repair project, in the amount of \$0 (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 BY CONSENT. The motion carried by the following vote:

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

Nay: 0

3. AB2025-173 Request authorization for the County Executive to enter into a contract between Whatcom County and Pacific Security to provide security services at the Whatcom County Courthouse for \$222,416.14

THIS ITEM WAS CONSIDERED SEPARATELY BELOW.

4. AB2025-175 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to provide funding for various public health programs in the amount of \$5,265,283

THIS ITEM WAS CONSIDERED SEPARATELY BELOW.

5. AB2025-177 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to operate the Whatcom Homeless Service Center in the amount of \$342,051, for a total amended contract amount of \$2,697,403

THIS ITEM WAS CONSIDERED SEPARATELY BELOW.

6. AB2025-178 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Parks and Recreation Commission for Recreational Boating Safety Federal Financial Assistance Grant MLE 325-530, in the amount of \$27,028.24

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 Stremler

Nay: 0

7. AB2025-179 Request authorization for the County Executive to enter into an Interlocal Agreement between Whatcom County and the City of Blaine for Correctional Services

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 Stremler

Nay: 0

8. AB2025-182 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Cascadia Youth Mental Health to support school substance use policies and practices that align with effective prevention strategies in the amount of \$21,640, for a total amended contract amount of \$179,910

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 Stremler

Nay: 0

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

3. AB2025-173 Request authorization for the County Executive to enter into a contract between Whatcom County and Pacific Security to provide security services at the Whatcom County Courthouse for \$222,416.14

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

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

Nay: 1 - Byrd

4. AB2025-175 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to provide funding for various public health programs in the amount of \$5,265,283

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

Stremler spoke about the syringe services program in the opioid harm reduction proviso and that he does not think this is helping people who need the help.

Donovan stated they should get a presentation from Health and Community Services again and he spoke about positive effects of the program.

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

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

Nay: 3 - Byrd, Elenbaas, and Stremler

5. AB2025-177 Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to operate the Whatcom Homeless Service Center in the amount of \$342,051, for a total amended contract amount of \$2,697,403

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

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

Nay: 1 - Byrd

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. AB2025-160 Ordinance closing the Shallow Shore Culvert Relocation Fund 3917

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

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

Nay: 0

Enactment No: ORD 2025-008

2. AB2025-162 Ordinance amending the project budget for the new Public Health, Safety and Justice Facility, request no. 7

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

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

Nay: 0

Enactment No: ORD 2025-009

3. AB2025-164 Ordinance amending the 2025 Whatcom County Budget, request no. 2, in the amount of \$4,751,265

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

Councilmembers discussed the process for presenting supplemental budget requests to Council.

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

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

Nay: 3 - Byrd, Elenbaas, and Stremler

Enactment No: ORD 2025-010

(From Council Public Works and Health Committee)

4. AB2025-149 Ordinance adopting amendments to Whatcom County Code 24.05, Onsite Sewage System Regulations

Scanlon reported for the Public Works and Health Committee and **moved** that they hold a public hearing on this item at their next meeting on March 11.

The motion carried by the following vote:

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

Nay: 0

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

Enactment No: ORD 2025-012

Motion approved 7-0 to hold a public hearing on this item at their next meeting on March 11.

(From Council Committee of the Whole)

5. AB2025-120 Ordinance amending Whatcom County Code 2.123, Forestry Advisory Committee, to expand the committee's purpose and adjust member terms

Galloway reported for the Committee of the Whole and moved that the Ordinance be ADOPTED. The motion was seconded by Donovan.

Councilmembers discussed that this seems to be a fix for something that is not broken and that the committee itself does not think that it needs to be fixed, the change of the name of the committee from Forestry Advisory Committee (FAC) to Forest Advisory Committee, that this ordinance adds more of the land managers in the county to the committee, the fact that they are not deleting the role of the existing FAC but adding on to it because of an expanding scope, that it seems to be an attempt to change the vote and advice of the advisory committee by adding government organizations, and that this seems like a step toward destroying a harvest based timber economy in Whatcom County.

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

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

Nay: 3 - Byrd, Elenbaas, and Stremler

Enactment No: ORD 2025-011

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. AB2025-030 Appointment to a vacancy on the Incarceration Prevention & Reduction Task Force, health and social services provider, Applicant(s): Eve Smason-Marcus, Kristy Backer, Rob Sullivan, Alexis Hahs, Shannon Prescott

Buchanan moved and Scanlon seconded to nominate all applicants (with a vote of one).

Councilmembers discussed the applicants.

Alexis Hahs was appointed with 6 votes as follows:

Elenbaas: Alexis Hahs

Galloway: Alexis Hahs

Scanlon: Alexis Hahs

Stremler: Alexis Hahs

Buchanan: Alexis Hahs

Byrd: Alexis Hahs

Donovan: Eve Smason-Marcus

This agenda item was APPOINTED.

Appointed Alexis Hahs with 6 votes

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

1. AB2025-167 Request confirmation of the County Executive's appointment of Clinton Wertz to the Whatcom County Point Roberts Community Advisory Committee

Buchanan moved and Donovan seconded that the Executive Appointment be CONFIRMED. The motion carried by the following vote:

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

Nay: 0

2. AB2025-174 Request confirmation of the County Executive's appointment of Erich Kleinknecht to the Whatcom County Development Standards Technical Advisory Committee

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

Kayla Schott-Bresler, answered whether this is a reappointment, and stated it is.

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

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

Nay: 0

3. AB2025-176 Request confirmation of the County Executive's appointment of Rich Appel to the Whatcom County Agricultural Advisory Committee

Buchanan moved and Scanlon seconded that the Executive Appointment be CONFIRMED.

Councilmembers spoke about the applicant.

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

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

Nay: 0

ITEMS ADDED BY REVISION

There were no agenda items added by revision.

INTRODUCTION ITEMS

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

Galloway stated the title for Introduction item number 2 (**AB2025-171**) had been revised.

Scanlon spoke about the applications for the Whatcom County Ferry Advisory Committee (**AB2025-180**), and stated they do not have anyone yet who has applied for the unincorporated area position, so there are two positions open.

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

After the vote, Elenbaas asked about **AB2025-183** and whether it is the final ordinance.

Steve Harris, Sheriff's Office, stated it is the final ordinance and would put in place a final county code.

1. AB2025-157 Review final project performances on the Community Development Block Grant (CDBG) Home Repair Program and the CDBG Microenterprise Assistance Program

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

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

Nay: 0

2. AB2025-171 Resolution amending the 2006 Birch Bay Comprehensive Stormwater Plan to include four Subwatershed Master Plans (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Buchanan moved and Donovan seconded that the Resolution (FCZDBS) be INTRODUCED. The motion carried by the following vote:

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

Nay: 0

3. AB2025-180 Appointment to vacancies on the Whatcom County Ferry Advisory Committee,

Applicant(s): Daniel DeMay, Marcus Dee Stidham, Kristen Fox

Buchanan moved and Donovan 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

4. AB2025-183 Ordinance amending Whatcom County Code 1.28 Standards for Correctional Facilities

Buchanan moved and Donovan seconded that the Ordinance be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:

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

Nay: 0

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Donovan reported for the Committee of the Whole Executive Session (AB2025-170) and *moved* to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the covenant and the easement as long as the purchase price of the covenant and the easement does not exceed the amount discussed in Executive Session.

The motion was seconded by Buchanan.

The motion carried by the following vote:

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

Nay: 0

Donovan reported for the Committee of the Whole Executive Session (AB2025-170) and *moved* to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

The motion was seconded by Buchanan.

The motion carried by the following vote:

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

Nay: 0

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

AB2025-170

Discussion with Public Works staff regarding a potential property acquisition [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110 (1)(b)]

SEE MOTIONS FOR THIS FILE IN THE FEBRUARY 25 COMMITTEE REPORTS.

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

MOTION SUMMARY: Motion approved 7-0 to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the covenant and the easement as long as the purchase price of the covenant and the easement does not exceed the amount discussed in Executive Session.

Motion approved 7-0 to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District, to move forward with and complete the acquisition of the property as long as the purchase price of the property does not exceed the amount discussed in Executive Session.

ADJOURN


The meeting adjourned at 8:15 p.m.

The County Council approved these minutes on March 11, 2025.

ATTEST:



WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA


Kaylee Galloway, Council Chair

Meeting Minutes prepared by Kristi Felbinger