

Whatcom County Council Committee of the Whole

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



Committee Minutes - Draft Minutes

Wednesday, November 6, 2024

2:10 PM

Hybrid Meeting - Council Chambers

**HYBRID MEETING - MAY BEGIN EARLY - ADJOURNS BY 4:30 PM
(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 Stremmler

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Call To Order

Council Chair Barry Buchanan called the meeting to order at 2:15 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. [AB2024-733](#) Discussion of Whatcom County's legislative priorities for the 2025 State Legislative Session

The following people read from a presentation (on file) and answered questions:

- Jed Holmes, Executive's Office
- Kayla Schott-Bresler, Executive's Office

They discussed with Councilmembers a question about working to help meet some unique needs of Point Roberts, seeking funding for putting infrastructure in areas in which they need to build housing, that, regarding the ferry, the County will be looking at whether they can break out their ask into a request for the vessel related to the transportation budget and other infrastructure associated with the project out of the capital budget, and making sure the issue of infrastructure needs in cities is discussed further when the priorities are considered in two weeks.

Josh Weiss, lobbyist, stated there has been an active conversation going in Olympia, for at least the last biennium, about how to incentivize cities to be actively annexing areas that are within the urban growth area that they haven't annexed yet. The State will have capital dollars to spend so an ask for capital projects may be viable. He spoke about the Washington State Association of Counties (WSAC) priority in response to a bill that was passed in 2021 that mandated that all counties have an independent medical examiner, and he answered a question about his and the County's role in the legislative priorities.

This agenda item was DISCUSSED.

2. [AB2024-754](#) Discussion of Emergency Medical Services (EMS) Levy Plan and budget
Galloway stated she would like the Council to consider the Emergency

Medical Services (EMS) levy and the structural imbalance of this particular levy fund (with expenditures exceeding revenues), and what that means for long term sustainability of the levy.

Kayla Schott-Bresler, Executive's Office, read from a presentation (on file) on the EMS budget in relation to the levy plan. She stated because so much of the levy revenue is made up of stable sources, the Executive felt comfortable putting together a recommended budget with this declining fund balance because it is the Administration's sense that there is time to figure out that problem. It is, however, going to merit some policy decision-making by the Council either now or in the future. She spoke about the major factors driving the difference between the EMS Levy Plan and the proposed budget.

Donovan stated it would be helpful for him to know what the voters knew when this was put on the ballot. He asked whether they are adding things that were not expected to be there originally, or whether these are things they told people they were going to fund.

Galloway stated her understanding is that the vision to expand the Community Paramedics Program was included in the narrative of the levy plan but not funded in the levy plan budget.

Councilmembers discussed items added to the spending that were not originally included in the plan, that an ordinance increasing taxes would require a supermajority vote of the Council because it is an increase from what the Executive proposed, the alternate ordinances that are part of this discussion, getting more information on the fiscal and household impacts before having to vote on this, making sure voters are getting the levels of service that they voted on, allowing for the expansion of the Community Paramedics Program, learning more about how additional administrative positions actually deliver services, and the options for the ordinance.

Galloway stated the first alternate version (on file as "Substitute Ordinance 1") would use the full banked capacity and would address some of the structural imbalances and carry out some of the narratives of the levy plan that were not articulated in the levy plan budget. The second alternate (on file as "Substitute Ordinance 2") would use some of the banked capacity to particularly focus on the Community Paramedics program. The third option (the Executive's proposal - AB2024-728) would use the one percent. Either of the alternates would require five votes of the Council and the Council would need to decide which one of those they would want to introduce if they choose to introduce an alternate version.

The following people spoke about how banked capacity and highest lawful levy are defined and calculated, and they answered questions:

- Lauren Smith, Assessor's Office
- George Roche, Prosecuting Attorney's Office

Roche stated Council would need to vote by majority for him to be able to speak to them in public about the amount levied since a Councilmember asserted privilege over his opinion.

Byrd moved that they allow this to be a public conversation.

The motion was seconded by Donovan.

Councilmembers and Roche discussed the motion.

The motion carried by the following vote:

Aye: 4 - Byrd, Donovan, Elenbaas, and Stremmer

Nay: 3 - Buchanan, Galloway, and Scanlon

Roche and Smith discussed their perspectives regarding the calculation of highest lawful levy amount and interpretation of banked capacity.

Donovan spoke about focusing on what the need is that they would be raising taxes for, and not so much on how much banked capacity there is or is not.

Galloway stated the potential need is closing the gap between spending more than what they are bringing in, and trying to hit a targeted fund balance that maintains some level of sustainability. If they decide the fund balance target needs to be readjusted, that is a different policy conversation. The second potential need is the expansion of services particularly involving the Community Paramedics Program, which would be reflected in "Substitute Ordinance 2" and would use \$750,000 of the total banked capacity to expand that program to add new three new community paramedics. She stated at this point in time, her request would be specifically considering the expansion of the Community Paramedics Program, but she does believe they have bigger system issues that they are punting down the road.

Scanlon requested that they get an explanation of what they would be funding if they go for a higher amount.

Roche answered whether there is any provision for the Executive's Office to waive the supermajority rule, and stated that decision lies with the citizens who enacted the Charter.

Satpal Sidhu, County Executive, stated it is the fiduciary responsibility of the Council and the Executive to not only look at revenue but to also look at expenditures. He stated this is not some kind of emergency and the Council can take time and study the systemwide structural issues and fix those next year. There is no urgency to do that right now.

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

Motion approved that they allow this to be a public conversation (with counsel).

3. [AB2024-669](#) Discussion of the County Executive's recommended 2025-2026 Biennium Budget

Aly Pennucci, Executive's Office, stated the advice from the Prosecuting Attorney's Office is that amendments to the budget should be reflected in the introduced version of the ordinance, so the Administration will work to incorporate any changes between this meeting and the nighttime Council meeting. She read from a presentation (on file), pointed out the technical changes that the Finance Department and others have identified as necessary, and stated they are looking, at minimum, for a motion from the Councilmembers to amend the ordinance to reflect those corrections.

Buchanan moved to adopt the technical corrections that were just presented to them into the budget ordinance.

The motion was seconded by Galloway.

The motion carried by the following vote:

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

Nay: 0

Out of the Meeting: 1 - Donovan,

Buchanan moved to add a note with an asterisk to the budget wherever they encounter the Healthy Children's Fund expenditures that reads: Between 55 percent and 68 percent of the current fund balance and the 2025-2026 anticipated funds of the Healthy Children's Fund will go towards making childcare more affordable, accessible, and high quality while improving the workforce. Refer to Ordinance 2022-045 for details.

He spoke about where it should be added and a resolution that will be coming on November 19th that will help clarify some of those details around Council expectations on deadlines, reporting, and other things

involved in the Healthy Children's Fund.

The motion was seconded by Galloway.

Kayla Schott-Bresler, Executive's Office, George Roche, Prosecuting Attorney's Office, and Councilmembers discussed the motion, whether it is a substantive policy decision the Council is making around an allocation of the Healthy Children's Fund percentages or just the same language that is already in the ordinance, the fact that it comes from the frustration about not getting contracts through the system and expresses Council's desire and priorities around that, that the intent is to point out what is already in the ordinance and that the resolution they will be receiving today will even further clarify that, where the note would go, that this seems more broad than language about reserving the funds a little more tightly for the creation of childcare slots, and that today is the day for amendments from the Council to this budget.

The motion carried by the following vote:

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

Nay: 2 - Elenbaas and Stremmler

Out of the Meeting: 1 - Donovan

Buchanan stated he met with Search and Rescue and they pointed out that they have several key mission critical systems that they have to fundraise for. He spoke about their needs and stated \$10,000 a year would cover them. The Sheriff's Office also said that they are very interested in this and want to create a separate cost center for Search and Rescue within their budget.

Buchanan moved that they add \$10,000 per year to the Sheriff's budget to cover Search and Rescue mission critical equipment and supplies.

The motion was seconded by Byrd.

Schott-Bresler requested they confirm that they are proposing an addition of \$10,000 a year of General Fund, and stated the Sheriff's office and Prosecuting Attorney's Office are working on the mechanics of this from a legal perspective. She stated the Council can still proceed but they will not bring any contracts forward to the Council until the Sheriff's Office works out those details.

The motion carried by the following vote:

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

Nay: 0

Out of the Meeting: 1 - Donovan

Buchanan stated it would be nice to have an explanation for all the funds as in the 2023-2024 budget (volume one), and Pennucci stated this year they did a truncated version of the budget book and spoke about the reasons for that.

Galloway moved to include \$750,000 per year for this biennium for the food banks.

The motion was seconded by Buchanan.

Satpal Sidhu, County Executive, Schott-Bresler, Pennucci, and Councilmembers discussed the money that is already given through the Healthy Children's Fund and that Council may have the ability to say that some part of that (up to a certain percentage) can be used for the regular food bank expenses, and they discussed other available monies or funds that could be used to get to the \$750,000 per year.

Clerk's note: Donovan joined the meeting during this discussion.

Galloway amended her motion **and moved** to fund the Whatcom County Food Bank Network using the remaining unspent Community Priorities funding and the Washington State Department of Agriculture (WSDA) grant up to \$750,000 per year for this biennium.

Pennucci, Schott-Bresler, and Sidhu answered questions about where the money would come from in each year of the biennium (General Fund, grant, and Community Priorities Fund/ARPA) and requested there be flexibility in the motion.

Galloway withdrew her motion and **moved** to include \$750,000 per year for this biennium (to fund the Whatcom County Food Bank Network) and request that the Executive's Office come back with the proposal to do that.

The motion was seconded by Buchanan.

Councilmembers and the speakers discussed hearing more about where the Community Priorities Fund money was going to go prior to this, that there is still \$138,000 of General Fund included in the base that has been the ongoing County contribution to the Food Bank, how far they would be from fully funding the Food Bank's request with this \$750,000 and the Healthy

Children's Fund, and the fact that the Healthy Children's Fund contract expires at the end of next year, so in 2025 this would allow them to make a \$1.5-\$1.6 million contribution to the Food Bank.

Elenbaas stated he would like to fully fund them so he would want to make up the remainder with the Healthy Children's Fund money.

Schott-Bresler stated it would require them to look at the status of their spending under the vulnerable children's bucket of the Healthy Children's Fund to make sure they are in the allowed percentages.

The motion carried by the following vote:

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

Nay: 0

Buchanan stated they would discuss the remaining two agenda items tonight because of time.

Scanlon moved to include ASR 2025-7229 in the budget, which is the security windows and doors for clerk's office request from the Superior Court Clerk.

The motion was seconded by Buchanan.

Pennucci stated they may come with a slightly modified option between now and tonight since the ASR requests to use REET 1 funds.

Scanlon stated when they are hearing from staff that they do not feel safe at work they have to do something.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved to adopt the technical corrections that were just presented to them into the budget ordinance.

Motion approved to add an asterisk and note to the budget, wherever they encounter the Healthy Children's Fund expenditures, to read: Between 55 percent and 68 percent of the current fund balance and the 2025-2026 anticipated funds of the Healthy Children's Fund will go towards making childcare more affordable, accessible, and high quality while improving the workforce. Refer to Ordinance 2022-045 for additional details and parameters of spending of this fund.

Motion approved to add \$10,000 per year to the Sheriff's budget to cover Search and Rescue mission critical equipment and supplies.

Motion approved to include \$750,000 per year for this biennium for the Whatcom County Food Bank Network and request that the Executive's Office come back with the proposal to do that.

Motion approved to include ASR 2025-7229 in the budget, which is the security windows and doors for clerk's office request from the Superior Court Clerk.

Committee Discussion and Recommendation to Council

1. [AB2024-722](#) Request confirmation of the County Executive's appointment of Dr. Aldo Fusaro as Medical Examiner effective December 9, 2024

This agenda item was NOT ACTED UPON.

2. [AB2024-725](#) Resolution establishing ferry level of service-decision on a replacement

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 4:30 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Barry Buchanan, Council Chair

Meeting Minutes prepared by Kristi Felbinger