

Whatcom County Council Special Committee of the Whole

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



Committee Minutes - Draft Minutes

Tuesday, June 3, 2025

9 AM

Hybrid Meeting - Council Chambers

**HYBRID MEETING - ADJOURNS BY 12:00 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 9:01 a.m. in a hybrid meeting.

Roll Call

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

Announcements**Committee Discussion**

1. [AB2025-396](#) Discussion regarding Council Office budget adjustments for mid-biennium
Cathy Halka, Clerk of the Council, updated councilmembers on a new memo which outlines the Board of Equalization (BOE) Budget, individual Council Office staff member responsibilities, and staff support provided to the Incarceration Prevention and Reduction Task Force. The agenda bill also includes a draft mid-biennium budget schedule. Halka noted that June 9, 2025 is the deadline to submit budget reduction scenarios to the Executive Office. She requested direction from Council regarding the budget reductions for 2026.

Councilmembers discussed the Council Office budget.

Buchanan asked about funding for facilitation of the Justice Project Oversight and Planning (JPOP) Committee.

Halka stated that there is a contract currently in place with Crossroads for facilitation of the JPOP, which expires at the end of 2025. The Justice Project ordinance (ORD 2023-039) calls for facilitation for the JPOP, estimated to cost around \$20,000 per year. Facilitation is not currently budgeted for 2026.

Buchanan stated that funding for JPOP facilitation should be retained, per the ordinance.

Donovan asked about the BOE's ability to complete their work without the additional currently unfilled staff position budgeted at \$106,000.

Halka stated that she and BOE staff agree that the additional position is not needed.

Donovan asked when councilmembers will see the Executive Office's

proposed cuts to their budget.

Deputy Executive Aly Pennucci stated that all departments' budget information will be provided in July. The Executive Office will make recommendations based on the totality of the submitted information, which Council may accept or reject.

Stremmler asked whether all departments were asked to make the same percentage in cuts.

Pennucci said that there is some variation, but the Executive Office asked for a low and high cost reduction scenario to account for this variability.

Scanlon stated that, based on his calculations, cutting everything listed in the May 21 memo under "2026 Potential Council Budget Reductions" and "2026 Anticipated Cost Increases" would allow Council to hire a new, full-time attorney while still cutting roughly \$50,000. Additional reductions would be needed to meet the Executive's Office reduction targets. Scanlon added that it is also important to consider where staff are currently spending their time. He said the IPRTF is currently receiving a lot of staff and budget support, but he is not seeing recommendations from the committee to justify the investment.

Buchanan said that reducing or withholding resources is not the answer. He explained that the JPOP is still fairly new and needs resources to get started in their oversight role. Buchanan said that the comment that the IPRTF is not making progress is uninformed.

Scanlon said he is not seeing policies from the IPRTF about how to reduce incarceration. He noted that the IPRTF co-chairs are highly capable of facilitating meetings, so he wonders what the contract for facilitation covers. He added that other county advisory groups operate without facilitation services.

Galloway said her recommendation would be to continue to not fill the open BOE Legislative Coordinator position, as this is short-term, low-hanging fruit. She said the IPRTF might be worth revisiting because it is so staff-intensive and costly compared to other advisory groups.

Buchanan clarified that the JPOP needs facilitation for at least another year. He explained that Crossroads Consulting creates agendas and meeting materials, supports the co-chairs, and facilitates meetings for the JPOP Committee.

Donovan asked about the social media advertising budget for the IPRTF.

Buchanan stated that \$15,000 was budgeted for 2025 and 2026 for IPRTF advertising, but it has not been spent yet.

Byrd stated that the proposed cuts are good, but he would like to see a more comprehensive picture of the office budget. He said he would particularly like to see a reduction in time spent on meeting management.

Galloway said that efficiencies and allocation of staff time could be a discussion to have with the Clerk of the Council in the future. She suggested that, in order to meet the June 9 Executive Office deadline, Council could move forward with eliminating IPRTF advertising and the 2-year temporary BOE Legislative Coordinator position.

Byrd stated that Council can go above and beyond what has been asked to implement savings, whether that is program reductions or software/technology investments.

Stremmler asked what percentage of the total Council Office budget would be cut if Council eliminates \$133,000 in spending.

Scanlon suggested cutting travel and additional miscellaneous items from the Council Office budget in addition to the IPRTF advertising and BOE temporary position.

Galloway suggested cutting the internship from two positions to one.

Halka stated that \$133,000 is about 4.7 percent of the Council Office's \$2.8 million budget.

Byrd asked Deputy Executive Pennucci for clarification about how built-in savings from unfilled positions are factored into the budget.

Pennucci stated that the biennium budget is balanced assuming a five percent lapse in the General Fund. As budgets tighten through the reduction exercise, it will be harder to achieve the lapse, which is why the Executive's Office set a high and low budget reduction target.

Galloway moved that Council meet their budget reduction target by reducing their "temp" two-year Legislative Coordinator, one of the two Council interns, and the IPRTF advertising.

Donovan seconded the motion.

The motion carried by the following vote:

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

Nay: 0

Out of the Meeting: 1 - Elenbaas

Halka stated that she was also asked to provide the Executive's Office with a list of anticipated cost increases for 2026.

Scanlon asked whether salary and benefit numbers are absorbed in the budget exercise.

Halka said the budget exercise does not include those numbers.

Deputy Executive Kayla Schott-Bresler clarified that the budget exercise is the model to think through the absorption of those costs.

Pennucci stated that there is a balanced budget adopted for 2026, but it does not fully account for all costs such as changes to wages. The budget reduction targets are intended to help departments identify cost cutting measures that will allow them to absorb other cost increases.

Galloway moved that Council move forward with the anticipated cost increases as outlined in the memo (dated May 21, 2025).

Donovan seconded the motion.

The motion carried by the following vote:

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

Nay: 0

Out of the Meeting: 1 - Elenbaas

Galloway referenced the draft budget schedule (attached to file) and stated that she is working with legal counsel to confirm the deadline for the county's budget release. She highlighted a proposed townhall on the budget, which would provide an opportunity to engage with constituents prior to a public hearing. Galloway also asked about presentations from individual departments on their budgets.

Pennucci stated that, since this year will be a mid-biennium review, it may not make sense to develop individual department presentations. Once

submissions from departments come in, it may become apparent that specific department presentations or work sessions are needed.

Scanlon asked if it would be possible to have the initial budget recommendations ready for the first meeting in September.

Pennucci said she is not ready to commit to a specific date yet, but Council will be involved in the process throughout.

Scanlon moved that Council request that the Executive present the initial recommendations (regarding the budget) at that first September Council meeting.

Buchanan seconded the motion.

Galloway noted that a discussion is ongoing with legal counsel regarding budget presentation.

Pennucci stated that the plan for the budget schedule could be upended by the outcome of the discussion with legal counsel.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved that they meet their budget reduction target by reducing their “Temp. 2-year Legislative Coordinator,” one of the two Council interns, and the IPRTF advertising.

Motion approved that they move forward with the anticipated cost increases as outlined in the memo.

Motion approved (regarding the budget) that they request that the executive present the initial recommendations at the first September Council meeting.

2. [AB2025-395](#) Discussion regarding independent legal representation for the County Council

Galloway stated that her goal for the discussion would be to determine Council’s needs and consider different frameworks for legal support.

Scanlon provided an overview of his research into the different models for independent legal representation for the Council. The majority of counties in Washington get legal advice solely from the county’s prosecuting attorney’s office; two counties operate differently. King County Council

has a few attorneys in their office who advise the Council. Council makes a request of the presiding Superior Court judge, copying the Prosecuting Attorney, for independent counsel. King County Council's attorneys have attorney-client privilege with councilmembers. Pierce County has an attorney on the staff who provides research support, code revision, and parliamentary services. This staff member does not have attorney-client privilege with councilmembers. Other county councils work with their prosecuting attorney's office to arrange help for special projects. Other counties wall off the county council's prosecuting attorneys so they are not in conflict with other branches of government. Scanlon said that the current Prosecuting Attorney has shared that he would oppose adoption of the King County model, but would not oppose the Pierce County or other county models.

Donovan said that there is a third model utilized by smaller cities, where attorneys are available part-time or as needed with an hourly rate and retainer. He said he has concerns about how Council's attorney from the Prosecuting Office often represents multiple county departments or the Executive's Office in addition to Council.

Councilmembers discussed options for legal representation, the process for acquiring legal assistance for special projects, and the overall legal needs of the Council.

Kimberly Thulin, Senior Deputy Prosecuting Attorney, stated that all models aside from the one utilized by the Pierce County Council must have the acquiescence and approval of the elected Prosecuting Attorney.

Councilmembers continued to discuss their options and priorities for legal representation as well as potential challenges.

Byrd said that he has not encountered a situation in which a prosecuting attorney did not offer to step aside due to a conflict. Any time outside counsel has been requested, it has been granted. Byrd added that if the Prosecuting Attorney's Office appeared to ignore a conflict of interest, there would be a process for Council to take a vote and ask Superior Court to determine if a conflict of interest exists that would allow Council to hire outside counsel. He added that Executive Session and privilege exist at the Council's discretion and that he would like the Prosecuting Attorney to work with the Council to identify legal support that works solely for Council.

Councilmembers discussed the process for addressing conflicts of interest.

Byrd said that Council should ask the Prosecuting Attorney for outside counsel when it is wanted before taking other steps that may be unnecessary.

Scanlon said that additional funds would be needed if Council decided to move forward with outside counsel, meaning additional cuts to the budget will need to be made. He proposed that a small committee work to identify additional cuts.

Stremmler stated that Pierce and King County are much larger than Whatcom County. There is some need to have outside counsel, but the budget needs to be considered, and Council needs to determine whether a part-time position would be a better fit.

Donovan said that one idea is to have a legal reserve fund.

Galloway said that she feels she is in alignment with Donovan's vision. She said that Council should request what they need, such as parliamentary support, code revisions, etc. from the Prosecuting Attorney. If the existing system does not meet Council's needs, Council can then take other action. A legal reserve fund would allow Council to set aside funds it may need with the understanding that those funds may not be spent.

Scanlon moved to form a small group of three or less to continue to study this item.

Donovan seconded the motion.

Scanlon, Byrd, and Galloway volunteered to participate on the committee.

The motion carried by the following vote:

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

Nay: 0

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

Motion approved to form a small group of three or less to continue to study this item (consisting of Scanlon, Galloway, and Byrd).

3. [AB2025-414](#) Discussion regarding the process for Council review of Comprehensive Plan draft chapters

Kiana Oos, Council Staff, provided an overview of a memo proposing a

process for Council review of the Comprehensive Plan. Each Comprehensive Plan chapter will go to Planning Commission for review. Planning Commission will propose preliminary recommendations. Once Planning Commission finishes reviewing a chapter, Planning will present the chapter to Council, who can propose amendments, suggestions, or guidance. Those suggestions and amendments will go before the Planning Commission prior to their final review. There will also be some joint Planning Commission and Council meetings, including in July, August, and October. Planning Commission will hold a final public hearing to consider all final amendments and guidance from Council prior to issuing final recommendations. Council will then be able to propose additional amendments and ultimately act on the ordinance to adopt the Comprehensive Plan.

Councilmembers discussed the draft process.

Mark Personius, Planning & Development Services Director, explained how the Comprehensive Plan review process typically works, with Council acting as the “caboose.”

Scanlon asked whether advisory group comments on draft chapters of the Comprehensive Plan are available to read.

Oos said she would work with Planning & Development Services (PDS) to compile advisory group comments.

Scanlon said he has found the city-county meetings on the Comprehensive Plan to be helpful and asked whether those meetings would continue throughout the rest of the year.

Personius provided clarification regarding upcoming meetings on the Comprehensive Plan.

Scanlon asked about the possibility of implementing ongoing discussions on the Comprehensive Plan.

Pennucci said the King County Council convenes a committee with Seattle City councilmembers and other city councilmembers which meets quarterly to develop the countywide planning policies, growth and population allocations, and other similar items.

Donovan stated that ongoing implementation coordination between elected officials and staff would be helpful. He asked about when maps showing

UGA expansion will be available.

Personius stated that the goal is to have these maps ready for the July 22, 2025 meeting and provided information regarding cities' preferred alternatives.

Byrd stated that he also likes the idea of ongoing coordination on the Comprehensive Plan.

Scanlon asked when the countywide industrial lands study expected.

Personius said the document will hopefully be ready for review by the end of July.

Galloway noted that draft Environmental Impact Statement comments have been added to the PDS website on the Comprehensive Plan.

This agenda item was DISCUSSED.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 11:02 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Cathy Halka, Council Clerk

Kaylee Galloway, Council Chair

Meeting Minutes prepared by Jenna Gernand