

# Whatcom County Council Committee of the Whole

COUNTY COURTHOUSE  
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(360) 778-5010



## Committee Minutes - Final

Tuesday, January 9, 2024

2:30 PM

Hybrid Meeting

HYBRID MEETING - ADJOURNS BY 4 P.M., MAY BEGIN EARLY  
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://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

Dana Brown-Davis, C.M.C.

## **Call To Order**

Council Chair Barry Buchanan called the meeting to order at 2:17 p.m. in a hybrid meeting.

## **Roll Call**

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

## **Announcements**

## **Special Presentation**

1. [AB2024-031](#) Presentation from the Department of Natural Resources on the identification of lands to be set aside, as directed by the State Legislature's Natural Climate Solutions Proviso

Duane Emmons, Department of Natural Resources (DNR), read from a presentation (on file) regarding State legislative funding of \$70 million to buy replacement land for trust beneficiaries and to facilitate setting aside up to 2,000 acres of structurally complex carbon dense forestland across western Washington, and specifically those lands which they have identified in Whatcom County. He spoke about and answered Councilmember questions about the land designations on the Anderson Creek map (Map 1), including whether the Anderson Creek parcel includes phase II of the original Bessie timber sale, what light thinning regimens might be employed, how co-linked this process is to creating a Natural Resource Conservation Area (NRCA), whether they do anything to get private land owners to sell property in order to convert land into a conservation area, what recreation access might look like in the Anderson Creek area in the long and short-term and whether there is a way for the public to comment on changing land designation, what types of recreation are allowed in an NRCA, and whether that would apply to this particular area.

He spoke about the Brokedown Palace map (Map 2) and stated the actual area being moved under the proviso is 40-45 acres as opposed to the 75 listed (an error) in the presentation. He spoke about the next step of getting county concurrence and Buchanan stated we are working on that, and a letter of concurrence should be on the January 23rd agenda. Emmons answered whether they have had conversation about this with the Tribes, when revenue from replacement lands would kick in for the beneficiaries, whether DNR has been working with the Legislature on something to make the beneficiaries whole in a shorter period of time, and how much effort has been put into finding those replacement lands.

The following people spoke and asked the presenter questions:

- Ellyn Murphy, Climate Impact Advisory Committee
- John Gold, Forestry Advisory Committee

Councilmembers discussed whether DNR should focus on a county other than Whatcom County to keep our county from not having enough harvestable timber to support a viable forestry sector, how much of the forestland in Whatcom County is already protected, the plan for a draft letter of concurrence to be on the Council's agenda on the 23rd, and that both the Forestry Advisory Committee and Climate Impact Advisory Committee have this topic on their respective agendas for next week, so hopefully they can provide feedback and a recommendation to the Council.

**This agenda item was PRESENTED.**

### **Committee Discussion and Recommendation to Council**

1. [AB2024-063](#) Resolution requesting that the Governor of Washington declare a state of emergency in response to the opioid and fentanyl crisis

Buchanan and Elenbaas briefed the Councilmembers on this and the next agenda item.

***Galloway moved*** to recommend approval of this Resolution. The motion was seconded by Scanlon.

***Elenbaas moved*** to amend the Resolution to delete the Whereas statement on page 3, lines 2-4 which reads:

WHEREAS, just as the State of Washington took urgent and decisive action with the threats posed by COVID-19, similar action is needed to address the opioid and fentanyl crisis in our state; and

The motion was seconded by Buchanan.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 0

Donovan thanked Buchanan and Elenbaas for bringing this forward and asked whether they want the Governor exercising the kind of emergency powers listed in Revised Code of Washington (RCW) 43.06.220, or whether they

should be more specific in the resolution about emergency powers.

***Donovan moved*** to amend the Resolution to delete the Whereas statement on page 2, line 50-52 which reads:

WHEREAS, the governor after proclaiming a state of emergency may place restrictions on certain public activities to preserve and maintain life, health, property or the public peace; and

The motion was seconded by Elenbaas.

Councilmembers discussed whether that would remove the Governor's ability to move funds around, and who would determine where money that might come to the county would go.

Satpal Sidhu, County Executive, suggested including language which says that public safety officers have the ability to hold people in certain circumstances when people are dangerous to themselves.

The motion to amend carried by the following vote:

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

**Nay:** 0

Councilmembers discussed looking at what other communities have done for the opioid crisis with community health hubs, and keeping in step with the hard lines drawn by the Lummi Nation for treating fentanyl-related issues so as not to just shift the problem.

***Donovan moved*** to amend the Resolution to add a statement,

“Now Therefore Be It Finally Resolved that Whatcom County respectfully requests that the State Senate and the State House (the Legislature) partner with the Governor to rapidly reassess our response to this crisis.”

The motion was seconded by Elenbaas.

The motion carried by the following vote:

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

**Nay:** 0

Galloway pointed out a scrivener's error on page 1, lines 27-29 which states, "... and **this year** the DEA has seized over 360 million deadly doses of fentanyl," and she stated that should specify that it was for 2023 since "this year" would only be the last nine days.

**Galloway's motion that the Resolution be RECOMMENDED FOR APPROVAL WITH PROPOSED AMENDMENT(S) carried by the following vote:**

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

**Nay:** 0

Motion approved to amend the Resolution to delete page 3, lines 2-4.

Motion approved to amend the Resolution to delete page 2, line 50-52.

Motion approved to amend the Resolution to add a statement, "Now Therefore Be It Finally Resolved that Whatcom County respectfully requests that the State Senate and the State House (the Legislature) partner with the Governor to rapidly reassess our response to this crisis."

2. [AB2024-064](#) Resolution requesting that the President of the United States declare a federal emergency in response to the opioid and fentanyl crisis

***Buchanan moved*** and Elenbaas seconded that the Resolution be RECOMMENDED FOR APPROVAL.

***Elenbaas moved*** that they make the same amendments to this item that they made to the previous item, which is to delete the Whereas statement on page 3 lines 38-40 which states:

WHEREAS, just as the United States took urgent and decisive action with the threats posed by COVID-19, similar action is needed to address the opioid and fentanyl crisis in our country; and

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

***Donovan moved*** to amend page 4 of the Resolution to add a statement:

"Now Therefore Be It Finally Resolved that Whatcom County respectfully requests that the President of the United States partner

with Congress to rapidly reassess our response to this crisis.”

The motion was seconded by Buchanan.

The motion carried by the following vote:

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

**Nay:** 0

Scanlon pointed out the scrivener’s error on page 1 lines 28-30 which gives statistics for “this year” but should refer to 2023 as follows:

WHEREAS, seven out of ten DEA tested pills with fentanyl are potentially deadly making it likely that ‘one pill can kill,’ and ~~this-year in 2023~~, the DEA ~~has~~ seized over 360 million deadly doses of fentanyl; and

**Buchanan's motion that the Resolution be RECOMMENDED FOR APPROVAL WITH PROPOSED AMENDMENT(S) carried by the following vote:**

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

**Nay:** 0

Motion approved to amend the Resolution to delete page 3, lines 38-40.

Motion approved to amend page 4 of the Resolution to add a statement, “Now Therefore Be It Finally Resolved that Whatcom County respectfully requests that the President of the United States partner with Congress to rapidly reassess our response to this crisis.”

### **Committee Discussion**

1. [AB2024-068](#) Discussion of legislative priorities

The following people read from the list of Whatcom County Legislative Priorities (on file) and discussed them with Councilmembers:

- Kayla Schott-Bresler, Strategic Initiatives Special Programs Manager
- Tyler Schroeder, Director of Administrative Services
- Satpal Sidhu, County Executive

They answered whether there is any role that the State might be able to play as we lose FTE that are funded with American Rescue Plan Act (ARPA) dollars and especially in the criminal justice system, whether using Real

Estate Excise Tax (REET) for affordable housing is included in the list, whether we have a specific ask of the Legislature to help us with shelter needs for next winter as ARPA funding is going away, whether there is a specific ask from the Mt. Baker (or other) School District given their financial needs and gaps as junior taxing district beneficiaries, and whether there is anything in the Legislative session to expand the funding for community health hubs so that could be implemented here.

**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 4:12 p.m.

The County Council approved these minutes on January 23, 2024

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

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Barry Buchanan, Council Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE