

**Whatcom County
Council Criminal Justice and Public Safety Committee**

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



Committee Minutes - Final

**Tuesday, April 28, 2026
1 PM
Hybrid Meeting - Council Chambers**

**HYBRID MEETING - ADJOURNS BY 2:00 P.M. (PARTICIPATE IN-PERSON, SEE
REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR
CALL 360.778.5010)**

COUNCILMEMBERS

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

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Call To Order

Committee Chair Barry Buchanan called the meeting to order at 1:15 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

Announcements

Committee Discussion and Recommendation to Council

1. [AB2026-291](#) Ordinance amending Whatcom County Code Section 5.04.080, Emergency Medical Services (EMS) Oversight Board, and Section 5.04.085, EMS Technical Advisory Board, to change the membership of the EMS Oversight Board and the EMS Technical Advisory Board

Debbie Arthur, Executive's Office, referred to the Revised Substitute Ordinance as amended in Council 4.14.2026 and stated stakeholders feel like the language in section C (1)(b)(x) of Exhibit A needs to have some clarification. She stated this is in regards to the levy only so the countywide fire should probably not be part of this code. Stakeholders would also like to understand how performance would be audited and know up front what is being measured.

Galloway moved and Scanlon seconded that the SUBSTITUTE Ordinance be RECOMMENDED FOR ADOPTION.

Galloway spoke about the independent external review and stated she has since communicated with the stakeholders about how it is becoming the new normal with County funds as the County seeks to improve systems of transparency and accountability with constituencies, but in no way would her amendment have interest in scope creep with fire districts and others who have independently-elected people who have fiduciary responsibility over their own taxing districts. She stated it would probably be good to strike "fire and." She stated she very specifically wanted the EMS Oversight Board (EOB) to retain the internal oversight, which is why the amendment focuses on external evaluation, and wanted to provide some discretion to the EOB to set the process and timeline.

Arthur stated they definitely do not want fire in the language, and asked if establishing a process and timeline would be within the EOB, with consultation with the Technical Advisory Board (TAB) or if it would only be

within the EOB.

Galloway stated the interest was having this element be added to the levy service plan.

Galloway moved to amend section C (1)(b)(x) of Exhibit A of the revised substitute ordinance as revised in Council on 4.14.2026, to strike "fire and" so that it reads:

Establishing a process and timeline for an independent external review and evaluation of the EMS Levy, EMS Levy Plan, and the countywide EMS system.

The motion was seconded by Scanlon.

The motion to amend carried by the following vote:

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

Nay: 0

Elenbaas discussed the motion to adopt the substitute as just amended, wanting to make sure they are not spending where they do not need to spend, and a desire to hear from the chiefs.

Hank Maleng, Fire Chief, stated they feel that the oversight board and Council are the ones that are doing the oversight, along with the State Auditor, and they wonder if they really need to spend more money on a separate audit.

Elenbaas stated they spend a lot of money for very little value and he does not want to put a system in place that does that systematically for no reason. If it is needed, they could call for an audit.

Elenbaas moved to amend to delete section C (1)(b)(x) of Exhibit A and the preceding "and."

The motion was seconded by Scanlon.

Maleng answered if the State audit is specific to the EMS levy and he spoke about the fire districts audits and that they include auditing allocation money that they receive.

Rienstra asked if these programs could be audited under the performance audit ordinance.

Satpal Sidhu, County Executive, stated the Council can define what they would like or look at a department in any given year and that can be done in the regular process.

Elenbaas' motion carried by the following vote:

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

Nay: 1 - Galloway

Out of the Meeting: 1 - Boyle

Galloway's motion that the SUBSTITUTE Ordinance be RECOMMENDED FOR ADOPTION WITH PROPOSED AMENDMENT(S) carried by the following vote:

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

Nay: 0

MOTION 1

Motion approved to amend the Revised Substitute Ordinance as Amended in Council 4.14.26, section C (1)(b)(x) of Exhibit A to strike "fire and" so that it reads:

Establishing a process and timeline for an independent external review and evaluation of the EMS Levy, EMS Levy Plan, and the countywide EMS

MOTION 2

Motion approved to amend the Revised Substitute Ordinance as Amended in Council 4.14.26 to delete the previously amended section C (1)(b)(x) of Exhibit A and the preceding "and."

2. [AB2026-340](#) Resolution establishing a preliminary planning budget cap, affirming governing commitments, and providing recommendations to the administration from the Whatcom County Council on the capital construction of the Whatcom County Jail and Behavioral Care Center

Buchanan referred to the memo (on file) and stated it is laid out in chunks, so he would like to go through it in pieces. He stated the first piece is talking about the recommendation for the planning ceiling to be \$205 million for the jail and \$34 million for the behavioral care center. He invited Chief Erickson to speak about the programming process. Then subsequent speakers spoke on different parts of the memo.

Caleb Erickson, Sheriff's Office, stated programming is a process in which you work with a consultant to define exactly what the needs are for the construction project, and he spoke about this county's programming efforts.

He stated the design-build team has told us that the average cost per square foot for the whole facility is \$875 which would give them roughly 150,000 square feet using the \$205 million proposed in this resolution. They then look at what they can fit into that and what elements should be cut back in order to meet the square footage target.

Scanlon asked if they should be thinking of separating out the level of service for people that are in the jail for short periods of time and that not providing the same level of service like they would for people who would be there longer might be a way to reduce cost.

Erickson answered and spoke about the challenges of that.

The following people spoke about the financing side:

- Kayla Schott-Bresler, Executive's Office
- Satpal Sidhu, County Executive

Schott-Bresler stated the executive and the Finnane and Facilities Advisory Board (FFAB) have been talking about a budget ceiling in the range of \$215 to \$225 million for the total project which is the range they feel comfortable with.

Councilmembers and the speakers discussed if the proposed budget ceiling (\$205 million) includes both hard and soft costs, that Buchanan came to a conclusion that he agrees with the FFAB's assessment, that the \$205 million includes hard and soft costs from the executive's team's perspective, and how the executive's team would implement the resolution.

Schott-Bresler stated they would bring back a draft jail program sometime in late May to talk with the Council about how the budget and scope are aligning, they would then start looking at operation costs around mid-summer, they would have a third community engagement session in July to talk about where they are at in the process, and then present a final jail program report to the Council at their August Council meeting for a decision.

Buchanan stated, once the programming is done, the Council will do a workshop outside of a regular Council meeting day so they can really digest it.

Schott-Bresler answered what a timeline would be for potentially having a

new interlocal agreement with the cities, and stated they do not have a time for that but they would be working over the summer to renegotiate it.

Sidhu stated the interlocal is not a linear process, and though what happens with this resolution will set the stage, there are no guarantees that there will be a new interlocal. He urged the councilmembers to read the letters from the mayors with a keen interest because it is very important that we bring and keep community together.

Elenbaas spoke about his concerns with the resolution. He stated the cities are giving on what they were promised because of pressures that they are seeing today that were not there then. He would like to see the third "Be it Further Resolved" statement (that talks about the 50 percent investment commitment) go away because he thinks the Council also needs to give a little bit, not because they are going back on their word to the voters, but because they are dealing with things that were not present two or three years ago. He feels like language like this is setting the stage for them to continually delay on executing this project.

Elenbaas moved to recommend approval of the substitute resolution.

The motion was seconded by Boyle.

Scanlon spoke about the 50/50 language and asked what voters think they voted on. He stated there are two 50/50 scenarios and he would like to know what this resolution assumes. One is 50/50 which he reads (from the voter's pamphlet in 2023) to be over the length of time of the tax (which is multiple decades), the other is in the ordinance that the Council passed in 2023 and in the interlocal, and is the idea that after the first four to six years of the tax, 50 percent of every new tax dollar would be split between the debt service and services.

Buchanan answered what his intention was in this resolution, and stated the intention is to form a workgroup to figure that out and to clarify it. The workgroup's job would be to analyze it and come up with some understanding of it.

Scanlon spoke about the two scenarios.

Buchanan stated he does not want the public to think the Council is just skipping over what they think was promised.

Elenbaas moved to delete the second to last "Be it Further Resolved" (starting with "that the Whatcom County Council affirms the minimum 50% investment commitment...") language.

The motion was seconded by Stremler.

Elenbaas spoke about his motion and that it is time for them to act and that this language will keep them from moving forward in a productive fashion, executing the plan that the public asked them to do.

Councilmembers discussed not questioning intent, that the resolution is just saying they have to keep up with behavioral care while they proceed with this project, that by deleting the language they will be able to lead and execute the project in the best manner possible, that taking away the 50 percent and saying it is not important has the risk of degrading trust, that waiting on workgroups can be taking away the decision-making of elected officials, that the 50/50 concept was not just for behavioral care but was for the other 14 projects in the implementation plan other than the jail, that they should keep the language so they can work on the second bullet point around the average daily population and length of stay reduction, that the intent was for the Council to get more information and data, and that the Council's next step is to review all the programming.

The motion *failed* by the following vote:

Aye: 2 - Stremler and Elenbaas

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

Elenbaas moved to amend the first bullet point of the second to last "Be it Further Resolved" statement to strike the FFAB and community members so that it reads:

In coordination with the IPRTF/Law and Justice Council (LJC) and with subject matter expertise in behavioral health, housing, and public finance as well as individuals with lived experience of incarceration, charged with developing a minimum of two financially viable pathways to achieve the 50% floor under current and projected market conditions (considering city contribution terms, revenue growth assumptions, project phasing, bond timing, and the role of excess revenue above conservative baselines), and to report those pathways to the County Council no later than October 2026; and

The motion was seconded by Stremler.

Elenbaas stated he does not want to keep adding more committees and meetings or a longer timeframe than what they need.

Councilmembers discussed the motion and how it is worded grammatically. They concurred to edit the language so that it would read:

Request the IPRTF/Law and Justice Council (LJC) to develop a minimum of two financially viable pathways to achieve the 50% floor under current and projected market conditions (considering city contribution terms, revenue growth assumptions, project phasing, bond timing, and the role of excess revenue above conservative baselines), and to report those pathways to the County Council no later than October 2026; and

Schott-Bresler stated she likes the idea of consolidating with committees they have, but the Executive's Office will be entering into interlocal negotiations with the cities over the summer and they would like to stay in contact as they are engaged in that conversation. They are happy to coordinate with the IPRTF leadership, but their office plans to renegotiate the interlocal as also indicated in the Council resolution.

The motion carried by the following vote:

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

Nay: 1 - Rienstra

Elenbaas stated the resolution uses language like "floor" and "minimum" in regards to the 50 percent, and he thinks that strict interpretation of 50/50 is hindering their ability to move forward and execute the plan that this community has designed. He would like to phrase it less strictly like "50 percent goal" or "50 percent intent."

Councilmembers discussed being clear on the 50/50 so that they are all on the same page or leaving leeway to be able to adapt while moving forward with a goal in mind.

Scanlon moved to amend to add language after "50% floor" (in the first bullet point of the same "Be it Further Resolved" statement) and insert "over the course of time of the tax and after the first four to six years of sales tax revenue."

The motion was seconded by Rienstra.

Councilmembers discussed the motion and that the intent is to create clarity for the IPRTF and LJC, that the interlocal agreement provides clarity that it is specifically referring to no later than 2030 for the minimum of 50 percent of the tax, Buchanan's intent to have to workgroup decide which track they should follow, and the feeling that the Council is ceding too much of its budget authority by creating workgroups.

Schott-Bresler urged the Council to leave some room here for the interlocal negotiations and spoke about how they would read the language.

Sidhu stated the more prescriptive they become, the more difficult it becomes to carry it out.

Scanlon stated this gets to the trust issue with the community, so he thinks they need to be clear.

Buchanan stated that is what he hopes this workgroup can come up with, and he has asked for more than one path.

Scanlon withdrew his motion to amend and councilmembers continued to discuss it.

Buchanan stated the resolution is establishing a budget to move the project forward, and that is the operative piece. The other things are here so they can figure out things they are having community issues over. It is not trying to bend over for one side or the other, but shows that the Council wants to be fully informed to aid them in making their decision. He read through the changes to the resolution proposed by legal.

Steve Oliver, County Treasurer, spoke about his take on the budget cap being presented in the resolution. He stated what they are asking the Council to do is just provide some policy guidance so they can focus the financial modeling and development of financing strategies on a target, and having that \$205 million starting point is very important to the process right now. He stated we need the cities' support and we are going to have to give something, along with the cities, to make this work financially. We are in a really good place to move this thing forward right now in a really good direction, and he thinks if we do that, a lot of the questions that are being discussed today will get answered over the summer. He would encourage the Council to promote some stability and sustainability in their

decision-making. Find agreement where they can because having a strong voice from the top will be huge for this organization to be able to successfully implement this project.

Scanlon stated booking restrictions are a big part of the interlocal agreement and there is no definition. If they do not have that, the cities can continue to push the county to expand the jail.

Scanlon moved to add a third bullet point to the second to last “Be it Further Resolved” statement which reads:

Direct the IPRTF/LJC to present to the County Council, County Executive, and the cities definitions regarding booking restrictions.

The motion was seconded by Buchanan.

Scanlon spoke to his motion and said it should go in the next interlocal agreement.

Elenbaas stated he would like to hear from the cities and also thinks that the Sheriff should be the one to define booking restrictions.

Donnell Tanksley, Sheriff, stated he is concerned with the amendment because they already have the definitions, and there is only one person in the county that is charged with setting the booking restrictions, and that is the Sheriff. He thinks the language should be to have a discussion with the Sheriff's Office and the Committees about booking restrictions, but the Executive's Office (or any other committee) does not set the booking restrictions. It is the Sheriff.

Scanlon stated his concern is around where the upper limit of booking restrictions is and the financial risk to the County of not having a definition on an upper limit.

Tanksley stated there is language about the booking restrictions in the interlocal agreement and that language should be reviewed with the cities because they are the ones who would ultimately agree (or disagree) to it.

Scanlon amended his motion to say “Request that the Sheriff present to the County Council, County Executive, and the cities definitions regarding booking restrictions.”

The motion carried by the following vote:

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

Nay: 0

Out of the Meeting: 1 - Elenbaas

Councilmembers considered the main motion as amended and Scanlon stated he is not sure he is going to be ready to vote on final passage of this this evening and may want another week or two to hear from different perspectives.

Councilmembers voted on the main motion to recommend approval of the substitute resolution as amended (see motion and vote below) and then, Buchanan invited the mayors to speak.

Scott Korthuis, Mayor of Lynden, stated he is looking for a win/win and this vote is maybe the first step towards that. He is also looking for compromise. The cities have been unwavering on their request for no booking restrictions when this is done. He spoke about how the number of beds has kept decreasing and that the cities do not see that as hearing their request for no booking restrictions. He stated the County is willing to take their money and take their space, and the cities are not necessarily pleased with that. He spoke about how they could compromise on the 50/50. He stated he is disappointed that the Council just had a long conversation about the 50/50 but nobody talked about the cities' request for no booking restrictions. We need a jail sufficiently sized for our community and if it starts going under 480 beds, they are going to be fairly disappointed as a community. There is a large, non-vocal element of this community that voted for a safe, effective jail.

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

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

Nay: 2 - Elenbaas, and Stremler

MOTION 1

Motion approved to amend the second to last resolved statement so that it reads:

Request the IPRTF/Law and Justice Council (LJC) to develop a minimum of two financially viable pathways to achieve the 50% floor under current and projected market conditions (considering city contribution terms, revenue growth assumptions, project phasing, bond timing, and the role of excess revenue above conservative baselines), and to report those pathways to the County Council no later than October 2026; and

MOTION 2

Motion approved to add a third bullet point to the second to last resolved statement which reads:

Request that the Sheriff present to the County Council, County Executive, and the cities definitions regarding booking restrictions.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 3:13 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Barry Buchanan-via email 5/6/2026

Cathy Halka, Council Clerk

Barry Buchanan, Committee Chair

Meeting Minutes prepared by Kristi Felbinger

SIGNED COPY ON FILE