

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

**Tuesday, May 7, 2024
3:25 PM
Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 4:30 P.M., MAY BEGIN EARLY
(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

Dana Brown-Davis, C.M.C.

Call To Order

Council Chair Barry Buchanan called the meeting to order at 3:30 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 Presentations

1. [AB2024-282](#) Lummi Nation's Presentation of the 4th Annual Gathering of the Eagles Celebration
Freddie Lane, Lummi Nation, extended an invitation to the 4th Annual Gathering of the Eagles on May 19-26, 2024. He described the event and stated their journey concludes with Coast Salish Day at Whatcom Creek on Saturday, May 25, 2024 in Old Town Bellingham. He described the events around Coast Salish Day and answered whether this event coincides with the First Salmon Ceremony. He stated that one is on May 16 and is not connected. He answered whether the celebration will be at Maritime Heritage Center and whether there is a website where the public can go for more information, and stated that location is correct and the event information is on Facebook as Gathering of the Eagles.

This agenda item was PRESENTED.

2. [AB2024-251](#) Presentation on Healthy Children's Fund
The following people read from a presentation (on file):

- Ann Beck, Health and Community Services
- Sarah Simpson, Health and Community Services

Beck spoke about the administration budget and stated in order to keep that slower budget in alignment with increasing staffing costs over the course of the ten years, they have front-loaded it with American Rescue Plan Act (ARPA) dollars. As of now, they have two full-time Healthy Children's Fund (HCF) staff using the ARPA funding and those will transition to Healthy Children's funding in 2025. She spoke about other staff and stated in 2025, they expect to have eight staff billing their time in some capacity to the HCF budget to help keep the work moving and to get data out to the community.

Kayla Schott-Bresler, Executive's Office, stated every month they are

approving Requests for Proposals (RFPs) yet it still feels slower than they like. However, if they do this work well and they do it thoroughly now, it is going to build a foundation for success and efficiency moving forward. The County has to do things differently to make these programs accessible to both providers and parents and they are committed to doing it in a way that stewards taxpayer dollars and tracks outcomes.

Donovan stated the presentation is a bit of a contrast with the presentation of the Child and Family Well-Being Task Force Healthy Children's Fund Report Card (**AB2024-292**) earlier today, in terms of the pace things are moving along.

Satpal Sidhu, County Executive, and Schott-Bresler answered whether dedicated executive staff time to this program will continue given the changes in personnel in the Executive's Office. They stated it will, but likely not to the extent that it has been in the last 18 months.

Beck answered whether they have a response to the questions that came up today in the Council's discussion on the report from the task force, and stated the work speaks for itself but they have learned that they are not communicating this as well as they should be to the task force, Council, and the Community.

Erika Lautenbach, Health and Community Services Director, answered where they got their data regarding how many childcare slots are needed (5,000) and the percent (85%) of employers reporting staffing challenges due to childcare issues. She stated it was a Western Washington University-initiated study that they used.

Simpson answered why these results might be different from state-wide results.

Galloway stated it would have been nice to have this presentation first before the one in the Public Works and Health Committee, on the report card, to provide some context.

Beck and Schott-Bresler answered questions about where the challenges mentioned by the task force might be originating, and what the bottlenecks are. Schott-Bresler stated they tend to use examples from the past when they write new contracts and RFPs but they are starting from scratch on this and how they structure those contracts is complicated.

Scanlon stated the Bellingham Regional Chamber of Commerce did a

workforce study a few years ago and businesses reported that two of the top workforce issues for retention and recruitment were affordable housing and access to childcare.

Schott-Bresler answered whether the 600 slots made available were strictly from the ARPA money and stated they are awarding \$13 million of funds which will create the 600 slots. For the most part, that is ARPA funding, but a small portion is from the Healthy Children's Fund.

Stremler and the speakers discussed being fair with the gifting of public funds.

This agenda item was PRESENTED.

Committee Discussion and Recommendation to Council

1. [AB2024-310](#) Selection of three Councilmembers to form an investigative committee to review recent employment law decisions pursuant to Council's April 30, 2024, vote during discussion of AB2024-294, and confirmation of Council's legal representation related to this matter

Buchanan briefed the Councilmembers. They passed a motion a week ago to form an investigation and having that investigation report back to the Committee of the Whole. Therefore, they would be able to have three Councilmembers to lead that effort. Today they want to discuss that and pick those three if that is still the direction the Council wants to go.

Donovan stated he would like to put his name in. He stated he would hope that they would try to figure out how Council (the legislative branch in general) can be an effective check, how they can be confident that Human Resources (HR) has a process that makes employees comfortable, how they should work with legal to figure out a way that the Code should be written so the Council is notified about settlements, whether there is a role for the Council to be notified about complaints so they have the ability to be an effective oversight branch, and what can be improved in terms of training and how reporting happens.

Buchanan, Elenbaas, and Stremler stated they were interested in being selected.

Scanlon stated he hopes the Councilmembers chosen keep the voices and experiences of the people who brought these accusations forward at the center of this work. Some people have been dealing with this for four years and they want results and changes in policy. There are a lot of people who want to make sure that the policies and processes are the same no matter

where you are at (position-wise) in this organization.

Elenbaas stated he is interested in an outcome where all our employees feel like they can engage in the system and in the process to arrive at an outcome that is not going to turn into a political sideshow. He feels he can participate in that manner. He is not interested in engaging in any type of political tomfoolery because this is too important of a matter.

Donovan moved to nominate all four people who are interested. The motion was seconded by Buchanan.

Councilmembers voted as follows:

Buchanan: Buchanan, Elenbaas, and Donovan

Byrd: Buchanan, Elenbaas, and Donovan

Donovan: Buchanan, Elenbaas, and Donovan

Elenbaas: Donovan, Buchanan, and Elenbaas

Galloway: Donovan, Buchanan, and Elenbaas

Scanlon: Stremmer, Buchanan, and Donovan

Stremmer: Donovan, Stremmer, and Elenbaas

Donovan (seven votes), Buchanan (six votes), and Elenbaas (six votes) were selected.

Buchanan stated he would send out an invitation for their first meeting, which would hopefully be this week.

Galloway stated she is hoping, if there is opportunity to provide feedback or engage the Council, that they can have regular public check-ins so that members of the public continue to be informed on the process as well as our colleagues who are not able to serve on the committee.

Scanlon stated one of the reasons why he voted for Stremmer was because he is the only Councilmembers who has previously worked for this County.

Satpal Sidhu, County Executive, stated he welcomes them to form this committee. They will have full cooperation from the Executive's Office. He suggested they define three or four different topics to pursue and stay within certain bounds and a time frame.

George Roche, Prosecuting Attorney's Office, answered what is and is not a conflicted lawyer and what the committee should do for their legal guidance. He stated he only cares about his and the Washington State Bar Association's opinions on what a conflicted lawyer is. He stated it is not an

issue because there is nothing they cannot talk about. He spoke about the importance of confidentiality and stated that is pretty much the only taboo topic that we are dealing with here. He does not want the names of people released who asked them not to be, but he would happily talk to them in executive session. He stated not one of the Councilmembers has asked him a question that he has been unable to answer.

Galloway stated she has full faith that Roche is an incredible attorney but the value of independent legal representation would be building in an appearance of fairness, neutral arbitration, bringing in outside perspective, and building credibility to the investigation. The other piece is that bringing in outside perspective could help them think about how the County could improve its processes.

Roche stated he thinks they do need another lawyer to look at what has happened here, and what he thinks might be a likely outcome will be the retention of a third party outside employment lawyer to come in and take a look at what was done and render an opinion. It does not, however, mean he is conflicted. He spoke about appearance of fairness and stated he thinks the solution is going outside for a consult. He answered whether they would be able to use the Tort Fund if they were to go outside for counsel and stated he has not studied that but still believes it is a perfectly viable option.

The newly selected committee members discussed when they might be able to meet, and Buchanan stated they will talk about using a third party and the scope of work and report back to the Council.

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

Motion approved to appoint Buchanan, Elenbaas, and Donovan

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 4:31 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription