

**Whatcom County  
Council Committee of the Whole**

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



**Committee Minutes - Final**

VIRTUAL MEETING - ENDS NO LATER THAN 5 P.M. (TO  
PARTICIPATE, SEE INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010)  
**Tuesday, June 15, 2021**

**2:50 PM**

**Virtual Meeting**

**COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

**CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## Call To Order

Council Chair Barry Buchanan called the meeting to order at 2:55 p.m. in a virtual meeting.

## Roll Call

**Present:** 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, Ben Elenbaas and Kathy Kershner

**Absent:** None

## Announcements

## Committee Discussion

1. AB2020-219 Discussion and update on strategies and other items related to COVID-19 (Council and Health Board)

Erika Lautenbach, Health Department Director, reported on the following:

- Today marks six months of administration of vaccine in our county and 67.7% of age 16+ residents have initiated a COVID-19 vaccine
- The final two days of the clinic at the community vaccination center this week
- A focus on ensuring access to vaccine
- A drawing for a truck for those who initiate a COVID-19 vaccine between June 1 and July 31, 2021
- The first week in Whatcom County without a new outbreak in a business
- A fall of the 14-day case rates to below 100 per 100,000
- A concerning increase and subsequent decrease in hospitalization rates

She answered whether Whatcom County saw a noticeable uptick in vaccination rates when they announced they were going to give away a truck, how much the Mt. Baker School District vaccine rate has improved, and whether the Health Department might set up vaccination booths at the county fair or other festivals.

**This agenda item was DISCUSSED.**

2. AB2021-296 Ordinance adopting amendments to the Purchase of Development Rights Program  
Becky Snijder van Wissenkerke, Planning and Development Services Department, stated she was available to answer questions and she discussed with Councilmembers where this Ordinance is in the process.

**This agenda item was DISCUSSED.**

3. AB2021-185 Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County

Browne and Byrd briefed the Councilmembers and the following people spoke:

- Michael Jones, City of Blaine
- Frank Bob, Lummi Nation

*Donovan moved* to hold it longer to get more information, particularly from the Lummi Tribal Council. Browne seconded the motion and stated they should set a date.

Councilmembers and the speakers discussed scheduling a meeting with the Lummi Tribal Council and the City of Blaine and whether the Lummi Tribal Council is possibly supportive of Councilmember Browne's compromise.

Dana Brown-Davis, Clerk of the Council, answered whether Council staff could help to set up a meeting between the Tribal Council, Whatcom County, and the City of Blaine and councilmembers discussed whether a meeting date should be set and who all would be involved.

Satpal Sidhu, County Executive, suggested that representatives from the three groups could meet first, then go back to their councils, and then organize a larger meeting.

Councilmembers and the speakers continued to discuss the item and how long the item should be held.

*Donovan amended* his motion *and moved* to recommend to the Council that they hold this in Committee until July 27th. The motion was seconded by Frazey.

Brown-Davis asked about the process that should happen between now and then and Councilmembers discussed the process, the motion to hold, and which Councilmembers should be involved in a government to government meeting.

Frank Bob provided closing comments and Michael Jones stated he had none.

The motion carried by the following vote:

**Aye:** 5 - Donovan, Frazey, Browne, Buchanan, and Byrd

**Nay:** 2 - Elenbaas and Kershner

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

4. AB2021-339 Discussion to establish a process for filling district court judicial vacancy

Dana Brown-Davis, Clerk of the Council, briefed the Councilmembers and stated she needs to know when they would like to fill the position so interviews can be set up. The position *does not* have to be filled by July 1, 2021.

Councilmembers discussed the process they should follow, whether they can get a ranking system from the State and local Bar Associations, the timing of the appointment, whether there is time to reach out to the associations and Washington Women Lawyers to find out if they have a process for giving the Council input and a qualification rating, whether the local Bar Association should vet the applications, and getting a summary (age, gender, longevity, and degree of diversity) of who has served in the position beforehand.

Karen Frakes, Prosecuting Attorney's Office, stated in the time she has worked for the County, there has never been (to her knowledge) anyone except for white males that have held judicial positions in the District Court.

Councilmembers and Brown-Davis continued to discuss keeping the deadline for applications what it is and asking the local Bar Association how long it would take them to give a ranking, contacting the local Bar Association and Washington Women Lawyers to find out how long it would take to vet applications once they get them, and a possible update to Councilmembers on July 13 to find out when the Council would like to make an appointment.

***Donovan moved*** to request that Council staff make contact with the local Bar Association and Washington Women Lawyers and ask how long it would take them to vet the applications, then come back on July 13, 2021 for an update. The motion was seconded by Frazey.

Councilmembers and Frakes discussed the motion, letting the groups know what it is that the Council wants from them, and deciding on whose opinion they would like in the process.

The motion carried by the following vote:

**Aye:** 6 - Frazey, Kershner, Browne, Buchanan, Byrd, and Donovan

Nay: 1 - Elenbaas

Brown-Davis, asked if Councilmembers would like all the applications distributed at one time after the application deadline or as they come in.

*Frazey moved* that they wait until June 28th and then distribute all the applications to Councilmembers at one time. The motion was seconded by Kershner.

Councilmembers discussed what groups should vet the applications.

The motion carried by the following vote:

**Aye:** 6 - Frazey, Kershner, Browne, Buchanan, Byrd, and Donovan

**Nay:** 1 - Elenbaas

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

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

1. AB2021-279 Ordinance submitting to the qualified voters of Whatcom County a proposal to amend Whatcom County Charter Section 8.22 to align requirements for amending the Charter by citizen initiative with Washington State norms

The following answered whether a supermajority vote is needed from the Committee to recommend the Ordinance to the full Council:

- Dana Brown-Davis, Clerk of the Council
- Karen Frakes, Prosecuting Attorney's Office

Councilmembers discussed the history of citizen initiatives and how amendments to the Charter should be proposed.

*Donovan moved* and Browne seconded that the Ordinance be RECOMMENDED FOR ADOPTION.

Councilmembers discussed the motion.

**Donovan's motion that the Ordinance be RECOMMENDED FOR ADOPTION carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 3 - Byrd, Elenbaas, and Kershner

**Absent:** 0

### **Items Added by Revision**

There were no agenda items added by revision.

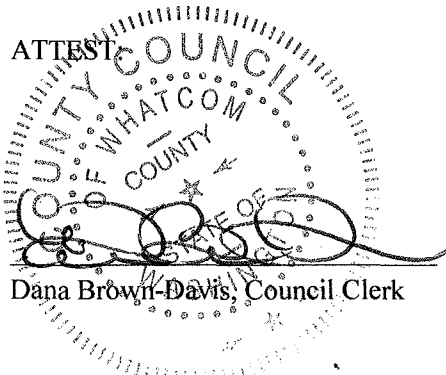
**Other Business**

There was no other business.

**Adjournment**

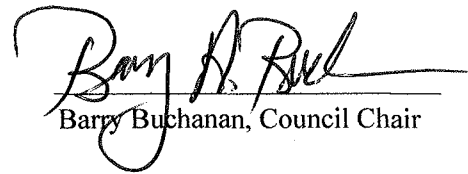
The meeting adjourned at 4:33 p.m.

The County Council approved these minutes on June 29, 2021.




Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA



Barry Buchanan, Council Chair



Kristi Felbinger, Minutes Transcription