

# **Whatcom County Council (Special)**

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



## **Minutes - Final**

**Tuesday, January 11, 2022**

**9:30 AM**

**Virtual Meeting**

**VIRTUAL MEETING - ADJOURNS BY NOON (TO PARTICIPATE, SEE  
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  
Carol Frazey  
Kaylee Galloway  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

**Call To Order**

Councilmember Barry Buchanan called the meeting to order at 9:34 a.m. in a virtual meeting.

**Roll Call**

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

**Absent:** None

**Announcements****Special Order of Business**

1. AB2022-008 Reorganization of the Whatcom County Council for 2022

Council Chairperson (Acts as Chair of Council acting in other capacities, Rep to EDI Board, Law Library Board, County Finance Committee)

*Byrd moved* to Nominate Kershner. The motion was seconded by Elenbaas.

*Frazey moved* to nominate Donovan. The motion was seconded by Buchanan.

Donovan was appointed 5-2 as follows:

**Buchanan:** Donovan

**Byrd:** Kershner

**Donovan:** Donovan

**Elenbaas:** Kershner

**Frazey:** Donovan

**Galloway:** Donovan

**Kershner:** Donovan

Donovan continued the meeting as Chair.

Council Vice-Chairperson

*Kershner moved* to nominate Byrd. The motion was seconded by Elenbaas.

*Frazey moved* to nominate Buchanan. The motion was seconded by Galloway.

*Kershner moved* to nominate Elenbaas. The motion was seconded by Byrd.

Councilmembers discussed the motions.

Buchanan was appointed with four votes as follows:

**Byrd:** Byrd

**Donovan:** Buchanan

**Elenbaas:** Byrd

**Frazey:** Buchanan

**Galloway:** Buchanan

**Kershner:** Byrd

**Buchanan:** Buchanan

Executive Pro-Tempore (Can not be on COG)

*Buchanan moved* to nominate Frazey. The motion was seconded by Galloway.

*Elenbaas moved* to nominate Byrd. The motion was seconded by Buchanan.

Frazey was appointed with four votes as follows:

**Donovan:** Frazey

**Elenbaas:** Byrd

**Frazey:** Frazey

**Galloway:** Frazey

**Kershner:** Byrd

**Buchanan:** Frazey

**Byrd:** Byrd

Standing Committees

Criminal Justice and Public Safety

*Galloway moved* to appoint Buchanan and Frazey.

Byrd stated he would like to add his name.

*Galloway amended* her motion to appoint Buchanan, Byrd and Frazey. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 7 - Elenbaas, Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan

**Nay:**

**Councilmembers Buchanan, Byrd and Frazey were appointed to the Criminal Justice and Public Safety Committee.**

Finance & Administrative Services - Chair of Finance Committee will automatically act as Council Rep. to What-Comm Administrative Board

***Kershner moved*** to nominate all that expressed interest in this committee (Buchanan, Byrd, Frazey, Galloway, and Kershner). The motion was seconded by Buchanan.

Buchanan withdrew his name from consideration.

***Frazey moved*** to nominate Galloway, Frazey, and Kershner. The motion was seconded by Buchanan.

***Elenbaas moved*** to amend the motion to nominate to read Byrd, Frazey, and Kershner. The motion was seconded by Byrd.

Elenbaas' motion failed by the following vote:

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

**Nay:** 4 - Frazey, Galloway, Buchanan, and Donovan

Galloway suggested that everyone vote on every nominee and take the top three.

***Frazey withdrew*** her motion and Councilmembers discussed who they would like to see on the committee.

***Galloway moved*** and Buchanan seconded that they vote on each individual nominee and select the top three.

**Galloway** received the following votes:

**Aye:** 7 - Galloway, Kershner, Buchanan, Byrd, Donovan, Elenbaas, and Frazey

**Nay:** 0

**Byrd** received the following votes:

**Aye:** 5 - Kershner, Byrd, Donovan, Elenbaas, and Galloway

**Nay:** 2 - Buchanan and Frazey

The vote started for Frazey, but Byrd requested discussion so the roll call vote stopped and Councilmembers discussed whether Frazey would like to be on this committee.

**Frazey** received the following votes:

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

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

**Kershner** received the following vote:

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

**Nay:** 1 - Elenbaas

Councilmembers discussed the results and Galloway stated she would defer her position to Frazey.

**Byrd moved** to replace Galloway with Frazey on the Finance and Administrative Services Committee. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 6 - Donovan, Elenbaas, Frazey, Galloway, Kershner, and Buchanan

**Nay:** 1 - Byrd

**Councilmembers Byrd, Frazey, and Kershner were appointed to the Finance and Administrative Services Committee.**

#### Planning & Development

Councilmembers discussed the nominees.

**Elenbaas moved** to appoint Elenbaas and Donovan. There was not a second.

**Byrd** withdrew his name from consideration and **moved** to appoint Galloway, Donovan, and Elenbaas. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 7 - Elenbaas, Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan

**Nay:** 0

**Councilmembers Donovan, Elenbaas, and Galloway were appointed to the Planning and Development Committee.**

Public Works and Health

***Buchanan moved*** to appoint Buchanan, Galloway and Kershner. The motion was seconded by Byrd.

The motion carried by the following vote:

**Aye:** 7 - Frazey, Galloway, Kershner, Buchanan, Byrd, Donovan, and Elenbaas

**Nay:** 0

**Councilmembers Buchanan, Galloway, and Kershner were appointed to the Public Works and Health Committee.**

Natural Resources

Frazey withdrew her name from consideration.

***Buchanan moved*** to appoint Donovan, Elenbaas, and Galloway. The motion was seconded by Kershner.

Councilmembers discussed the motion.

The motion carried by the following vote:

**Aye:** 7 - Galloway, Kershner, Buchanan, Byrd, Donovan, Elenbaas, and Frazey

**Nay:** 0

**Councilmembers Donovan, Elenbaas, and Galloway were appointed to the Natural Resources Committee.**

Select 2 Natural Res. Committee members as Representatives to Lake Whatcom Policy Group

***Elenbaas moved*** to appoint Donovan and Galloway. The motion was seconded by Kershner.

The motion carried by the following vote:

**Aye:** 7 - Kershner, Buchanan, Byrd, Donovan, Elenbaas, Frazey and Galloway  
**Nay:** 0

Other Committee Assignments - Approximate Timestamp: 40:58

Behavioral Health Advisory Committee

*Frazey moved* to appoint Buchanan. The motion was seconded by Kershner.

The motion carried by the following vote:

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner  
**Nay:** 0

Bellingham International Airport Advisory

Frazey asked Elenbaas if he would be willing to be on this committee if she could be on the Child and Family Well-Being Task Force.

*Kershner moved* to appoint Frazey. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 7 - Byrd, Donovan, Elenbaas, Frazey, Galloway, Kershner, and Buchanan  
**Nay:** 0

Bellingham Regional Chamber of Commerce

Galloway withdrew her name from consideration.

*Kershner moved* to appoint Byrd. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 7 - Donovan, Elenbaas, Frazey, Galloway, Kershner, Buchanan, and Byrd  
**Nay:** 0

Birch Bay Library Facility - Appoint THREE

***Byrd moved*** to appoint Buchanan, Elenbaas, and Frazey.

Dana Brown-Davis, Clerk of the Council, stated these positions will only exist if the new library passes in February.

Councilmembers discussed the motion, Brown-Davis answered questions, and the motion was seconded by Donovan.

The motion carried by the following vote:

**Aye:** 7 - Elenbaas, Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan

**Nay:** 0

Business and Commerce Advisory Committee (non-voting)

Councilmembers discussed the appointment.

***Buchanan moved*** to appoint Byrd. The motion was seconded by Frazey.

The motion carried by the following vote:

**Aye:** 7 - Frazey, Galloway, Kershner, Buchanan, Byrd, Donovan, and Elenbaas

**Nay:** 0

Child and Family Well-Being Task Force

***Galloway moved*** to appoint Frazey. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 7 - Galloway, Kershner, Buchanan, Byrd, Donovan, Elenbaas, and Frazey

**Nay:** 0

Council of Governments (COG) Appoint TWO members to serve on the Full Council (cannot be Exec Pro-Tem)

***Byrd moved*** to appoint Galloway and Kershner. The motion was seconded by Frazey.



Kershner stated that even though Frazey had indicated interest in this committee, she can now not serve on it having been appointed as Executive Pro-Tempore.

The motion carried by the following vote:

**Aye:** 7 - Kershner, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway

**Nay:** 0

Council of Governments (COG) Appoint ONE of the above two members to also serve on the Exec Board and Transportation Policy Board (cannot be Exec Pro-Tem)

*Frazey moved* to appoint Galloway. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

Developmental Disabilities Board

*Kershner moved* to appoint herself. The motion was seconded by Donovan.

The motion carried by the following vote:

**Aye:** 7 - Byrd, Donovan, Elenbaas, Frazey, Galloway, Kershner, and Buchanan

**Nay:** 0

Drayton Harbor & Portage Bay Shellfish Protection Districts

*Buchanan moved* to appoint Elenbaas. The motion was seconded by Byrd.

The motion carried by the following vote:

**Aye:** 7 - Donovan, Elenbaas, Frazey, Galloway, Kershner, Buchanan, and Byrd

**Nay:** 0

EMS Oversight Board Representative

Buchanan and Byrd discussed the nomination and Buchanan withdrew his name from consideration.

***Frazey moved*** to appoint Byrd. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 7 - Elenbaas, Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan

**Nay:** 0

EMS Oversight Board Alternate Representative

***Buchanan moved*** to appoint Frazey. The motion was seconded by Galloway.

The motion carried by the following vote:

**Aye:** 6 - Frazey, Galloway, Kershner, Buchanan, Donovan, and Elenbaas

**Nay:** 1 - Byrd

Flood Control Zone Committee (Ex Officio)

***Buchanan moved*** to appoint Elenbaas. The motion was seconded by Kershner.

The motion carried by the following vote:

**Aye:** 7 - Kershner, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway

**Nay:** 0

Incarceration Prevention and Reduction Task Force (And Appoint one alternate)

***Byrd moved*** to appoint Buchanan. The motion was seconded by Frazey.

The motion carried by the following vote:

**Aye:** 7 - Kershner, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway

**Nay:** 0

***Buchanan moved*** to appoint Kershner as the alternate. The motion was seconded by Frazey.

The motion carried by the following vote:

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

Intergovernmental Tribal Relations Committee (Appt. TWO)

***Kershner moved*** to appoint Elenbaas and Frazey. The motion was seconded by Byrd.

Councilmembers discussed the motion.

Kershner stated she could amend her motion to appoint Elenbaas and Galloway but a formal motion was not made.

Councilmembers continued to discuss the nominees.

The motion to appoint Elenbaas and Frazey carried by the following vote:

**Aye:** 5 - Byrd, Donovan, Elenbaas, Kershner, and Buchanan

**Nay:** 2 - Frazey and Galloway

LEOFF Board

***Byrd moved*** to appoint Buchanan. The motion was seconded by Galloway.

The motion carried by the following vote:

**Aye:** 7 - Donovan, Elenbaas, Frazey, Galloway, Kershner, Buchanan, and Byrd

**Nay:** 0

Local Emergency Planning Committee (LEPC)

***Byrd moved*** to appoint himself. The motion was seconded by Kershner.

The motion carried by the following vote:

**Aye:** 7 - Elenbaas, Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan

Nay: 0

Lummi Island Ferry Advisory Committee - Appoint ONE non-voting attendee

***Kershner moved*** to appoint Donovan. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 7 - Frazey, Galloway, Kershner, Buchanan, Byrd, Donovan, and Elenbaas

**Nay:** 0

Lummi Island Ferry Advisory Committee - Appoint TWO alternates if Council wishes

***Kershner moved*** to appoint Elenbaas and Frazey. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 7 - Galloway, Kershner, Buchanan, Byrd, Donovan, Elenbaas, and Frazey

**Nay:** 0

Marine Resources Committee

Elenbaas stated he would withdraw his name from consideration.

***Buchanan moved*** to appoint Donovan. The motion was seconded by Kershner.

The motion carried by the following vote:

**Aye:** 7 - Kershner, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway

**Nay:** 0

North Sound Behavioral Health Exec. Committee

***Buchanan moved*** to appoint Kershner. The motion was seconded by

Frazey.

The motion carried by the following vote:

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

Northwest Clean Air Agency

*Elenbaas moved* to appoint Donovan. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 7 - Byrd, Donovan, Elenbaas, Frazey, Galloway, Kershner, and Buchanan

**Nay:** 0

Northwest Regional Council (NWRC)

*Buchanan moved* to appoint Kershner. The motion was seconded by Frazey.

The motion carried by the following vote:

**Aye:** 7 - Donovan, Elenbaas, Frazey, Galloway, Kershner, Buchanan, and Byrd

**Nay:** 0

Opportunity Council

*Kershner moved* to appoint Galloway and removed her own name from consideration. The motion was seconded by Buchanan.

The motion carried by the following vote:

**Aye:** 7 - Elenbaas, Frazey, Galloway, Kershner, Buchanan, Byrd, and Donovan

**Nay:** 0

Public Defense Advisory

***Frazey moved*** to appoint Elenbaas. The motion was seconded by Kershner.

The motion carried by the following vote:

**Aye:** 7 - Frazey, Galloway, Kershner, Buchanan, Byrd, Donovan, and Elenbaas

**Nay:** 0

Councilmembers discussed who held this position last year.

Public Health Advisory Board

***Kershner moved*** to appoint Buchanan and withdrew her own name from consideration. The motion was seconded by Frazey.

The motion carried by the following vote:

**Aye:** 7 - Galloway, Kershner, Buchanan, Byrd, Donovan, Elenbaas, and Frazey

**Nay:** 0

Solid Waste Advisory

***Buchanan moved*** to appoint Frazey. The motion was seconded by Kershner.

The motion carried by the following vote:

**Aye:** 7 - Kershner, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway

**Nay:** 0

Stakeholder Advisory Committee (SAC)

***Kershner moved*** to appoint Buchanan. The motion was seconded by Byrd.

The motion carried by the following vote:

**Aye:** 7 - Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

**Nay:** 0

WSAC Alternate Board Member (The Executive is the active representative, Councilmember is alternate)

*Byrd moved* to appoint Galloway to the WSAC Alternate Board Member position and Kershner to the WSAC Legislative Steering Committee (below). The motion was seconded by Kershner.

Galloway requested that they consider her for the WSAC Legislative Steering Committee.

Byrd's motion failed by the following vote:

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

**Nay:** 4 - Donovan, Frazey, Galloway, and Buchanan

*Frazey moved* to appoint Galloway as the WSAC Alternate Board Member. The motion was seconded by Kershner.

The motion carried by the following vote:

**Aye:** 7 - Donovan, Elenbaas, Frazey, Galloway, Kershner, Buchanan, and Byrd

**Nay:** 0

#### WSAC Optional Alternate Board Member (Res2019-008)

*Kershner moved* to appoint herself. The motion was seconded by Galloway.

The motion carried by the following vote:

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

**Nay:** 0

**Abstain:** 1 - Elenbaas

#### WSAC Legislative Steering Committee

*Buchanan moved* to appoint Galloway. The motion was seconded by Frazey.

Kershner withdrew her name from consideration.

The motion carried by the following vote:

**Aye:** 7 - Frazey, Galloway, Kershner, Buchanan, Byrd, Donovan, and Elenbaas

**Nay:** 0

WSAC Timber Counties Caucus - OptionalAndWSAC Coastal Counties Caucus - Optional

***Buchanan moved*** to appoint Galloway to both positions.

The motion carried by the following vote:

**Aye:** 7 - Galloway, Kershner, Buchanan, Byrd, Donovan, Elenbaas, and Frazey

**Nay:** 0

Whatcom Transportation Authority

***Buchanan moved*** to appoint Donovan. The motion was seconded by Frazey.

The motion carried by the following vote:

**Aye:** 7 - Kershner, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Galloway

**Nay:** 0

*Clerk's note:* Councilmembers took a five minute break.

**This agenda item was APPOINTED.**

2. AB2022-033 Resolution affirming the Whatcom County Council's appointment to fill 42nd Legislative District vacancy

Councilmembers discussed how to proceed with the process.

Elenbaas was recognized as recused for this portion of the meeting.

***Byrd moved*** to give each candidate three minutes for a presentation with time for follow up questions. The motion was seconded by Buchanan.

Dana Brown-Davis, Clerk of the Council, answered if there was anything in particular that the nominees were told to expect.

Buchanan stated he agrees with the motion.

The motion carried by the following vote:

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



**Nay:** 0

**Recused:** 1 - Elenbaas

The candidates were admitted as panelists to the meeting so that they could turn on their cameras and Councilmembers discussed whether all candidates should be present in the virtual room at once or only one at a time.

The Candidates presented in the following order:

Ben Elenbaas provided information about why he was seeking to fill the vacant position in the 42nd Legislative District and answered questions from the Councilmembers (Approximate Timestamp: 1:31:26).

Simon Sefzik provided information about why he was seeking to fill the vacant position in the 42nd Legislative District and answered questions from the Councilmembers (Approximate Timestamp: 1:44:00).

Tawsha Dykstra Thompson provided information about why she was seeking to fill the vacant position in the 42nd Legislative District and answered questions from the Councilmembers (Approximate Timestamp: 1:53:42).

Approximate Timestamp: 2:11:41

***Buchanan moved*** to nominate all three applicants to this position and then take a voice vote to vote their preferences. The motion was seconded by Frazey.

***Byrd suggested*** a friendly amendment to update the motion to only the nomination of the three candidates.

***Buchanan accepted*** the friendly amendment.

Donovan began to speak about the possibility of Elenbaas holding two offices but Councilmembers first addressed the motion on the floor.

The motion carried by the following vote:

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

**Nay:** 0

**Recused:** 1 - Elenbaas

Councilmembers then discussed the candidates.

Karen Frakes, Prosecuting Attorney's Office, answered whether the section of the Whatcom County Charter which addresses conflict of interest by

serving in multiple offices is referring to a general office or is specific to a County office. She stated it is in reference to another County office and it does not apply to this situation.

Councilmembers continued to discuss holding more than one position and thanked the candidates for coming today.

Councilmembers voted as follows:

**Donovan** voted for Sefzik

**Elenbaas** was recused.

**Frazey** voted for Sefzik

**Galloway** voted for Sefzik

**Kershner** voted for Elenbaas

**Buchanan** voted for Sefzik

**Byrd** voted for Elenbaas

**Sefzik** was appointed 4(Sefzik) to 2(Elenbaas).

Satpal Sidhu, County Executive, congratulated Sefzik and thanked the candidates.

Angela Anderson, Whatcom County District Court Judge, administered the Washington State Senate Oath of Office to swear in Simon Sefzik.

Dana Brown-Davis, Clerk of the Council, asked that Sefzik call her to get the paperwork ready to get down to the Senate this afternoon.

**Simon Sefzik was appointed and this Resolution was APPROVED.**

Enactment No: RES 2022-001

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

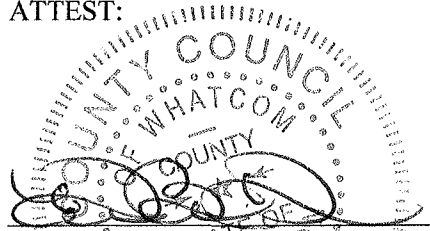
Byrd moved to change the starting time for the Finance and Administrative Services Committee from 1 p.m. to 1:30 p.m. and the Councilmembers concurred.

### **Adjournment**

The meeting adjourned at 12:24 p.m.

The County Council approved these minutes on January 25, 2022.

ATTEST:



Dana Broyn-Davis, Council Clerk

Kristi Felbinger

Kristi Felbinger, Minutes Transcription

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

A handwritten signature in black ink, appearing to read "Todd Donovan", written over a horizontal line.

Todd Donovan, Council Chair