

# **Whatcom County Council Committee of the Whole-Executive Session**

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



## **Committee Minutes - Final**

**Tuesday, July 27, 2021  
11 AM  
Virtual Meeting**

**VIRTUAL MEETING - ENDS NO LATER THAN NOON (TO PARTICIPATE, SEE  
INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL  
360.778.5010)**

### **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 11:07 a.m. in a virtual meeting.

## **Roll Call**

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

**Absent:** None

## **Announcements**

## **Committee Discussion**

### **Attorney Present: Karen Frakes.**

Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110(1)(h) and that they would be going into executive session to evaluate the qualifications of the applicants for the District Court Judge position. He then stated agenda item two may take place in executive session pursuant to RCW 42.30.110(1)(b). Executive session will conclude no later than 12 p.m. If the meeting extends beyond the stated conclusion time, Council staff will step out of the meeting to make a public announcement.

***Browne moved*** to go into executive session until no later than 12 p.m. to discuss the agenda items pursuant to the RCW citations as announced by the Council Chair. The motion was seconded by Frazey.

The motion failed by the following vote:

**Aye:** 3 - Buchanan, Frazey, and Browne

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

**Abstain:** 1 - Donovan

Karen Frakes, Prosecuting Attorney's Office, answered questions about and Councilmembers discussed whether the discussion for AB2021-339 should be public or in executive session.

***Byrd moved*** to go into executive session to discuss the second item, AB2021-411.

***Browne moved*** to reconsider the vote to go into executive session for both items but there was a motion already on the floor.

Byrd's motion was seconded by Kershner.

Councilmembers and Frakes discussed Byrd's motion, whether AB2021-339 should be discussed in executive session, what aspects of appointing a District Court Judge can be discussed in executive session, and which should be in a public meeting.

Byrd's motion failed by the following vote:

**Aye:** 2 - Byrd and Kershner

**Nay:** 5 - Donovan, Elenbaas, Frazey, Browne, and Buchanan

**Browne moved** to reconsider the first motion to go into executive session to discuss the District Court judicial vacancy (AB2021-339). The motion was seconded by Frazey.

Councilmembers and Frakes discussed the motion to reconsider and bifurcating the motion to go into executive session for the first of the two agenda items.

The motion to reconsider failed by the following vote:

**Aye:** 3 - Frazey, Browne, and Buchanan

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

**Abstain:** 1 - Donovan

**Browne** moved to go into executive session for the second item (AB2021-411). The motion was seconded by Frazey.

The motion carried by the following vote:

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

**Nay:** 0

1. [AB2021-339](#) Discussion to establish a process for filling district court judicial vacancy  
See discussion notes under agenda header above.

**This agenda item was DISCUSSED but not in Executive Session.**

2. [AB2021-411](#) Discussion regarding potential property acquisition for the Flood Control Zone District [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(b)]  
See discussion notes under agenda header above.

**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 11:53 a.m.

The County Council approved these minutes on August 10, 2021.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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

\_\_\_\_\_  
Barry Buchanan, Council Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE