

CLERK OF THE COUNCIL

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WHATCOM COUNTY COUNCIL

February 6, 2024

TO: County Council

FROM: Jill Nixon, Legislative Coordinator II

A handwritten signature in blue ink, appearing to be "JN", is written over the "FROM:" line.

SUBJ: Whatcom County Ferry Advisory Committee Member Fabian Mendoza

Following the Council's discussion at the January 23, 2024 Council meeting, see below for a detailed timeline and record of attempts to contact Mr. Mendoza:

- November 8, 2023: Council appointed Mr. Mendoza
- November 9, 2023: Council sent appointment letter via USPS to address on application
- **November 13, 2023 to current:** Mr. Mendoza's email address was added to the WCFAC email distribution list. Council staff sent an email to the distribution list and asked all WCFAC members to respond to confirm they received the email. Mr. Mendoza did not respond. **He has since automatically received a forward of every email sent to this distribution list since Nov. 13.**
- November 15, 2023: Council staff sent a follow-up email to Mr. Mendoza when he did not respond regarding the WCFAC email distribution list.
- November 27, 2023: Email from Public Works staff.
- November 9 to December 15: Phone calls from Public Works staff, and voicemail messages were left at one of the two phone numbers. The second phone number does not accept voicemail messages.
- December 4, 2023: First WCFAC meeting, Mr. Mendoza did not attend. Public Works staff Roland Middleton asked the committee and the audience if anyone knew Mr. Mendoza. Mr. Middleton was approached by a person from the audience. Mr. Middleton provided the person with his business card and asked the person to please send the contact information to Mr. Mendoza. At the end of the meeting the audience member showed Mr. Middleton their cell phone with a text to Mr. Mendoza with a picture of Mr. Middleton's business card asking him to immediately contact Mr. Middleton. Mr. Mendoza never contacted Mr. Middleton.
- December 18, 2023: Letter sent to Mr. Mendoza from Council Chair via USPS, with a deadline to respond by January 4, 2024.
- January 19, 2024: Council staff sent email to both email addresses for Mr. Mendoza to notify him of the Council agenda item to reconsider his appointment and inviting him to respond or attend the meeting, per WCC 2.03.025.
- January 19, 2024: Council staff phoned Mr. Mendoza at the two phone numbers included in his application. One number does not accept voicemail messages. Staff left a voicemail at the second number.

- January 24, 2024: Council staff sent a letter to Mr. Mendoza's address on file via USPS to notify him of the status of his appointment and rescheduling of the agenda item to reconsider on the Council's February 6 agenda.
- January 24, 2024: Council staff sent an email to both email addresses on file for Mr. Mendoza to notify him of the status of his appointment and rescheduling of the agenda item to reconsider on the Council's February 6 agenda.
- January 24, 2024, Council staff phoned Mr. Mendoza at the two phone numbers included in his application. One number does not accept voicemail messages. Staff left a voicemail at the second number.

As a reminder, County staff asks that the Council remove Mr. Mendoza from the committee if he does not respond by or at the February 6, 2024 Council meeting, declare the position vacant, and begin the process to appoint someone else.

Whatcom County Code 2.03, Advisory Groups, provides the following guidance in removing members from advisory groups:

2.03.025 Removal.

In circumstances where the council has the authority to remove from office a member of an advisory group prior to the expiration of the advisory group member's term of office, the council shall make such removal only upon the proper grounds specified in law. In the absence of such guidance in law, the council shall not remove a member from office without having given the member an opportunity to be heard by the council, if so requested.

Whatcom County Council has the authority to remove Mr. Mendoza from his position on the Advisory Committee. There is no specific guidance for removing a member of the Whatcom County Ferry Advisory Committee other than WCC 2.03.025. Attachments to this agenda item document the attempts staff has made to give Mr. Mendoza an opportunity to participate on the Advisory Committee. In addition, I have attempted to notify Mr. Mendoza by phone, mail, and email that his appointment is scheduled on the February 6 Council meeting for reconsideration and possible removal. An email sent to Mr. Mendoza's USPS and email addresses invited him to either respond to the Council Office to let us know if he prefers to participate or to resign, or to attend the February 6 Council meeting for an opportunity to be heard.

Council Action Requested

If Mr. Mendoza does not respond to the Council Office by or attend the Council meeting on February 6, 2024, Council is asked to:

1. Pass a motion to rescind the Council's November 8, 2023 motion to appoint Mr. Mendoza to the Whatcom County Ferry Advisory Committee, and
2. Direct Council staff to advertise the vacancy and collect qualified applications for Council consideration.