

Whatcom County Council (Special)

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



Minutes - Draft Minutes

Tuesday, January 11, 2022

9:30 AM

Virtual Meeting

**VIRTUAL MEETING - ADJOURNS BY NOON (TO PARTICIPATE, SEE
INSTRUCTIONS AT 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
- Frazezy:** 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.

Frazezy was appointed with four votes as follows:

- Donovan:** Frazey
- Elenbaas:** Byrd
- Frazezy:** 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.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Todd Donovan, Council Chair

Kristi Felbinger, Minutes Transcription