

# **Whatcom County Council Committee of the Whole**

**COUNTY COURTHOUSE  
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## **Committee Minutes - Draft Minutes**

**VIRTUAL MEETING - ENDS BY 4:45 P.M.; MAY BEGIN EARLY**

**Tuesday, July 27, 2021**

**3:45 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 3:31 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

### Special Presentation

1. [AB2021-402](#) Report on activities in progress pursuant to Homeless Strategies Workgroup recommendations

Anne Deacon, Health Department, updated the Councilmembers and answered questions about what percent of homeless in the county are just passing through and whose last residence was not in Whatcom County, what non-profits they are working with to provide overflow winter shelter, how many families are using motel stays, how many families are still homeless right now that would be looking for the service, the decline in housing availability, how much they have started forecasting the implications of the eviction moratorium expiring, whether there are other options beyond the Opportunity Council that people needing assistance can go to, what reasons they are hearing for the increase in families being homeless, why a loss of income would be causing the loss of housing, and whether the County will still be able to use the Depot Market Square as an emergency winter shelter.

Ann Beck, Health Department, also answered questions about the eviction moratorium.

**This agenda item was REPORTED.**

### Committee Discussion and Recommendation to Council

1. [AB2021-438](#) Resolution approving the Whatcom County Water District No. 7 Water System Plan  
Dana Brown-Davis, Clerk of the Council, briefed the Councilmembers.

**Byrd moved and Frazey seconded that the Resolution be RECOMMENDED FOR APPROVAL. The motion carried by the following vote:**

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

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Browne

2. [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
- Dana Brown-Davis, Clerk of the Council, briefed the Councilmembers and Councilmembers discussed how they would like to proceed with the item, a recent letter from the Lummi Indian Business Council (on file) and a request for more government-to-government collaboration, and the version of the ordinance that should be considered.

*Byrd moved* to recommend introduction of the ordinance with the 1000-foot rule. The motion was seconded by Browne.

Councilmembers discussed the motion.

*Byrd withdrew* his motion. He stated that the Lummi Indian Business Council's letter requested a government to government meeting.

Councilmembers and Brown-Davis discussed a timeline for the aforementioned meeting, who should attend the meeting, a request to Council staff to contact the governments in the next two weeks, and the Council getting an update about scheduling the meeting on August 10.

**This agenda item was DISCUSSED.**

### **Committee Discussion**

1. [AB2021-339](#) Discussion to establish a process for filling district court judicial vacancy
- Cathy Halka, Council Legislative Analyst, updated the Councilmembers.
- Councilmembers discussed and Halka answered questions about why one applicant was going to be reevaluated, whether the interviews will be in a noticed and open public meeting, how the interview process will work, whether the reconsideration of the applicant being reevaluated will be back to them in time for interviews, whether there will be time limits for interviewees to answer questions, the process for voting on candidates, and whether they could get the candidate reevaluation by Monday, August 2nd.
- Councilmembers and Dana Brown-Davis, Clerk of the Council, discussed how to set up a voting system.

*Browne moved* that they set up a ranked choice voting system of the top

three candidates. The motion was seconded by Donovan.

**Browne withdrew** his motion **and moved** to do a first round of votes, take the top vote getters, do a second round of voting, and if after the second round of voting they do not have a clear winner then do a ranked choice vote. The motion was seconded by Donovan.

Councilmembers discussed the motion and voting options.

**Browne** restated his motion to start with a process of voting for your one favorite candidate, and if we get in a deadlock after two rounds, do ranked choice voting.

Donovan shared his screen and Councilmembers tried a sample voting tool online.

Karen Frakes, Prosecuting Attorney's Office, answered whether the voting tool online would be ok to use and Councilmembers discussed the use of this type of voting.

**Browne clarified his motion** to go through the process of voting for one person until they get deadlocked and if they are deadlocked, they would go to ranked choice voting.

The motion carried by the following vote:

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

**Nay:** 1 - Elenbaas

Councilmembers discussed the interview questions.

**Browne moved** to accept the interview questions. The motion was seconded by Byrd.

Councilmembers discussed the motion.

**Frazey moved** to send the interview questions to each candidate. The motion was seconded by Donovan but a motion was already on the floor.

Browne amended his motion to include Frazey's suggestion.

Councilmembers continued to discuss the motion.

The motion carried by the following vote:

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

**Nay:** 1 - Elenbaas

**Abstain:** 1 - Byrd

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

2. [AB2021-439](#) Brief discussion of Comprehensive Plan amendments scheduled for concurrent review and adoption on July 27, 2021

Dana Brown-Davis, Clerk of the Council, briefed the Councilmembers.

**This agenda item was DISCUSSED.**

**Items Added by Revision**

There were no agenda items added by revision.

**Other Business**

Councilmembers requested that the Health Department's letter (AB2021-457) be moved in the agenda tonight to be after Sheriff Elfo's presentation.

**Adjournment**

The meeting adjourned at 5:05 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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Dana Brown-Davis, Council Clerk

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Barry Buchanan, Council Chair

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Kristi Felbinger, Minutes Transcription