

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 - Draft Minutes

**VIRTUAL MEETING - ENDS NO LATER THAN NOON (TO
PARTICIPATE, SEE INSTRUCTIONS AT
www.whatcomcounty.us/joinvirtualcouncil OR CALL 360.778.5010)
Tuesday, July 27, 2021**

11 AM

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 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.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Kristi Felbinger, Minutes Transcription