

**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, September 13, 2022**

**9:30 AM**

**Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 10:10 A.M. (PARTICIPATE IN-PERSON, SEE  
REMOTE JOIN INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://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

Council Chair Todd Donovan called the meeting to order at 9:30 a.m. in a hybrid meeting.

## Roll Call

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

**Absent:** None

## Announcements

## Committee Discussion

**Attorneys Present: George Roche and Karen Frakes.**

Donovan stated that discussion of agenda items one through three may take place in executive session pursuant to RCW 42.30.110(1)(i), RCW 42.30.110(1)(i), and RCW 42.30.110(1)(b) respectively. Executive session will conclude no later than 10:10 a.m. If the meeting extends beyond the stated conclusion time, Council Staff will make a public announcement.

***Buchanan moved*** to go into executive session until no later than 10:10 a.m. to discuss the agenda item(s) pursuant to the RCW citation(s) as announced by the Council Chair. The motion was seconded by Frazey.

The motion carried by the following vote:

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

**Nay:** 0

**Temporarily Out of the Meeting:** 1 - Byrd

*Clerk's note:* Byrd joined the meeting shortly after the vote.

At 10:15 a.m., Council Staff announced that the executive session would extend to no later than 10:30 a.m.

1. AB2022-457 Discussion of settlement negotiations with George Roche, Civil Deputy Prosecuting Attorney, regarding Dave Morse, III, an individual, Plaintiff, vs. Whatcom County, a Washington municipal corporation, Defendant, Snohomish County Superior Court Cause No. 18-2-07421-31. [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(i)]

**This agenda item was DISCUSSED.**

2. AB2022-473 Discussion of pending litigation with Civil Deputy Prosecutor, George Roche, re:

Jerome Lenorda Powell, II, Plaintiff v. Whatcom County Jail, Breanna Brock, RN BSN, and the City of Bellingham, Defendants, United States District Court for Western District of Washington at Tacoma, Cause No. 2:22-cv-00728-JLR-TLF. [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(i).]

**This agenda item was DISCUSSED.**

3. AB2022-500 Discussion regarding potential property acquisition [Discussion of this item may take place in Executive Session (closed to public) pursuant to RCW 42.30.110(1)(b)]

**This agenda item was DISCUSSED.**

### Items Added by Revision

There were no agenda items added by revision.

### Other Business

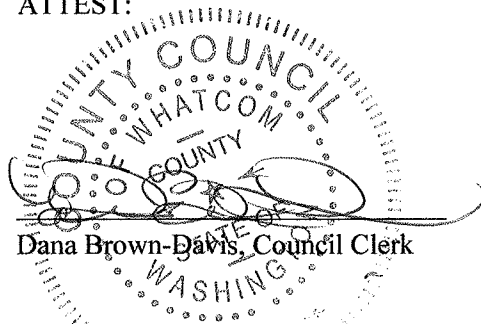
There was no other business.

### Adjournment

The meeting adjourned at 10:23 a.m.

The County Council approved these minutes on September 27, 2022.

ATTEST:



Dana Brown-Davis, Council Clerk

Kristi Felbinger  
Kristi Felbinger, Minutes Transcription

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

Todd Donovan  
Todd Donovan, Council Chair