

Joint Meeting with San Juan County Council, Skagit County Board of Commissioners, and Whatcom County Council

(Special meeting of San Juan & Whatcom County Councils – Regular meeting of Skagit County Commissioners)

Date: February 5, 2019

Please Note: Minutes were prepared by the Skagit County Clerk for separate approval by the Whatcom County Council, Skagit County Board of Commissioners, and San Juan County Council.

A joint meeting was held by the San Juan County Council, Skagit County Board of Commissioners, and the Whatcom County Council on Tuesday, February 5, 2019, in the Skagit County Commissioners' Hearing Room located at 1800 Continental Place, Mount Vernon, WA.

All members of the San Juan County Council were present: Council Chair Jamie Stephens, Councilmember Bill Watson and Councilmember Rick Hughes.

All members of the Skagit County Board of Commissioners were present: Chair Lisa Janicki, Commissioner Ron Wesen and Commissioner Kenneth A. Dahlstedt.

All members of the Whatcom County Council were present: Council Chair Rud Browne, Councilmember Barbara Brenner by telephone, Councilmember Barry Buchanan, Councilmember Tyler Byrd by telephone, Councilmember Todd Donovan, Councilmember Carol Frazey and Councilmember Satpal Sidhu.

I. CALL TO ORDER:

Skagit County Chair Janicki called the proceedings to order at 2:31 p.m. which was followed by San Juan Council Chair Stephens, Whatcom County Council Chair Browne, and Skagit County Chair Janicki calling their Councils and Commissioners to order.

II. PLEDGE OF ALLEGIANCE:

Skagit County Chair Janicki led the gallery in the salute to the flag.

III. AGENDA:

a) 2:30 p.m. - 3:45 p.m. Joint Meeting - San Juan, Skagit and Whatcom Counties:

1. Selection of Chair and Discussion and Adoption of Agenda

San Juan County Councilmember Hughes made a motion to nominate Skagit County Chair Janicki to Chair the joint meeting. The Motion was seconded by Whatcom County Councilmember Buchanan. The vote passed unanimously.

2. Review Process Including Tabulation

Chair Janicki provided an orientation and introductions were made. An overview of the agenda was provided and it was explained that the meeting had been advertised with two possible action items (appointment to the senate and possible appointment to the house of representatives) and that the second possible action item was no longer necessary since the Washington State Democratic Central Committee only provided nominations towards the vacant senate position.

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Chair Janicki announced that no substantive changes could be made to the agenda. She called for minor updates and asked for its approval. No changes were made and it was approved unanimously.

Chair Janicki provided background information regarding the purpose of the joint meeting. The 3 legislative bodies were meeting in order to make an appointment to a vacancy that existed in the Washington State 40th Legislative District. The vacancy was due to the resignation of former Senator Kevin Ranker. Since the 40th district encompasses San Juan County and portions of Skagit and Whatcom County, councilmembers and commissioners from the 3 counties needed to collectively take action to appoint 1 of the 3 candidates nominated by the Washington State Democratic Central Committee. The Committee nominated Kris Lytton, Liz Lovelett, and Trevor Smith.

Chair Janicki described how the vote would be taken and how it would be weighed so that each county received 3 votes in total. Each of the 3 members of the San Juan County Council had 1 vote. Each of the 3 members of the Skagit Board of Commissioners had 1 vote. Each of the 7 members of the Whatcom County Council had 3/7th of a vote. This equaled 9 total votes. The manner that the vote would work was described: that once a motion was made and seconded, the clerks would call the roll one member-at-a-time and they would be tabulated. If the total number of votes totaled more than 4.5 then it passed and the Resolution could be executed.

Chair Janicki asked if there were any questions on how the vote would be taken. No questions were asked.

3. Interview of Three Nominees

Chair Janicki provided an overview of how the interviews would be conducted: one-at-a-time, in order of preference as they were provided from the State Democratic Party, and that each candidate would have 5 minutes to provide information with 5 minutes of questions to follow.

After the interviews, comments, and a successful vote, Chair Janicki shared that the person appointed to fill the vacant position could be sworn in at the end of the meeting. Skagit County Superior Court Presiding Judge Brian Stiles and County Auditor Sandra Perkins would be present to do so.

Kris Lytton was interviewed first, followed by Liz Lovelett and Trevor Smith. Each nominee provided information about why they were seeking to fill the vacant position in the 40th Legislative District and they answered questions from the Councilmembers and Commissioners.

4. Joint Deliberations Regarding the 40th Legislative District Vacancy in the Senate and Discussion Regarding a Potential Vacancy and Appointment in the 40th Legislative District House of Representatives

Chair Janicki asked for comments and observations from Commissioners and Councilmembers.

Council Chair Browne shared concerns regarding the process and the outdated Attorney General's Office (AGO) opinion that had been followed which barred the most experienced and qualified for consideration for nomination (county councilmembers/commissioners). He discussed the golden rule: every citizen can vote and every citizen can serve in public office. He clarified that he had no complaint about the character of the 3 nominees before them, he felt

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that the justification for preventing all thirteen members from the 3 counties from consideration could not be found in the rule book of a free and fair democratic society. Due to that, he stated that he felt he had to abstain from voting for any nominee less his vote be taken as an endorsement of a fundamentally undemocratic process.

Commissioner Dahlstedt shared that this was his 4th time participating in a joint meeting to appoint someone to the state level of government, and that his had been the most decisive of them all. He said it was now their job to make a decision and move someone forward from the list provided by the State Democratic Party. He agreed that the opinion from the AGO was outdated and based on common law/a man's opinion, not on the constitution and that the opinion provided by the Washington State Association of Counties (WSAC) and the Skagit County Prosecuting Attorney had not been considered. He stated that he planned to make a decision and choose a candidate who clearly understood local government and local issues.

Council Chair Stephens shared that this had been a difficult process and that they had been provided with 3 good candidates. After careful consideration, he said that he would be making his decision based on the needs of his constituents who cared about affordable housing, transparency, oil spill prevention and response, the southern resident orcas, transportation, mental health and substance abuse treatment, and viable rural schools. After hearing from an experienced legislator and someone from local government who understood local issues, he believed that the new person would gain the most support from his constituents.

Councilmember Hughes appreciated that the 3 counties were able to organize a joint meeting at short notice and that Councilmembers Browne and Stephens were willing to serve at the state level. He shared that the nomination process had been frustrating and had let down the 3 counties, however he was looking forward to professionally moving forward and making an appointment to the vacant position.

Councilmember Donovan acknowledged the level of frustration about the process and was also inspired to hear from the 3 nominees. He wondered if what was, or was not, accomplished in the last couple legislative sessions had anything to do with the minority and majority party in the house at those times. He shared that he was interested in appointing someone with experience. He pointed out that within the 40th district, Whatcom County had as many constituents as San Juan and Skagit combined. Since the weight of the votes was not distributed by population, he requested that his fellow councilmembers take their votes seriously.

Chair Janicki clarified that Council Chair Browne still planned to abstain from the vote. He confirmed. Chair Janicki clarified that Whatcom County's votes would be redistributed between the remaining 6 councilmembers so that Whatcom County's total vote remained 3.

Chair Janicki understood the frustrations about the process and appreciated the input that been provided from WSAC and the Skagit County Prosecuting Attorney's Office. She thought that the issue should be considered by WSAC and/or by the Washington State Prosecution Attorney's Association at a later date. She wanted to fill the vacant position in a timely manner.

Commissioner Wesen appreciated that the 3 counties were able to attend a joint meeting together. He shared that this was his 3rd time appointing a candidate to a position in the legislature. The last 2 appointments came from the Republican Party. He said it was their job as the joint body of government to choose the best from the 3 nominees provided to them. He believed they had been provided with 3 qualified candidates. He believed it was important to

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have local government experience in Olympia. There were over 1,600 bills so far in the legislative session and many would affect cities and counties at the local level.

Councilmember Watson called a point of order question to say that he disagreed with the weighting of the vote: that if Council Chair Browne abstained, then 3/7th of the vote would essentially be lost/go into the "no" column. He understood the reallocation of a vote if a member was recused from the vote, but, if a member was present and choose to abstain, then that vote should not be redistributed.

The attorney's present in the audience from the 3 counties confirmed that an abstention reallocated votes so that each county had 3 whole votes.

Council Chair Browne clarified that the process did not just eliminate 2 county councilmembers, it eliminated all 13 councilmembers/commissioners from the process, and worse, unless addressed, it would be eliminating every person who ever sits in their seats in perpetuity until the process is resolved.

5. Action - Selection and Vote Regarding 40th Legislative District Senator

A motion was made by Commissioner Dahlstedt to appoint Liz Lovelett to the position of state senator for the 40th legislative district in the Washington State Senate and to approve the Joint Resolution. Commissioner Wesen seconded the motion. The vote passed on a 5.6 – 3.4 vote with Chair Janicki, Councilmember Buchanan, Councilmember Donovan, Councilmember Frazey, and Councilmember Sidhu dissenting. Council Chair Brown and Councilmember Brenner abstained from the vote which were redistributed to the remaining 5 Whatcom County Councilmembers.

Presiding Judge Brian Stiles was present and he swore in Liz Lovelett as Washington State Senator for the 40th Legislative District.

6. Other Business - Including Possible Action - Appointment in the 40th Legislative District House of Representatives

Council Chair Browne asked about the consideration of another Joint Resolution he had provided regarding the eligibility of the local councils for nomination. Chair Janicki checked with legal and it was suggested to address it separate from the noticed special meeting. Councilmember Hughes shared that their county charter did not allow them to discuss such an item of significance at a special meeting unless it was noticed or already on the agenda.

Also, Chair Janicki announced earlier in the meeting that since the Washington State Democratic Central Committee did not provide the names of either current Washington State 40th Legislative District Representative (Debra Lekanoff or Jeff Morris) then the potential vacancy and additional appointment in the house of representatives was not necessary.

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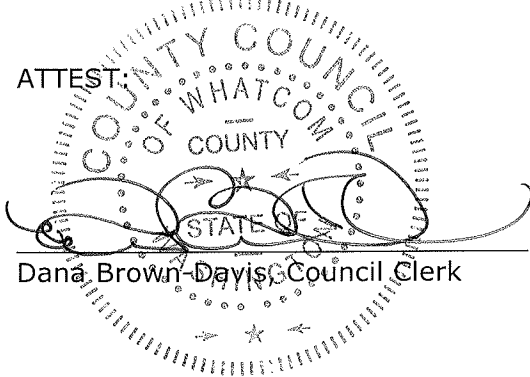
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IV. ADJOURNMENT:

San Juan Council Chair Stephens, Whatcom County Council Chair Browne, and Skagit County Chair Janicki adjourned the joint proceedings at 3:47 p.m.

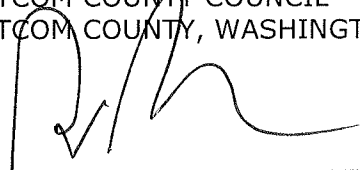
The Whatcom County Council approved these minutes on April 9, 2019.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Rud Browne, Council Chair

Video is archived online with Skagit County and can be found *On Demand Online* under Board of County Commissioners' Meetings for February 5, 2019:

<https://www.skagitcounty.net/Departments/TV21/mediaplayer.htm>