

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, 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:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Dana Brown-Davis, Council Clerk

Todd Donovan, Council Chair

Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE