

# **Whatcom County Council (Special)**

**COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010**



## **Minutes - Draft Minutes**

**Tuesday, January 4, 2022**

**1 PM**

**Virtual Meeting**

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010)**

### **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 1:08 p.m. in a virtual meeting.

## Roll Call

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

**Absent:** None

## Announcements

### Special Order of Business

1. [AB2022-010](#) Appointment to vacant 42nd Legislative District Senate position

**Browne** presented a list of 20 proposed questions that he would like to give to each of the candidates, briefed the Councilmembers, and ***moved*** that they adopt his questions to provide to all the applicants, and that they give the community until Friday to supplement those questions for Council consideration to be added as well. The motion was seconded by Buchanan.

Councilmembers discussed the motion and how many total questions there should be.

Browne recommended that the deadline for Councilmembers to review the proposed questions would be Friday, January 7, 2022 and then they could vote on them on Tuesday, January 11, 2022 and send them to the applicants after that with the Friday following the Council meeting as the deadline for the answers.

Councilmembers continued to discuss the motion and timeline and the transparency of the process.

Karen Frakes, Prosecuting Attorney's Office, answered whether Elenbaas can participate as a Councilmember in the discussions about the process or the selection.

Elenbaas stated that he will formally recuse himself from the process and he just attended the meeting.

Councilmembers continued to discuss the motion, the process, and the timing.

**Donovan suggested** a friendly amendment to the motion to ask the Councilmembers to discuss the questions now so the Council would be able to get the questions to the candidates after this meeting and have candidate answers by January 11 to make an appointment.

**Browne amended** his motion **and moved** to put forward his draft list of 20 questions. The motion was seconded by Buchanan.

Councilmembers discussed the motion.

The motion carried by the following vote:

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

**Nay:** 0

**Recused:** 1 - Elenbaas

Browne yielded the other part of his earlier motion about allowing time until Friday, January 7 to get additional input on the questions from citizens.

**Donovan moved** that they give the questions to the applicants immediately and give them a set time at which they need to return the answers to Clerk (of the Council). Then the Council would have it before their meeting on January 11th and they would have an agenda item on that day's agenda for appointment.

Councilmembers discussed with Dana Brown-Davis, Clerk of the Council, what day and time should be set as a deadline for the answers to be submitted.

Buchanan restated that the motion is to submit the questions to the nominees today, require a Friday, January 7, 4:30 p.m. due date to the Clerk of the Council for those answers, and schedule this on January 11 for action. He seconded Donovan's motion.

Brown-Davis asked whether it should be scheduled for the daytime or during the evening Council meeting.

Councilmembers discussed the motion and scheduling the item after the reorganization meeting in the morning on the 11th.

Brown-Davis asked if she should check with the courts to see if a judge would be available that morning to do the swearing in and answered who has the authority to do the swearing in.

The motion carried by the following vote:

**Aye:** 4 - Buchanan, Donovan, Frazey, and Browne

**Nay:** 2 - Byrd and Kershner

**Recused:** 1 - Elenbaas

Councilmembers and staff discussed that the questions would be sent to the nominees today and Browne requested that they also be posted on the Council’s Legislative Information Center.

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

Motions approved to adopt the list of 20 questions proposed by Councilmember Browne and to submit the questions to the applicants today, require that answers be submitted to the Clerk of the Council by 4:30 p.m. on Friday, January 7, 2022, and schedule the item on the agenda for January 11, 2022 for appointment.

**Items Added by Revision**

There were no agenda items added by revision.

**Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 1:53 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