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3
4 WHATCOM COUNTY COUNCIL
5 **Committee Of The Whole**
6

7 March 30, 2010
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10
11 **CALL TO ORDER**
12

13 Council Chair Sam Crawford called the meeting to order at 10:00 a.m. in the Council
14 Chambers, 311 Grand Avenue, Bellingham, Washington.
15

16
17 **ROLL CALL**
18

19 **Present:** Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Ken
20 Mann, L. Ward Nelson and Carl Weimer

21 **Absent:** None
22
23
24
25

26 **1. DISCUSSION REGARDING THE PROPOSED ORDINANCE AMENDING**
27 **WHATCOM COUNTY CODE 2.02, COUNTY COUNCIL (AB2010-143A)**
28

29 **- And -**
30

31 **2. DISCUSSION REGARDING THE PROPOSED ORDINANCE AMENDING**
32 **WHATCOM COUNTY CODE 2.03, BOARDS AND COMMISSIONS (AB2010-**
33 **143B)**
34

35 *(Clerk's Note: these items were discussed concurrently.)*
36

37 Mann stated this is not a referendum on what happened last year. It's about making
38 the rules clear and what the Council intends to happen. Rewriting the Code was more
39 difficult than he thought it would be, because of all the questions and nuances. Therefore,
40 it's easier and clearer to just say that no sitting councilmember is eligible.
41

42 Brenner stated she originally thought the intent for making changes was to clarify
43 the Code. She won't support anything that changes what is allowed now. Everyone should
44 have as broad a selection as possible. Figure out whether they want to clarify things, or
45 change things.
46

47 Nelson asked if the proposed changes have been reviewed to meet State codes and
48 parliamentary procedure.
49

50 Dana Brown-Davis, Clerk of the Council, stated everything is fine.
51

52 Weimer stated legal counsel should review the proposed changes.
53

1 Crawford stated they will work from the versions in the Council packet. He
2 referenced Code section 2.02.020

3
4 **Mann moved** to approve subsection (B) as it's shown in the packet. It's simpler,
5 clearer, and removes the perception that being on the Council is a "club." Get the public
6 involved and invested in the process.

7
8 Brenner stated don't exclude anyone. The broader the selection, the better.

9
10 Weimer stated he supports the motion. The over-arching reason for filling a vacancy
11 is to get the Council back up to strength as soon as possible.

12
13 Crawford stated he is against the motion. He will propose an alternate version in the
14 substitute document submitted earlier. What happened last time can happen again in the
15 future in a way that is clear and specific. His proposal makes sense and works.

16
17 Knutzen stated the appointment process is a shorter process. The motion will work.

18
19 Nelson stated consider whether the system is broken and needs to be fixed. As long
20 as they go through the process, he's fine with any sitting councilmember being appointed.
21 Experience on the Council is a valuable asset. Take the politics out of this. The system as it
22 is isn't broken. These changes will break it.

23
24 Brenner stated the Council and community should focus on the issues. It's not right
25 to single out this Council.

26
27 The motion failed by the following vote:

28 **Ayes:** Mann and Weimer (2)

29 **Nays:** Brenner, Crawford, Knutzen, Kershner and Nelson (5)

30
31 Nelson stated he prefers to leave this section as it is. He understands the intent. If
32 councilmembers are in an existing seat, they can't possibly fill another seat. The only time
33 a current councilmember could take an appointed position is if it is the last meeting of the
34 year of the person's last year of term.

35
36 **Brenner moved** to approve the language for subsection (C) in the handout version,
37 and make it subsection (B). "B. A county council member currently serving a term and
38 meeting the eligibility requirements of 2.02.020 A. above, but whose term will expire within
39 60 days of a council vacancy, shall be eligible for nomination by another council member
40 and appointment to fill a council vacancy term governed by Section 4.50 of the Whatcom
41 County Charter. That council member may vote on the appointment of other nominees to
42 that same vacancy, but shall not vote on his or her own appointment. No council member
43 may nominate himself or herself to fill a council vacancy."

44
45 Knutzen stated this subsection should be reworded. The intent is good, but it seems
46 like it's trying to give them grounds to do what was done.

47
48 **Brenner withdrew** her motion.

49
50 Crawford stated he is willing to let the old language stand, and not have a section
51 (B).

1 **Mann moved** to amend to add a subsection (B), "B. A county council member
2 currently serving a term and meeting the eligibility requirements of 2.02.020 A. above, but
3 whose term will expire within 60 days of a council vacancy, shall be eligible for nomination
4 by another council member and appointment to fill a council vacancy term governed by
5 Section 4.50 of the Whatcom County Charter. That council member may not vote on the
6 appointment of other nominees to that same vacancy, and shall not vote on their own
7 appointment. No council member may nominate himself or herself to fill a council vacancy."
8 He doesn't agree with legal counsel that there was no conflict of interest in Councilmember
9 Nelson's votes.

10
11 **Nelson** stated he would only look at the last part for clarity. They must have clarity
12 to avoid a situation where a councilmember's vote for himself or herself does not impact the
13 overall vote. While acting as a councilmembers, they represent the people, not themselves.
14 He questions whether there is potential for conflict. He **suggested a friendly**
15 **amendment** to add a different subsection (B), "B. That council members may not vote on
16 the appointment of other nominees to that same vacancy, and shall not vote on their own
17 appointment. No council member may nominate himself or herself to fill a council vacancy."

18 **10:47:42 AM** Get legal review on whether they can alienate the citizens from
19 representation by not allowing a councilmember to vote. He's concerned it would be illegal
20 or inappropriate to not represent his District 1 residents and not vote.

21
22 **Mann withdrew** his motion.

23
24 Crawford stated Councilmembers Mann and Nelson can work with legal counsel to
25 get this review. Put the concerns in writing, so they all understand the question being
26 asked of the attorney.

27
28 Weimer stated he agrees with removing the first sentence about the 60 days and
29 leave in the language at the end. It makes sense to get legal review.

30
31 Crawford stated he only inserted that language to make it clear what they are talking
32 about. Without the timeframe, it's difficult to understand to what they are referring in the
33 first place. He's not sure how to reconcile that. A timeframe is the only idea he came up
34 with to address a potential voting situation.

35
36 Weimer stated that if they leave it alone, a sitting councilmember could be
37 nominated at any point. If that councilmember so chooses, he or she could resign the
38 current position to take the vacant position.

39
40 Nelson stated a councilmember can't vote to move into another Council position.

41
42 Weimer stated legal counsel would need to clarify whether or not that could happen.

43
44 Crawford stated they will get answers from the Prosecutor and hold this item in
45 Committee of the Whole.

46
47
48 **OTHER BUSINESS**

49
50 There was no other business.

1 **ADJOURN**

2

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The meeting adjourned at 11:00 a.m.

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Please contact the Council Office to obtain an
official, signed copy:

360-676-6690 or council@co.whatcom.wa.us

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Dana Brown-Davis, Council Clerk

Sam Crawford, Council Chair

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