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**ORDINANCE NO. \_\_\_\_\_**

**AMENDING WHATCOM COUNTY CODE CHAPTER 2.03 BOARD AND COMMISSIONS**

**WHEREAS**, Whatcom County values community engagement in civic spaces and community driven policymaking; and

**WHEREAS**, Whatcom County seeks to ensure equal access to opportunities for people living in the county to participate in civic spaces; and

**WHEREAS**, Whatcom County [Ordinance 2021-16](#) states "Whatcom County residents value all people without regard to race, color, creed, religion, national origin, sex, sexual orientation, gender identity or expression, age, marital status, neurodiversity, disability, political affiliation, or veteran status"; and

**WHEREAS**, Whatcom County empanels advisory [bodiesgroups](#) such as boards, committees, commissions, and taskforces to create a conduit for community members to provide critical information, insights, and advice on a broad range of issues, policies, and programs to support informed decision making by elected officials and County staff; and

**WHEREAS**, the [May 2023 Assessment of Advisory Groups Convened by Whatcom County Health and Community Services](#) identified the top three reasons why community members have chosen to serve on an advisory [bodygroup](#), which include:

- 1) Desire to "serve the community" (88%),
- 2) "Be part of informed discussion that leads to program improvement" (78%), and
- 3) "Advocate for local and state regulatory and policy changes" (69%); and

**WHEREAS**, Whatcom County seeks to ensure equal opportunity for engagement in County advisory [bodiesgroups](#) to all individuals living in the county; and

**WHEREAS**, County Code 2.03.100 currently requires a person be both a registered voter and U.S. citizen to participate in advisory [bodiesgroups](#) prohibiting interested individuals who otherwise meet the qualifications outlined in an advisory [bodygroup's](#) enabling ordinance, resolution, or interlocal agreement from civically engaging in these spaces; and

**WHEREAS**, in March 2022, the Child and Family Well-Being Task Force published its [Phase II Report](#), which includes priorities to increase family involvement in County government processes and decision-making with a specific recommendation to "eliminate voter registration and U.S. citizenship requirements for participation on county government volunteer committees, boards, commissions, or task forces"; and

**WHEREAS**, these amendments to WCC 2.03 are consistent with [Resolution 2023-019](#), Whatcom County Code Language Revisions to Address Equity, Diversity and Inclusion; and

**WHEREAS**, the Whatcom County Council recommends any proposed, amended, updated, or adopted ordinances, resolutions, and interlocal agreements establishing and enabling advisory [bodiesgroups](#) should remove language referencing any requirements for a person to be a registered voter and/or U.S. citizen in order to participate in advisory [bodiesgroups](#); and

1           **WHEREAS**, the Whatcom County Council encourages the Executive to establish  
2 policies consistent with this ordinance for all Executive appointed advisory bodiesgroups;  
3 and  
4

5           **WHEREAS**, language in WCC 2.03 addresses term limits of various County advisory  
6 bodiesgroups; and  
7

8           **WHEREAS**, mid-year appointments to vacancies may result in terms shorter than  
9 the advisory bodygroup's designated term length, because term end dates must fall on  
10 January 31 of a given year, causing confusion about whether those terms are full or partial  
11 terms for the purpose of calculating term limits; and  
12

13           **WHEREAS**, many County advisory bodiesgroups include members who are  
14 designated by their own agencies to represent their particular agency, jurisdiction or County  
15 department; and  
16

17           **WHEREAS**, the County Council's intent is to allow agencies and jurisdictions to  
18 designate their own representatives to advisory bodiesgroups without restricting terms; and  
19

20           **WHEREAS**, the term "quorum" for the purpose of holding meetings and taking  
21 action varies and is often confusing, and there is benefit to having the term defined  
22 consistently across all County advisory bodiesgroups.  
23

24           **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that  
25 Whatcom County Code 2.03 be amended as indicated in Exhibit A to this ordinance; and  
26

27           **BE IT FURTHER ORDAINED** by the Whatcom County Council that the County  
28 Council shall have the right to waive citizenship and/or qualified registered voter  
29 requirements when appointing participants to any Whatcom County advisory bodiesgroups;  
30 and  
31

32           **BE IT FINALLY ORDAINED** by the Whatcom County Council that Whatcom County  
33 shall not limit or restrict the participation of people living in Whatcom County from  
34 participating in advisory bodiesgroups based on citizenship and/or voter status.  
35

36  
37           **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

38  
39  
40  
41 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

42  
43  
44 \_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Council Chair

45  
46 WHATCOM COUNTY EXECUTIVE  
47 APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

48  
49  
50 /s/Karen Frakes approved via phone on 12/1/2023/MR

51  
52 Karen Frakes, Civil Deputy Prosecutor

\_\_\_\_\_  
Satpal Sidhu, County Executive

(    ) Approved            (    ) Denied

53  
54  
55  
56 Date Signed: \_\_\_\_\_

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**EXHIBIT A**

**Chapter 2.03 ADVISORY BODIESGROUPS~~BOARDS AND COMMISSIONS~~**

**Sections:**

**2.03.010 General.**

**2.03.015 Definitions.**

**2.03.020 Terms.**

**2.03.025 Removal.**

**2.03.030 Limited terms.**

**2.03.040 Executive's terms.**

**2.03.050 Appointment of non-councilmembers to advisory bodiesgroups~~boards, commissions and committees.~~**

~~**2.03.060 Appointment of planning commission members.**~~

~~**2.03.0760 Confirmation of executive appointments.**~~

~~**2.03.0870 Review of nominees and executive appointees.**~~

~~**2.03.0980 Vacancies on advisory bodiesgroups~~citizen boards, committees and commissions.~~**~~

~~**2.03.1090 Qualifications.**~~

~~**2.03.100 Organization – Meetings.**~~

**2.03.010 General.**

The requirements of this chapter shall not supersede the requirements specified in the enabling ordinance, resolution, or interlocal agreement for any advisory bodygroup~~board, commission, or committee~~. (Ord. 2019-008 Exh. A).

**2.03.015 Definitions.**

"Advisory ~~bodiesgroups~~" means all boards, committees, commissions, task forces, and other groups established by the County Council to participate in county government and functions primarily in advisory, coordinating, and/or planning capacities.

**2.03.020 Terms.**

A. Appointments to advisory bodiesgroups~~boards, committees and commissions~~ of non-councilmembers made by the council shall be for a term no longer than four years, unless specified differently in the enabling statuteordinance, resolution, or interlocal agreement.

B. The terms of all appointments to advisory bodiesgroups~~boards, committees and commissions~~ of noncouncilmembers made by the council shall expire on January 31st of the specified year, except for those appointments made to fill an incomplete term, in which case it shall be for the balance of that term.

C. Term lengths for those members first appointed to advisory bodiesgroups~~boards, committees and commissions~~ that are newly created or are returning from hiatus with a majority or more of positions vacant shall be staggered so that the terms of future members do not expire on the same date. (Ord. 2019-008 Exh. A; Ord. 2016-074 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 83-19 (part); Res. 80-13 § 1 (part)).

D. When a member is appointed mid-year, outside the annual appointment process, to a vacant position with no term end date, the member's term length will be no longer than the maximum term length allowed by the advisory ~~bodygroup~~'s enabling statute and will be considered a partial term.

1 [E. When advisory bodygroup membership includes representatives of specific agencies,](#)  
2 [jurisdictions, or County departments, their assigned delegates are not required to be](#)  
3 [appointed by the County Executive or County Council and are not subject to term lengths or](#)  
4 [limits.](#)

5  
6 **2.03.025 Removal.**

7 In circumstances where the council has the authority to remove from office a member of an  
8 [advisory bodygroup board, committee, or commission](#) prior to the expiration of the [board,](#)  
9 [committee or commission](#) [advisory bodygroup](#) member's term of office, the council shall  
10 make such removal only upon the proper grounds specified in law. In the absence of such  
11 guidance in law, the council shall not remove a member from office without having given  
12 the member an opportunity to be heard by the council, if so requested. (Ord. 2019-008 Exh.  
13 A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003  
14 Attachment E (part); Res. 83-19 (part); Res. 80-13 § 1 (part)).

15  
16 **2.03.030 Limited terms.**

17 A. A member may be appointed to serve up to two consecutive four-year terms, regardless  
18 of whether that member has served a partial term of less than four years.

19  
20 B. No [advisory bodygroup board, commission or committee](#) member shall serve more than  
21 two consecutive full terms; however, after serving two consecutive full terms, a [citizen](#)  
22 [member](#) may become eligible for reappointment to [the advisory bodygroup a board,](#)  
23 [commission or committee](#) after a one-year period of separation from the respective board,  
24 commission or committee on which [they have he or she has](#) previously served.

25  
26 C. Term limits do not apply to the annual appointment of Whatcom County councilmembers  
27 to various county and community [advisory bodiesgroups boards, commissions, or](#)  
28 [committees](#), unless specified in the enabling ordinance. (Ord. 2019-008 Exh. A; Ord. 2010-  
29 045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part);  
30 Res. 80-13 § 2).

31  
32 **2.03.040 Executive's terms.**

33 Those positions to which the county council appoints the executive to serve shall be for the  
34 executive's term of office. (Ord. 2019-008 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028  
35 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 80-13 § 3).

36  
37 **2.03.050 Appointment of noncouncilmembers to [advisory bodiesgroups boards,](#)**  
38 **[commissions and committees.](#)**

39 For appointment by the council of noncouncilmembers to [advisory bodiesgroups these](#)  
40 [boards, commissions and committees](#) performing either an administrative or a legislative  
41 function, the council shall publish vacancies on its website and include an application  
42 deadline of 10:00 a.m. on Tuesday of the week prior to the regularly scheduled council  
43 meeting at which nominations and possible votes to appoint are scheduled to occur.  
44 Councilmembers shall make nominations from the list of applicants at this same regularly  
45 scheduled council meeting. [Nominations for appointment to any position having a residency](#)  
46 [requirement as to council district shall be made only by the councilmembers from the](#)  
47 [district or the councilmember at large.](#) Appointment of the nominees shall occur by an  
48 affirmative roll-call vote by a majority of the entire council. In the case of only one applicant  
49 for a given vacancy, nomination and appointment by general consent may occur. (Ord.  
50 2019-008 Exh. A; Ord. 2014-044 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A;  
51 Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Ord. 91-030 (part). Formerly  
52 2.03.060).

53  
54 **~~2.03.060 Appointment of planning commission members.~~**

55 ~~Councilmembers will follow the procedure set forth in WCC 2.03.050 when making~~  
56 ~~nominations and appointments to the planning commission. (Ord. 2019-008 Exh. A; Ord.~~

1 ~~2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E~~  
2 ~~(part). Formerly 2.03.065).~~

3  
4 **2.03.0760 Confirmation of executive appointments.**

5 A. Council confirmation of executive appointments shall be handled in the following manner:  
6 The executive shall present in writing to the council office, no later than seven days before  
7 the council meeting at which action is requested, the names of ~~his~~their appointments,  
8 positions and terms to which they are to be appointed, information on the appointees'  
9 qualifications or background, and any other information the executive deems appropriate,  
10 except in the case of executive appointments to executive and administrative offices, in  
11 which case this information shall include a job description and a resume. This information  
12 shall also be made available upon request to the public.

13  
14 B. The council shall confirm or reject appointments by the county executive within 30 days  
15 of the date the names are submitted to it; failure to act within this time period shall cause  
16 the appointees to be deemed confirmed. Confirmation or rejection shall be by an affirmative  
17 vote by a majority of the entire council. (Ord. 2019-008 Exh. A; Ord. 2010-045 Exh. A; Ord.  
18 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Ord. 91-030  
19 (part)).

20  
21 **2.03.0870 Review of nominees and executive appointees.**

22 A. Councilmembers will individually be responsible for meeting or contacting individuals  
23 nominated to serve on an ~~n advisory bodygroup board, commission, or committee~~, and  
24 individuals whose appointment by the executive is scheduled for confirmation by the  
25 council, prior to the council's consideration of the nomination or request for confirmation.

26  
27 B. The council chairperson may arrange for the council interview of the nominee or the  
28 recommended executive appointee prior to the regularly scheduled council meeting at which  
29 appointment or confirmation will be considered.

30  
31 C. The names of recommended appointees by the executive, and the names of nominees by  
32 councilmembers, shall be published on the agenda for the council meeting at which action is  
33 to be taken in filling a position or confirming an appointment. (Ord. 2019-008 Exh. A; Ord.  
34 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A. Formerly 2.03.075).

35  
36 **2.03.0980 Vacancies on ~~advisory bodiesgroups citizen boards, committees and~~**  
37 **~~commissions.~~**

38 A. The clerk of the council shall ~~cause to be compiled~~ and published annually ~~on the County~~  
39 ~~website~~ a listing of vacancies and anticipated vacancies on all ~~advisory bodiesgroupscitizen~~  
40 ~~boards, committees and commissions~~ within the appointive jurisdiction of both the council  
41 and the executive.

42  
43 B. The listing shall state the title and term of office of each position, ~~residency-if~~  
44 ~~requirements to live in Whatcom County are applicable (if any)~~, the appointing authority,  
45 and a ~~physical~~ address, ~~e-mail address~~, and telephone number for obtaining further  
46 information or for making applications. The listing shall also include a brief description of the  
47 duties of each position and information on when the regular meetings of the ~~bodygroup~~ in  
48 question are held.

49  
50 C. The listing shall be posted in conspicuous places in the Courthouse, provided to all county  
51 councilmembers, public libraries and city halls in the county, and be made available to the  
52 public and news media at no charge.

53  
54 D. Persons expressing an interest in applying for appointment to a council-appointed  
55 position on an ~~n advisory bodygroup board, commission or committee~~ shall be given an  
56 application form to complete and file with the clerk, giving ~~his or her~~their name, address,

1 telephone number, occupation and relevant qualifications. The applications shall be kept on  
2 file in the clerk's office. An application for an advisory bodygroup is a public record subject  
3 to disclosure upon request. Once an applicant is appointed, some personal information such  
4 as residential address, telephone number, and e-mail address may be exempted from public  
5 disclosure as allowed by RCW 42.56.250.  
6

7 E. Persons expressing an interest in applying for appointment to an executive-appointed  
8 position on an advisory bodygroup board, commission or committee shall be given an  
9 application form to complete and file with the executive's office, giving his or hertheir name,  
10 address, telephone number, occupation and relevant qualifications. The applications shall be  
11 kept on file in the executive's office. An application for an advisory bodygroup is a public  
12 record subject to disclosure upon request. Once an applicant is appointed, some personal  
13 information such as residential address, telephone number, and e-mail address may be  
14 exempted from public disclosure as allowed by RCW 42.56.250.  
15

16 F. In fulfilling the obligations of this section, the clerk shall seek the cooperation of the  
17 executive and may accomplish his or hertheir obligations through joint action with the  
18 executive's office. (Ord. 2019-008 Exh. A; Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A;  
19 Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 91-030 (part). Formerly 2.03.080).  
20

### 21 **2.03.100 Qualifications.**

22 ~~A. To qualify for appointment by the council and/or executive to fill any vacancy on board,~~  
23 ~~committee or commission, a person shall be a qualified registered voter and resident of the~~  
24 ~~district, agency, or group he or she is appointed to represent on a specific board, committee~~  
25 ~~or commission, meeting all of the qualifications of Section 4.20 of the Whatcom County~~  
26 ~~Charter. To qualify for appointment on a County advisory bodygroup, a person shall live in~~  
27 ~~Whatcom County and shall meet the requirements of the advisory bodygroup's enabling~~  
28 ~~statute.~~  
29

30 B. Individuals who have declared candidacy (as defined in RCW 42.17A.005(78)) for a paid  
31 elected office in any jurisdiction within the county are not eligible for appointment while he  
32 or she isthey are a candidate, but shall be eligible for: (A) appointment as the official  
33 representative of an entity he or she isthey are currently elected to, or (B) reappointment to  
34 additional terms, as allowed by the Whatcom County Code, to the same advisory bodygroup  
35 board or committee he or she wasthey were on prior to declaration of candidacy. (Ord.  
36 2019-008 Exh. A; Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A;  
37 Ord. 95-006 Exh. A; Ord. 91-030 (part). Formerly 2.03.090).  
38

### 39 **2.03.100 Organization - Meetings.**

40  
41 A. An advisory bodygroup may establish its own operating bylaws, except:

- 42 1. A quorum for the purpose of holding a meeting and taking action will be more than  
43 one-half of the total number of committee positions, regardless of whether any  
44 positions are vacant.
- 45 2. A vote to make a recommendation to the County Council and/or County Executive  
46 shall be approved by a quorum of the members as defined in (1) above.  
47