

PROPOSED BY: Hearing Examiner
INTRODUCTION DATE: July 22, 2025

ORDINANCE NO. 2025 - _____

**ORDINANCE AMENDING WHATCOM COUNTY CODE SECTION 2.11 TO CLARIFY THE
AUTHORITY OF THE HEARING EXAMINER**

WHEREAS, the Whatcom County has adopted the Hearing Examiner process and understands that clear and transparent ordinances and rules are needed and need to be updated from time to time to promote good governance; and

WHEREAS, the Whatcom County has the authority and proper interest in regulating administrative decisions through ordinances and ensuring such regulation is done in a logical manner with due process and without redundancy or ambiguity in their code; and

WHEREAS, the Council wishes to make clear in ordinance the Hearing Examiner's Authority that has previously been approved by the Council through consistent rule promulgations as far back as 1986; and

WHEREAS, the Council wishes to update the appropriate codes and has duly considered the proposed revisions to Chapter 2.11, put forward by the Hearing Examiner, attached hereto as **Exhibit A**; and

NOW, THEREFORE, BE IT ORDAINED; that the Whatcom County Council has reviewed the revised ordinance described above and finds the changes to be appropriate.

BE IT FINALLY ORDAINED; that the Council hereby adopts the revised Chapter 2.11 as reflected in Exhibit A.

ADOPTED this _____ day of _____, 2025.

ATTEST:

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Cathy Halka, Clerk of the Council

Kaylee Galloway, Council Chair

APPROVED AS TO FORM:

() Approved () Denied

approved by Kimberly Thulin / LB
Civil Deputy Prosecutor

Satpal Sidhu, County Executive

Date: _____

Exhibit A

2.11.200 Hearing examiner – Duties and powers.

- A. In any of the decisions, appeals, or applications subject to review by the Hearing Examiner, the Hearing Examiner has the power to grant in part or as a whole, reject in part or as a whole, or to remand in part or as a whole with directions for interpretation by a Department. Further in granting, denying, or remanding any decision or application, partially or otherwise, the Hearing Examiner shall have the power to impose, modify, or remove conditions. In appeals the Hearing Examiner shall review the underlying decision *de novo*.**
- B. The Hearing Examiner shall have the power to issue summons for and compel the appearance of witnesses, issue subpoenas for documents, to administer oaths, and preserve order including making rulings to exclude and trespass parties that are disrupting proceedings from hearings. Parties may have their matters dismissed or ruled adversely against for failure to obey subpoenas and summons. The Sheriff's Office may assist the Hearing Examiner in serving subpoenas and summons.**

2.11.220 Rules and regulations.

The hearing examiner shall have the power to prescribe rules and regulations for the conduct of hearings before him or her, subject to approval by the county council; ~~and also, to issue summons for and compel the appearance of witnesses, to administer oath, and preserve order.~~

The opportunity of cross-examination of witnesses shall be afforded ~~to~~ all parties **of record** with standing or their counsel in accordance with the rules of the hearing examiner.

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2.11.250 Disruption of Administrative Process.

It shall be a simple misdemeanor for any person to:

- A. By loud or unusual noise, by means of tumultuous conduct, or by hindering the Hearing Examiner's attempt to maintain order, to disturb the formal proceedings of the Whatcom County Hearing Examiner; or**
- B. To refuse to obey a summons or subpoena issued by the Whatcom County Hearing Examiner.**