



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2025-538

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|                |                |               |                          |         |                    |
|----------------|----------------|---------------|--------------------------|---------|--------------------|
| File ID:       | AB2025-538     | Version:      | 1                        | Status: | Substitute Adopted |
| File Created:  | 07/15/2025     | Entered by:   | LBruner@co.whatcom.wa.us |         |                    |
| Department:    | Council Office | File Type:    | Ordinance                |         |                    |
| Assigned to:   | Council        | Final Action: | 09/09/2025               |         |                    |
| Agenda Date:   | 09/09/2025     | Enactment #:  | ORD 2025-044             |         |                    |
| Related Files: |                |               |                          |         |                    |

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Primary Contact Email: lbruner@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code Section 2.11 to clarify the authority of the Hearing Examiner

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attached

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### HISTORY OF LEGISLATIVE FILE

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| Date:      | Acting Body: | Action:                                                                             | Sent To: |
|------------|--------------|-------------------------------------------------------------------------------------|----------|
| 07/22/2025 | Council      | SUBSTITUTE INTRODUCED<br>FOR PUBLIC HEARING                                         | Council  |
|            |              | Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremier<br>Nay: 0 |          |
| 09/09/2025 | Council      | SUBSTITUTE ADOPTED                                                                  |          |
|            |              | Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremier<br>Nay: 0 |          |

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Attachments: Memo, Proposed Ordinance, Substitute Ordinance

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

**ORDINANCE NO. 2025 - 044**

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

**WHEREAS**, the Whatcom County Council 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 Council 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 the 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**.

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

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

ADOPTED this 9th day of September, 2025.

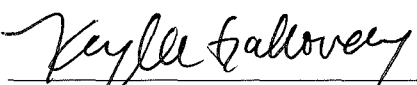
**ATTEST:**

  
Cathy Halka, Clerk of the Council

**APPROVED AS TO FORM:**

approved by Kimberly Thulin / LB  
Civil Deputy Prosecutor

**WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY,  
WASHINGTON**

  
Kaylee Galloway, Council Chair

☒ Approved    ( ) Denied

  
Satpal Sidhu, County Executive

Date: 9.12.25

## **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 them, subject to approval by the county council. 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.