

**CLERK OF THE COUNCIL**

Cathy Halka, AICP, CMC

**COUNTY COURTHOUSE**311 Grand Avenue, Suite #105  
Bellingham, WA 98225-4038  
(360) 778-5010**COUNCILMEMBERS**Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Kaylee Galloway  
Jon Scanlon  
Mark Stremler**WHATCOM COUNTY COUNCIL****MEMORANDUM**

TO: Whatcom County Council

FROM: Kaylee Galloway, Jon Scanlon

DATE: July 29, 2025

RE: Council legal needs and gaps

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**Identifying Council's Legal Needs**

- Build legal capacity
  - Serve as the County Code Revisor. Research, review, and draft bills and amendments for legislative consideration; evaluate proposed legislation for compliance and accuracy (code development, review, and scrubs).
  - Evaluate complex legislative issues and advise, counsel, and assist the County Council on matters including drafting and adopting legislation, holding public meetings, complying with records laws, and advising on legislative and Parliamentary procedures.
  - Research and analyze specific legal and code related questions and prepare memoranda, opinions, and position papers.
  - Provide objective, conflict free, and non-partisan advice related to legal, code, and process questions at Council and committee meetings.
  - Interpret laws, rulings, regulations, agreements, contracts, and/or legal language for the Council.
  - Provide objective legal advice and guidance to Council research staff and clerks related to legislation and process.
  - Ensure the Council's adherence to all procedures and regulations regarding open public meetings.
  - Represent the legal interests of the council at meetings involving legal issues with the Executive and Judicial branches, outside agencies and jurisdictions, community groups, and constituents. Provide legal advice from the perspective of Council, not necessarily the County (institution) as a whole.
  - Serve as the County Code Revisor
  - Serve as Certified Parliamentarian for the Council.
  - Serve as liaison between the Council and the Office of the Hearing Examiner regarding legal and legislative matters.
  - Coordinate with the Council Chair and Clerk on legislative, administrative, and supervisory matters impacting the Council and its operations.
  - Perform other duties as assigned.

- Independent, 3<sup>rd</sup> party legal review
  - Perceived or actual conflicts of interest (e.g. inter-departmental, HCF)
  - Second opinions (e.g. EMS Levy, substantive amendments)
  - Investigations and Council's subpoena power (e.g. personnel investigations)

## **Options to Consider**

### Alternative 1

- Build legal capacity in the Council office
  - Hire an FTE policy counsel (Pierce model)
  - Reallocating staff portfolios and modernizing processes
  - Proposed Action: Approve SBR for FY26

### Alternative 2

- Request additional assistance from Prosecutor's office
  - More timely legal review and response to Council/member requests
  - Special projects as assigned by council
  - Be the sole client of the Deputy Prosecutor
  - Seek contracted outside counsel for case by case or topic-specific issues, or when technical legal expertise needed (e.g. Cherry Point code)
  - Cooperative approach to requesting outside legal on conflicts of interest
    - Allow for council-driven requests
  - Invest in additional Prosecutor FTEs
  - Proposed Action: Write a letter to the Prosecutor outlining our needs and asks to see if they can be accommodated

### Alternative 3

- No action at this time

### Additional Actions:

- Review HR study/evaluation outcomes and update policies.
- Review proposed code amendments to WCC 3.05 Tort and Damage Claims.

## **Resources**

- [Pierce County Council legal counsel job description](#)
- [Certified Parliamentarian Course](#)  
Cost: \$250 Exam Fee + \$55 AIP Membership