



Whatcom County

COUNTY COURTHOUSE
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Bellingham, WA 98225-4038
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Agenda Bill Report

File Number: AB2024-403

File ID:	AB2024-403	Version:	1	Status:	Approved
File Created:	06/06/2024	Entered by:	MWinter@co.whatcom.wa.us		
Department:	Prosecuting Attorney's Office	File Type:	Resolution		
Assigned to:	Council Committee of the Whole	Final Action:	06/18/2024		
Agenda Date:	06/18/2024	Enactment #:	RES 2024-032		
Related Files:					

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

TITLE FOR AGENDA ITEM:

Resolution approving Whatcom County Superior Court to preside over and hold certain water adjudication hearings outside of Bellingham, WA pursuant to Civil Rule (CR) 77

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Resolution approving Whatcom County Superior Court to preside over and hold certain water adjudication hearings outside of Bellingham, WA pursuant to Civil Rule (CR) 77

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
06/18/2024	Council Committee of the Whole	RECOMMENDED FOR APPROVAL	
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremier	
		Nay: 0	
06/18/2024	Council	APPROVED	
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremier	
		Nay: 0	

Attachments: Proposed Resolution

Proposed by: Whatcom County Superior Court

Introduction Date: _____

RESOLUTION NO. 2024-032

A RESOLUTION APPROVING WHATCOM COUNTY SUPERIOR COURT TO PRESIDE OVER AND HOLD CERTAIN WATER ADJUDICATION HEARINGS OUTSIDE OF BELLINGHAM, WA PURSUANT TO CIVIL RULE (CR) 77

WHEREAS, the Washington State Department of Ecology (“Department”) filed a petition in Whatcom County Superior Court on May 1, 2024, for a general water adjudication of surface and groundwater in Water Resource Inventory Area 1 (WRIA 1);

WHEREAS, the Department's Statement of Facts in its petition indicates that upwards of thirty-thousand summons being issued in this general adjudication, which will place substantial burden on the Whatcom County Superior Court;

WHEREAS, the Washington State Legislature has approved funding to alleviate some of this burden, including the provision of a fifth Superior Court judge and pass-through funding for County staff positions to help address the increased demands; and

WHEREAS, funding has also been allocated to assist with the construction of an additional courtroom in the Whatcom County Courthouse; however, the new courtroom will not be completed for approximately 12 to 18 months after the anticipated appointment of a new judge and hiring of staff;

WHEREAS, the expected demands of the general adjudication placed upon the Whatcom County Superior Court will require additional courtroom space that may not be available in the City of Bellingham;

WHEREAS, this adjudication will be of historic size, with those individuals disproportionately impacted residing outside Bellingham; and

WHEREAS, pursuant to CR 77(f), the Whatcom County Superior Court has requested that Council approve the hearing of certain water adjudication proceedings outside of the Whatcom County seat of Bellingham due to facility limitations (Exhibit A); and

WHEREAS, the Court and Council find that holding adjudication hearings in these communities will promote education and participation amongst potential respondents;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that:

Section 1. Council Approval for Hearings Outside Bellingham

The Whatcom County Council hereby supports and approves Whatcom County Superior Court's request to preside over certain water adjudication hearings outside of Bellingham, Washington and at such places within Whatcom County as deemed necessary and appropriate by the Court.

Section 2. Selection of Hearing Locations

The Whatcom County Superior Court shall select hearing locations that are reasonably accessible to the communities directly impacted by the adjudication.

Section 3. Notification

The Court shall provide adequate notice to the public regarding hearing locations and times.

Section 4. Severability

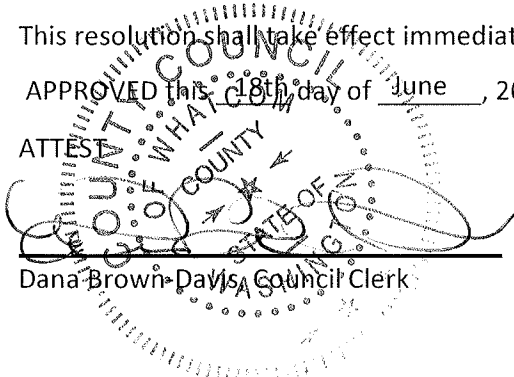
If any provision of this resolution is held to be invalid or unenforceable, such provision shall be struck and the remaining provisions shall remain in full force and effect.

Section 5. Effective Date

This resolution shall take effect immediately upon its passage.

APPROVED this 18th day of June, 2024.

ATTEST



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY,
WASHINGTON

Approved as to form:

A handwritten signature in black ink, appearing to be "George Roche", written over a horizontal line.

George Roche
Civil Deputy Prosecuting Attorney

A handwritten signature in black ink, appearing to be "Barry Buchanan", written over a horizontal line.

Barry Buchanan, Council Chair

Exhibit A

Superior Court of the State of Washington

Hon. Robert E. Olson, Department 1
Hon. Evan Jones, Department 2
Hon. Lee Grochmal, Department 3
Hon. David Freeman, Department 4



**Whatcom County
Courthouse**
311 Grand Avenue, Suite 501
Bellingham, Washington
98225

June 4, 2024


Whatcom County Council,

As you know, on May 1, 2024, the Department of Ecology (the Department) filed a petition in Whatcom County Superior Court for a general water adjudication of surface and groundwater in Water Resource Inventory Area 1 (WRIA 1). Based on the Department's Statement of Facts, we anticipate upwards of thirty-thousand summons being issued in this general adjudication.


In anticipation of the substantial burden this will place on Whatcom County Superior Court, the legislature has approved certain funding for the adjudication. Whatcom County will receive a fifth Superior Court judge, and has been provided pass-through funding for a number of adjudication-related staff positions. Additionally, the County is set to receive funding to assist in the construction of an additional courtroom. Unfortunately, due to the timing of the funding the fifth judge and additional staffing will occur 12-18 months prior to the completion of additional courtroom space.


In light of our facility constraints and pursuant to CR 77(f), Whatcom County Superior Court is requesting the Council to pass a resolution approving the Whatcom County Superior Court to preside over certain water adjudication hearings outside of the County seat of Bellingham. In compliance with CR 77, a similar request is being made to the Chief Justice of the Washington State Supreme Court.

This adjudication will be historic in size. Moreover, the individuals impacted will disproportionately live outside of Bellingham. The Court believes that bringing certain hearings into the communities directly impacted could promote both education and participation amongst the potential respondents. Consequently, Whatcom County Superior Court urges the council to take swift action and assist the Court in providing this additional resource.


Judge Lee Grochmal
Presiding Judge


Judge David Freeman
Deputy Presiding Judge


Judge Robert Olson


Judge Evan Jones