

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

**AMENDING WHATCOM COUNTY CODE CHAPTER 2.02 (COUNTY COUNCIL)  
TO BETTER DEFINE ABSENCE AND TEMPORARY DISABILITY RELATING TO THE  
EXECUTIVE PRO TEMPORE SERVING IN PLACE OF THE EXECUTIVE**

**WHEREAS**, The Whatcom County Home Rule Charter, Section 3.26 (Executive Pro Tempore) states:

*The County Council, at its annual election, by majority vote, may designate one of its number as Executive Pro Tempore, or in lieu thereof, the Council may appoint any qualified person to serve as Executive Pro Tempore.*

*The Executive Pro Tempore shall hold office at the pleasure of the Council, and in case of the absence or temporary disability of the Executive, perform the duties of Executive except the Executive Pro Tempore shall not have power to appoint or remove any officer, or to veto any acts of the County Council.*

**WHEREAS**, the term "absence" as it refers to the role of the Executive is commonly considered to be an inability for a person to be present to perform his or her duties due to circumstances such as illness, vacation, or other obligations; and

**WHEREAS**, due to advances in technology it is now possible for most people to remain in contact and conduct virtual meetings with ease from almost anywhere in the world, effectively eliminating many of the situations which would prevent the Executive from efficiently performing his or her duties while physically absent from the County; and

**WHEREAS**, the term "temporary disability" is commonly considered "a physical disability which hampers a person's ability to discharge their responsibilities for a short period of time"; and

**WHEREAS**, the term "temporary disability" is not defined in County Code nor does it adequately reflect current definitions of impairment due to the use of certain medications.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code Chapter 2.02 is hereby amended as shown in Exhibit A.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

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

APPROVED AS TO FORM:

( ) Approved ( ) Denied

\_\_\_\_\_  
Karen Frakes (by email 10/24/2021)  
Civil Deputy Prosecutor

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

Date: \_\_\_\_\_

## EXHIBIT A

2.02.070 Meetings – Annual reorganization and election of officers.

A. At its first committee of the whole or regular council meeting in January, the council shall schedule its annual reorganization. At this meeting, the council shall elect the chair, vice chair, the executive pro tempore and the members of all standing committees, each by an affirmative roll-call vote by a majority of the entire council, or by general consent when applicable. Prior to each reorganizational meeting, the council clerk or chairperson shall ask councilmembers to circulate to each other in writing their requests for committee assignments and other offices. No councilmember shall hold the position of chair more than two full consecutive years.

B. The chair of the council shall act as executive pro tempore in the absence of the regular executive pro tempore who was selected pursuant to the above procedure. Terms of office shall begin at the conclusion of the reorganizational meeting.

C. The executive pro tempore shall not assume the duties of Executive under Section 3.26 of the County Charter based on the physical "absence" of the Executive for periods of less than 21 days if the Executive remains available to the county staff and the county council by phone or video conferencing during normal business hours.

D. The term "temporary disability" shall include any period greater than 24 hours during which the executive is under the influence of any substance or medication, or is suffering from a medical condition which could reasonably be deemed sufficient to impair the Executive's judgment to the degree that the executive would be unsafe to operate a motor vehicle under the laws of the State of Washington. The term medical condition as used in this section is not intended to include physical disabilities which do not impair judgement such as blindness, deafness, paralysis or epilepsy etc.

E. The Executive shall immediately provide notice to the Deputy Executive and the Executive Pro Tempore of any anticipated absences or periods of inability to perform their duties.

€F. In the temporary absence of the chairperson, the vice chairperson shall perform the duties and responsibilities of the chairperson. A temporary chairperson shall be elected should both the chairperson and vice chairperson be absent and shall serve during such absence. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).