



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Report

File Number: AB2023-775

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Related Files:

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

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code Chapter 2.03, Boards and Commissions

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance amends Whatcom County Code 2.03, Boards and Commissions, to better ensure equal access to opportunities for individuals living in the county to participate in County government and its decision-making process.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
11/21/2023	Council	SUBSTITUTE INTRODUCED Aye: 5 Buchanan, Donovan, Frazey, Galloway, and Kershner Nay: 1 Elenbaas Absent: 1 Byrd	Council Committee of the Whole
12/05/2023	Council Committee of the Whole	RECOMMENDED FOR ADOPTION Aye: 5 Buchanan, Byrd, Donovan, Frazey, and Galloway Nay: 2 Elenbaas, and Kershner	
12/05/2023	Council	ADOPTED Aye: 5 Buchanan, Byrd, Donovan, Frazey, and Galloway Nay: 2 Elenbaas, and Kershner	

Attachments: Revised Substitute Ordinance (for 12.5 Consideration)

ORDINANCE NO. 2023-082

AMENDING WHATCOM COUNTY CODE CHAPTER 2.03 BOARD AND COMMISSIONS

WHEREAS, Whatcom County values community engagement in civic spaces and community driven policymaking; and

WHEREAS, Whatcom County seeks to ensure equal access to opportunities for people living in the county to participate in civic spaces; and

WHEREAS, Whatcom County [Ordinance 2021-16](#) states "Whatcom County residents value all people without regard to race, color, creed, religion, national origin, sex, sexual orientation, gender identity or expression, age, marital status, neurodiversity, disability, political affiliation, or veteran status"; and

WHEREAS, Whatcom County empanels advisory groups such as boards, committees, commissions, and taskforces to create a conduit for community members to provide critical information, insights, and advice on a broad range of issues, policies, and programs to support informed decision making by elected officials and County staff; and

WHEREAS, the [May 2023 Assessment of Advisory Groups Convened by Whatcom County Health and Community Services](#) identified the top three reasons why community members have chosen to serve on an advisory group, which include:

- 1) Desire to "serve the community" (88%),
- 2) "Be part of informed discussion that leads to program improvement" (78%), and
- 3) "Advocate for local and state regulatory and policy changes" (69%); and

WHEREAS, Whatcom County seeks to ensure equal opportunity for engagement in County advisory groups to all individuals living in the county; and

WHEREAS, County Code 2.03.100 currently requires a person be both a registered voter and U.S. citizen to participate in advisory groups prohibiting interested individuals who otherwise meet the qualifications outlined in an advisory group's enabling ordinance, resolution, or interlocal agreement from civically engaging in these spaces; and

WHEREAS, in March 2022, the Child and Family Well-Being Task Force published its [Phase II Report](#), which includes priorities to increase family involvement in County government processes and decision-making with a specific recommendation to "eliminate voter registration and U.S. citizenship requirements for participation on county government volunteer committees, boards, commissions, or task forces"; and

WHEREAS, these amendments to WCC 2.03 are consistent with [Resolution 2023-019](#), Whatcom County Code Language Revisions to Address Equity, Diversity and Inclusion; and

WHEREAS, the Whatcom County Council recommends any proposed, amended, updated, or adopted ordinances, resolutions, and interlocal agreements establishing and enabling advisory groups should remove language referencing any requirements for a person to be a registered voter and/or U.S. citizen in order to participate in advisory groups; and

1 **WHEREAS**, the Whatcom County Council encourages the Executive to establish
2 policies consistent with this ordinance for all Executive appointed advisory groups; and
3

4 **WHEREAS**, language in WCC 2.03 addresses term limits of various County advisory
5 groups; and
6

7 **WHEREAS**, mid-year appointments to vacancies may result in terms shorter than
8 the advisory group's designated term length, because term end dates must fall on January
9 31 of a given year, causing confusion about whether those terms are full or partial terms for
10 the purpose of calculating term limits; and
11

12 **WHEREAS**, many County advisory groups include members who are designated by
13 their own agencies to represent their particular agency, jurisdiction or County department;
14 and
15

16 **WHEREAS**, the County Council's intent is to allow agencies and jurisdictions to
17 designate their own representatives to advisory groups without restricting terms; and
18

19 **WHEREAS**, the term "quorum" for the purpose of holding meetings and taking
20 action varies and is often confusing, and there is benefit to having the term defined
21 consistently across all County advisory groups.
22

23 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that
24 Whatcom County Code 2.03 be amended as indicated in Exhibit A to this ordinance; and
25

26 **BE IT FURTHER ORDAINED** by the Whatcom County Council that the County
27 Council shall have the right to waive citizenship and/or qualified registered voter
28 requirements when appointing participants to any Whatcom County advisory groups; and
29

30 **BE IT FINALLY ORDAINED** by the Whatcom County Council that Whatcom County
31 shall not limit or restrict the participation of people living in Whatcom County from
32 participating in advisory groups based on citizenship and/or voter status.
33

34
35 **ADOPTED** this 5th day of Decemeber, 2023 .
36
37

38
39 ATTEST:

40
41 
42 Dana Brown-Davis, Clerk of the Council
43

44 WHATCOM COUNTY EXECUTIVE
45 APPROVED AS TO FORM:
46

47
48 /s/Karen Frakes approved via phone on 12/17/2023/MR
49

50 Karen Frakes, Civil Deputy Prosecutor
51

52 WHATCOM COUNTY COUNCIL
53 WHATCOM COUNTY, WASHINGTON

54 
55 Barry Buchanan, Council Chair
56

WHATCOM COUNTY, WASHINGTON


Satpal Sidhu, County Executive

Approved () Denied

Date Signed: 12/18/23

EXHIBIT A

Chapter 2.03 ~~ADVISORY BODIESGROUPSBOARDS AND COMMISSIONS~~

Sections:

- 2.03.010 General.
- 2.03.015 Definitions.
- 2.03.020 Terms.
- 2.03.025 Removal.
- 2.03.030 Limited terms.
- 2.03.040 Executive’s terms.
- 2.03.050 Appointment of non-councilmembers to advisory bodiesgroups boards, commissions and committees.
- ~~2.03.060 Appointment of planning commission members.~~
- 2.03.0760 Confirmation of executive appointments.
- 2.03.0870 Review of nominees and executive appointees.
- 2.03.0980 Vacancies on advisory bodiesgroups citizen boards, committees and commissions.
- ~~2.03.1090 Qualifications.~~
- 2.03.100 Organization – Meetings.

2.03.010 General.

The requirements of this chapter shall not supersede the requirements specified in the enabling ordinance, resolution, or interlocal agreement for any advisory bodygroup board, commission, or committee. (Ord. 2019-008 Exh. A).

2.03.015 Definitions.

“Advisory bodiesgroups” means all boards, committees, commissions, task forces, and other groups established by the County Council to participate in county government and functions primarily in advisory, coordinating, and/or planning capacities.

2.03.020 Terms.

A. Appointments to advisory bodiesgroups boards, committees and commissions of non-councilmembers made by the council shall be for a term no longer than four years, unless specified differently in the enabling statute ordinance, resolution, or interlocal agreement.

B. The terms of all appointments to advisory bodiesgroups boards, committees and commissions of noncouncilmembers made by the council shall expire on January 31st of the specified year, except for those appointments made to fill an incomplete term, in which case it shall be for the balance of that term.

C. Term lengths for those members first appointed to advisory bodiesgroups boards, committees and commissions that are newly created or are returning from hiatus with a majority or more of positions vacant shall be staggered so that the terms of future members do not expire on the same date. (Ord. 2019-008 Exh. A; Ord. 2016-074 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 83-19 (part); Res. 80-13 § 1 (part)).

D. When a member is appointed mid-year, outside the annual appointment process, to a vacant position with no term end date, the member’s term length will be no longer than the maximum term length allowed by the advisory bodygroup’s enabling statute and will be considered a partial term.

E. When advisory bodygroup membership includes representatives of specific agencies, jurisdictions, or County departments, their assigned delegates are not required to be

1 appointed by the County Executive or County Council and are not subject to term lengths or
2 limits.

3
4 **2.03.025 Removal.**

5 In circumstances where the council has the authority to remove from office a member of an
6 ~~advisory bodygroup board, committee, or commission~~ prior to the expiration of the ~~board,~~
7 ~~committee or commission~~ advisory bodygroup member's term of office, the council shall
8 make such removal only upon the proper grounds specified in law. In the absence of such
9 guidance in law, the council shall not remove a member from office without having given
10 the member an opportunity to be heard by the council, if so requested. (Ord. 2019-008 Exh.
11 A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003
12 Attachment E (part); Res. 83-19 (part); Res. 80-13 § 1 (part)).

13
14 **2.03.030 Limited terms.**

15 A. A member may be appointed to serve up to two consecutive four-year terms, regardless
16 of whether that member has served a partial term of less than four years.

17
18 B. No ~~advisory bodygroup board, commission or committee~~ member shall serve more than
19 two consecutive full terms; however, after serving two consecutive full terms, a citizen
20 member may become eligible for reappointment to ~~the advisory bodygroup a board,~~
21 ~~commission or committee~~ after a one-year period of separation from the respective board,
22 commission or committee on which they have he or she has previously served.

23
24 C. Term limits do not apply to the annual appointment of Whatcom County councilmembers
25 to various county and community ~~advisory bodiesgroups boards, commissions, or~~
26 ~~committees~~, unless specified in the enabling ordinance. (Ord. 2019-008 Exh. A; Ord. 2010-
27 045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part);
28 Res. 80-13 § 2).

29
30 **2.03.040 Executive's terms.**

31 Those positions to which the county council appoints the executive to serve shall be for the
32 executive's term of office. (Ord. 2019-008 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028
33 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 80-13 § 3).

34
35 **2.03.050 Appointment of noncouncilmembers to advisory bodiesgroups boards,**
36 **commissions and committees.**

37 For appointment by the council of noncouncilmembers to advisory bodiesgroups these
38 ~~boards, commissions and committees~~ performing either an administrative or a legislative
39 function, the council shall publish vacancies on its website and include an application
40 deadline of 10:00 a.m. on Tuesday of the week prior to the regularly scheduled council
41 meeting at which nominations and possible votes to appoint are scheduled to occur.
42 Councilmembers shall make nominations from the list of applicants at this same regularly
43 scheduled council meeting. ~~Nominations for appointment to any position having a residency~~
44 ~~requirement as to council district shall be made only by the councilmembers from the~~
45 ~~district or the councilmember at large.~~ Appointment of the nominees shall occur by an
46 affirmative roll-call vote by a majority of the entire council. In the case of only one applicant
47 for a given vacancy, nomination and appointment by general consent may occur. (Ord.
48 2019-008 Exh. A; Ord. 2014-044 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A;
49 Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Ord. 91-030 (part). Formerly
50 2.03.060).

51
52 **~~2.03.060 Appointment of planning commission members.~~**

53 ~~Councilmembers will follow the procedure set forth in WCC 2.03.050 when making~~
54 ~~nominations and appointments to the planning commission. (Ord. 2019-008 Exh. A; Ord.~~
55 ~~2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E~~
56 ~~(part). Formerly 2.03.065).~~

1
2 **2.03.0760 Confirmation of executive appointments.**

3 A. Council confirmation of executive appointments shall be handled in the following manner:
4 The executive shall present in writing to the council office, no later than seven days before
5 the council meeting at which action is requested, the names of ~~his~~their appointments,
6 positions and terms to which they are to be appointed, information on the appointees'
7 qualifications or background, and any other information the executive deems appropriate,
8 except in the case of executive appointments to executive and administrative offices, in
9 which case this information shall include a job description and a resume. This information
10 shall also be made available upon request to the public.

11
12 B. The council shall confirm or reject appointments by the county executive within 30 days
13 of the date the names are submitted to it; failure to act within this time period shall cause
14 the appointees to be deemed confirmed. Confirmation or rejection shall be by an affirmative
15 vote by a majority of the entire council. (Ord. 2019-008 Exh. A; Ord. 2010-045 Exh. A; Ord.
16 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Ord. 91-030
17 (part)).

18
19 **2.03.0870 Review of nominees and executive appointees.**

20 A. Councilmembers will individually be responsible for meeting or contacting individuals
21 nominated to serve on an ~~an advisory bodygroup board, commission, or committee~~, and
22 individuals whose appointment by the executive is scheduled for confirmation by the
23 council, prior to the council's consideration of the nomination or request for confirmation.

24
25 B. The council chairperson may arrange for the council interview of the nominee or the
26 recommended executive appointee prior to the regularly scheduled council meeting at which
27 appointment or confirmation will be considered.

28
29 C. The names of recommended appointees by the executive, and the names of nominees by
30 councilmembers, shall be published on the agenda for the council meeting at which action is
31 to be taken in filling a position or confirming an appointment. (Ord. 2019-008 Exh. A; Ord.
32 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A. Formerly 2.03.075).

33
34 **2.03.0980 Vacancies on ~~advisory bodiesgroups-citizen boards, committees and~~**
35 **~~commissions.~~**

36 A. The clerk of the council shall ~~cause to be compiled~~ and published annually ~~on the County~~
37 ~~website~~ a listing of vacancies and anticipated vacancies on all ~~advisory bodiesgroupscitizen~~
38 ~~boards, committees and commissions~~ within the appointive jurisdiction of both the council
39 and the executive.

40
41 B. The listing shall state the title and term of office of each position, ~~residency-if~~
42 ~~requirements to live in Whatcom County are applicable-(if any)~~, the appointing authority,
43 and an ~~physical~~ address, ~~e-mail address~~, and telephone number for obtaining further
44 information or for making applications. The listing shall also include a brief description of the
45 duties of each position and information on when the regular meetings of the ~~bodygroup~~ in
46 question are held.

47
48 C. The listing shall be posted in conspicuous places in the Courthouse, provided to all county
49 councilmembers, public libraries and city halls in the county, and be made available to the
50 public and news media at no charge.

51
52 D. Persons expressing an interest in applying for appointment to a council-appointed
53 position on an ~~an advisory bodygroup board, commission or committee~~ shall be given an
54 application form to complete and file with the clerk, giving ~~his or her~~their name, address,
55 telephone number, occupation and relevant qualifications. The applications shall be kept on
56 file in the clerk's office. An application for an advisory bodygroup is a public record subject

1 to disclosure upon request. Once an applicant is appointed, some personal information such
2 as residential address, telephone number, and e-mail address may be exempted from public
3 disclosure as allowed by RCW 42.56.250.
4

5 E. Persons expressing an interest in applying for appointment to an executive-appointed
6 position on an advisory bodygroup board, commission or committee shall be given an
7 application form to complete and file with the executive's office, giving his or hertheir name,
8 address, telephone number, occupation and relevant qualifications. The applications shall be
9 kept on file in the executive's office. An application for an advisory bodygroup is a public
10 record subject to disclosure upon request. Once an applicant is appointed, some personal
11 information such as residential address, telephone number, and e-mail address may be
12 exempted from public disclosure as allowed by RCW 42.56.250.
13

14 F. In fulfilling the obligations of this section, the clerk shall seek the cooperation of the
15 executive and may accomplish his or hertheir obligations through joint action with the
16 executive's office. (Ord. 2019-008 Exh. A; Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A;
17 Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 91-030 (part). Formerly 2.03.080).
18

19 **2.03.1090 Qualifications.**

20 A. To qualify for appointment by the council and/or executive to fill any vacancy on board,
21 committee or commission, a person shall be a qualified registered voter and resident of the
22 district, agency, or group he or she is appointed to represent on a specific board, committee
23 or commission, meeting all of the qualifications of Section 4.20 of the Whatcom County
24 Charter. To qualify for appointment on a County advisory bodygroup, a person shall live in
25 Whatcom County and shall meet the requirements of the advisory bodygroup's enabling
26 statute.
27

28 B. Individuals who have declared candidacy (as defined in RCW 42.17A.005(78)) for a paid
29 elected office in any jurisdiction within the county are not eligible for appointment while he
30 or she isthey are a candidate, but shall be eligible for: (A) appointment as the official
31 representative of an entity he or she isthey are currently elected to, or (B) reappointment to
32 additional terms, as allowed by the Whatcom County Code, to the same advisory bodygroup
33 board or committee he or she wasthey were on prior to declaration of candidacy. (Ord.
34 2019-008 Exh. A; Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A;
35 Ord. 95-006 Exh. A; Ord. 91-030 (part). Formerly 2.03.090).
36

37 **2.03.100 Organization - Meetings.**

38
39 A. An advisory bodygroup may establish its own operating bylaws, except:

- 40 1. A quorum for the purpose of holding a meeting and taking action will be more than
41 one-half of the total number of committee positions, regardless of whether any
42 positions are vacant.
- 43 2. A vote to make a recommendation to the County Council and/or County Executive
44 shall be approved by a quorum of the members as defined in (1) above.
45