

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

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

**AMENDING WHATCOM COUNTY CODE (WCC) CHAPTER 2.03,  
BOARDS AND COMMISSIONS**

**WHEREAS**, membership requirements of Board of Equalization members are specified in WCC Chapter 2.21 and RCW 84.48.010, and therefore can be removed from WCC Chapter 2.03; and

**WHEREAS**, language in WCC 2.03 addresses term limits of various County advisory board, commission, and committee members; and

**WHEREAS**, many County advisory boards and commissions include members who are designated by their own agencies to represent their particular jurisdiction or County department; and

**WHEREAS**, the term limit language of WCC 2.03 can be interpreted to apply to the agency-designated representatives; and

**WHEREAS**, the County Council's intent is to allow jurisdictions to designate their own representatives to boards, commissions, or committees without restricting terms.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code Chapter 2.78 is hereby amended as outlined in Exhibit A to this ordinance.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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

\_\_\_\_\_  
Rud Browne, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Karen Frakes, Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive

( ) Approved      ( ) Denied

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

# EXHIBIT A

## Chapter 2.03 BOARDS AND COMMISSIONS

Sections:

- 2.03.010 ~~Recodified~~ **General.**
- 2.03.020 Terms.
- 2.03.025 Removal.
- 2.03.030 Limited terms.
- 2.03.040 Executive's terms.
- 2.03.050 Effective date.
- 2.03.060 Appointment of non-councilmembers to boards, commissions and committees.
- 2.03.065 Appointment of planning commission members.
- 2.03.070 Confirmation of executive appointments.
- 2.03.075 Review of nominees and executive appointees.
- 2.03.080 Vacancies on citizen boards, committees and commissions.
- 2.03.090 Qualifications.

### 2.03.010 ~~Election~~ **General.**

*Recodified to WCC 2.02.095 by Ord. 2010-044.*

The requirements of this Chapter shall not supersede the requirements specified in the enabling ordinance for any board, commission, or committee.

Language added on advice of legal counsel, for clarity about which statute would take precedence if there were a conflict.

### ~~2.03.020 Terms.~~

~~A. The term of office for the board of equalization shall be three years pursuant to RCW 84.48.026.~~

Language removed regarding BOE, which is regulated per RCW 84.48.010. Remaining language is cleaned up to reflect changes.

~~B All other~~ appointments to 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.

C. The terms of all appointments to boards, committees and commissions of non-councilmembers 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.

D. Term lengths for those members first appointed to 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. 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)).

### 2.03.025 Removal.

In circumstances where the council has the authority to remove from office a member of a board, committee, or commission prior to the expiration of the board, committee or commission member's term of office, the council shall make such removal only upon the proper grounds specified in law. In the absence of such guidance in law, the council shall not remove a member from office without having given the member an opportunity to be

1 heard by the council, if so requested. (Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord.  
2 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 83-19 (part); Res. 80-13 § 1 (part)).

3  
4 **2.03.030 Limited terms.**

5 **A.** A member may be appointed to serve up to two  
6 consecutive four-year terms, regardless of whether  
7 that member has served a first **partial** term of less  
8 than four years.

For clarity, to reflect actual  
practice upon advice of legal  
counsel.

9  
10 **B.** No board, commission or committee member shall serve more than two consecutive full  
11 terms; however, after serving two consecutive full terms a citizen may become eligible for  
12 reappointment to a board, commission or committee after a one-year period of separation  
13 from the respective board, commission or committee on which he or she has previously  
14 served.

15  
16 **C.** Term limits do not apply to the annual appointment  
17 of Whatcom County Councilmembers to various County  
18 and community boards, commissions, or committees,  
19 unless specified in the enabling ordinance.

Legal counsel determined that,  
as the code currently is written,  
the annual appointments of  
councilmembers to various  
boards and commissions could be  
subject to term limits.

20  
21 (Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord.  
22 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res.  
23 80-13 § 2).

24  
25 **2.03.040 Executive's terms.**

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

29  
30 ~~**2.03.050 Effective date.**~~

31 ~~The term of office limitations shall apply to all~~  
32 ~~appointments made by the county council since May~~  
33 ~~1, 1979. (Ord. 2010-045 Exh. A; Ord. 2001-028 Exh.~~  
34 ~~A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E~~  
35 ~~(part); Res. 80-13 § 4).~~

Language is obsolete.

36  
37 **2.03.060 Appointment of non-councilmembers to boards, commissions and**  
38 **committees.**

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

52  
53 **2.03.065 Appointment of planning commission members.**

1 Councilmembers will follow the procedure set forth in WCC 2.03.060 when making  
2 nominations and appointments to the planning commission. (Ord. 2010-045 Exh. A; Ord.  
3 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part)).  
4

5 **2.03.070 Confirmation of executive appointments.**

6 A. Council confirmation of executive appointments shall be handled in the following manner:  
7 The executive shall present in writing to the council office, no later than seven days before  
8 the council meeting at which action is requested, the names of his appointments, positions  
9 and terms to which they are to be appointed, information on the appointees' qualifications  
10 or background, and any other information the executive deems appropriate, except in the  
11 case of executive appointments to executive and administrative offices, in which case, this  
12 information shall include a job description and a resume. This information shall also be  
13 made available upon request to the public.  
14

15 B. The council shall confirm or reject appointments by the county executive within 30 days  
16 of the date the names are submitted to it; failure to act within this time period shall cause  
17 the appointees to be deemed confirmed. Confirmation or rejections shall be by an  
18 affirmative vote by a majority of the entire council. (Ord. 2010-045 Exh. A; Ord. 2001-028  
19 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Ord. 91-030 (part)).  
20

21 **2.03.075 Review of nominees and executive appointees.**

22 A. Councilmembers will individually be responsible for meeting or contacting individuals  
23 nominated to serve on a board, commission, or committee, and individuals whose  
24 appointment by the executive is scheduled for confirmation by the council, prior to the  
25 council's consideration of the nomination or request for confirmation.  
26

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

30 C. The names of recommended appointees by the executive, and the names of nominees by  
31 councilmembers, shall be published on the agenda for the council meeting at which action is  
32 to be taken in filling a position or confirming an appointment. (Ord. 2010-045 Exh. A; Ord.  
33 2001-028 Exh. A; Ord. 95-006 Exh. A)  
34

35 **2.03.080 Vacancies on citizen boards, committees and commissions.**

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

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

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

50 D. Persons expressing an interest in applying for appointment to a council-appointed  
51 position on a board, commission or committee shall be given an application form to  
52 complete and file with the clerk, giving his or her name, address, telephone number,

1 occupation and relevant qualifications. The applications shall be kept on file in the clerk's  
2 office.

3  
4 E. Persons expressing an interest in applying for appointment to an executive-appointed  
5 position on a board, commission or committee shall be given an application form to  
6 complete and file with the executive's office, giving his or her name, address, telephone  
7 number, occupation and relevant qualifications. The applications shall be kept on file in the  
8 executive's office.

9  
10 F. In fulfilling the obligations of this section, the clerk shall seek the cooperation of the  
11 executive and may accomplish his or her obligations through joint action with the  
12 executive's office. (Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A;  
13 Ord. 95-006 Exh. A; Ord. 91-030 (part)).

14  
15 **2.03.090 Qualifications.**  
16 To qualify for appointment by the council and/or executive to fill any vacancy on a board,  
17 committee or commission, a person shall be a qualified registered voter resident of the  
18 district, agency, or group he or she is appointed to represent on a specific board, committee  
19 or commission, meeting all of the qualifications of Section 4.20 of the Whatcom County  
20 Charter. Individuals who have declared candidacy (as defined in RCW [42.17A.005\(7\)](#)) for a  
21 paid elected office in any jurisdiction within the county are not eligible for appointment while  
22 he or she is a candidate, but shall be eligible for: (A) appointment as the official  
23 representative of an entity he or she is currently elected to, or (B) reappointment to  
24 additional terms, as allowed by the Whatcom County Code, to the same board or committee  
25 he or she was on prior to declaration of candidacy. (Ord. 2017-007 Exh. A; Ord. 2010-045  
26 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 91-030 (part)).