



Whatcom County

COUNTY COURTHOUSE
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Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Report

File Number: AB2024-100

File ID:	AB2024-100	Version:	1	Status:	Adopted
File Created:	01/22/2024	Entered by:	CStrong@co.whatcom.wa.us		
Department:	Planning and Development Services Department	File Type:	Ordinance		
Assigned to:	Council	Final Action:	02/06/2024		
Agenda Date:	02/06/2024	Enactment #:	ORD 2024-007		
Related Files:					

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

TITLE FOR AGENDA ITEM:

Ordinance adopting amendments to Whatcom County Code Title 2 (Administration and Personnel) to abolish the Appeals Board and assign its duties to the Hearing Examiner

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

An ordinance adopting amendments to Whatcom County Code Title 3 (Revenue and Finance) to abolish the Appeals Board and assign its duties to the Hearing Examiner

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/23/2024	Council	INTRODUCED	Council
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler	
		Nay: 0	
02/06/2024	Council	ADOPTED	
		Aye: 4 Buchanan, Donovan, Galloway, and Scanlon	
		Nay: 3 Byrd, Elenbaas, and Stremler	

Attachments: Staff Memo, Proposed Ordinance

PROPOSED BY: _____
INTRODUCTION DATE: 1/23/2024

ORDINANCE NO. 2024-007

AN ORDINANCE ADOPTING AMENDMENTS TO WHATCOM COUNTY CODE TITLE 2 (ADMINISTRATION AND PERSONNEL) TO ABOLISH THE APPEALS BOARD AND ASSIGN ITS DUTIES TO THE HEARING EXAMINER

WHEREAS, the Whatcom County Appeals Board had not met in over 8 years, having had no appeals; and,

WHEREAS, Whatcom County has been assigning most administrative appeals to the Hearing Examiner in the last decade;

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

Section 1. Amendments to the Whatcom County Code are hereby adopted as shown in Exhibit A.

Section 2. Staff is authorized to work with Code Publishing to correct and update any cross-references made ineffective by these amendments.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this 6th day of February, 2024.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

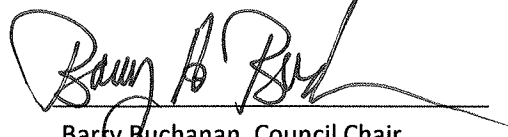
ATTEST:


Dana Brown-Davis, Council Clerk

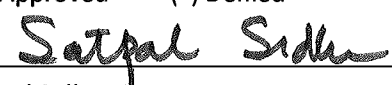
APPROVED as to form:

/s/Royce Buckingham approved via email on 1/31/2024/MR

Royce Buckingham, Civil Deputy Prosecutor


Barry Buchanan, Council Chair

Approved () Denied


Satpal Sidhu, Executive

Date: February 9, 2024

Exhibit A: Proposed Amendments to Abolish the Board of Appeals and Transfer Duties to the Hearing Examiner

TITLE 2 ADMINISTRATION AND PERSONNEL

Chapter 2.11 Hearing Examiner

(...)

2.11.210 Final Decisions.

In accordance with the provisions of Chapter 22.05 WCC, the hearing examiner shall conduct open record hearings and prepare a record thereof, and make a final decision upon the following matters:

- A. Appeals from any order, permits, decisions or final determinations made by an administrative official or committee in the administration of this Title, WCC Title 15, WCC Title 16, Environment, WCC Title 17, Flood Damage Prevention, WCC Title 20, Zoning, WCC Title 21, Land Division Regulations, WCC Title 22, Project Permit Procedures, WCC Title 23, Shoreline Management Program, or WCC Title 24, Health Code.

(...)

2.11.220 Rules and regulations.

The Hearing Examiner shall have the power to prescribe rules and regulations for the conduct of hearings before him or her, subject to approval by the County Council; and also, to issue summons for and compel the appearance of witnesses, to administer oath, and preserve order. The opportunity of cross-examination of witnesses shall be afforded all parties with standing or their counsel in accordance with the rules of the hearing examiner.