



MEMORANDUM

TO: WHATCOM COUNTY COUNCIL

FROM: CATHY HALKA, CLERK OF THE COUNCIL

DATE: APRIL 22, 2025

RE: SCRIVENER'S ERROR ON ORDINANCE 2025-002, ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 2.21 BOARD OF EQUALIZATION TO CLARIFY BOARD OF EQUALIZATION MEMBERSHIP

On January 14, 2025, Whatcom County Council adopted an ordinance amending Whatcom County Code 2.21 Board of Equalization to clarify Board of Equalization membership (see [Ordinance 2025-002](#)). The purpose of the code amendment was to clarify the membership of the Board of Equalization, including what constitutes a quorum.

Three additional sections were added to the code to provide clarification on current practices, including 2.21.040 Clerk, 2.21.050 Powers and Duties, and 2.21.060 Time for Filing Petitions. Staff did not intend to propose a policy change in these sections, nor did councilmembers discuss any policy changes regarding these three sections. The language in section 2.21.060, Time for Filing Petitions, inadvertently listed "sixty" instead of "thirty" days as the due date for filing petitions. Thirty days is the current practice.

Council's legal staff reviewed this issue (see attached email) and determined the error can be corrected as a scrivener's error as follows:

2.21.060 Time for Filing Petitions

The owner or person responsible for payment of taxes on any property within the county may petition the board of equalization for a change in the assessed valuation placed upon the property by the county assessor or for any other reason specifically authorized by statute. The petition must be filed with the board on or before July 1 of the year of the assessment or determination or within ~~sixty~~ **thirty** days after the date an assessment, value change notice, or other notice is mailed, whichever is later.

Council staff will proceed to process the change to the ordinance as a scrivener's error, updating the adopted ordinance and code language online. For clarity, staff will retain a copy of this memo with the agenda bill file (AB2024-843) and in the ordinance records.

Please contact me at chalka@co.whatcom.wa.us or x5019 with any questions or concerns you may have.

Encl. Email from Legal Staff, Ordinance 2025-002

From: Christopher Quinn
Sent: Friday, April 18, 2025 9:37 AM
To: Cathy Halka
Cc: Kimberly Thulin; Rebecca Xczar; Falon Hoven
Subject: RE: Ordinance amending WCC 2.21.060 (TIME FOR FILING PETITION)

Cathy,

I'm writing to follow up on our discussion regarding the February 2025 amendment to Whatcom County Code (WCC) 2.21—specifically, the unintended change to section .060 (Timeline for Filing Petitions).

As I understand it, the intent was for the petition timeline to the Board of Equalization (BOE) to remain at **thirty** days. However, the adopted amendment language mistakenly reflected a sixty-day timeline. And as I further understand it, it was not Council's intention to alter the existing time for petition as provided for under state law.

Given the circumstances, this appears to be a scrivener's error, and it may be appropriate to correct the timeline back to thirty days without requiring further Council action.

Reasoning:

A scrivener's error refers to a minor clerical or typographical mistake in a legal document—such as a misspelling, incorrect number, or formatting inconsistency—that does not reflect a substantive change or involve legal reasoning. In this case, the error in the ordinance falls squarely within that definition -an incorrect number. It was an inadvertent discrepancy that does not alter the intent of Council.

Because this type of error is purely clerical in nature, it does not require re-adoption or additional Council action to correct. In Whatcom County, such corrections are typically handled by the Clerk of the Council and the Prosecuting Attorney's Office, ensuring consistency with the adopted legislative intent while maintaining accuracy in the Code.

This process helps to maintain clarity in the County Code without placing unnecessary procedural burdens on the Council or staff, and it is a well-established part of legislative document management.

I have copied Whatcom County Assessor Rebecca Xczar on this email to keep her office apprised of our intentions to correct this mistake.

Please let me know if you have any questions.

-Chris

Christopher Quinn
Chief Civil Deputy Prosecuting Attorney
Whatcom County Prosecutor's Office
311 Grand Avenue, Suite 201
Bellingham, WA 98225
360.778.5710

Email: cquinn@co.whatcom.wa.us

PROPOSED BY: COUNCIL STAFF
INTRODUCTION DATE: DECEMBER 3, 2024

ORDINANCE NO. 2025-002

**ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 2.21 BOARD OF
EQUALIZATION TO CLARIFY BOARD OF EQUALIZATION MEMBERSHIP**

WHEREAS, RCW 84.48.014 stipulates that membership in a county's board of equalization shall consist of not less than three nor more than seven members including alternates; and

WHEREAS, RCW 84.48.018 stipulates that a majority of the board of equalization shall constitute a quorum; and

WHEREAS, clarifications are needed to WCC 2.21 Board of Equalization to more clearly align state and local code related to the composition of the board of equalization.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 2.21 Board of Equalization is hereby amended as shown in Exhibit A (attached).

ADOPTED this 14th day of January, 2025

ATTEST:



Cathy Halka, Clerk of the Council

Chair APPROVED AS TO FORM:

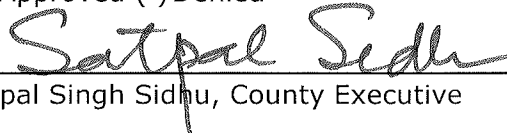
GEORGE ROCHE by email 11/15/24-ks
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Kaylee Galloway, Council

☒ Approved () Denied



Satpal Singh Sidhu, County Executive

Date: 1/22/25

Exhibit A

CHAPTER 2.21 BOARD OF EQUALIZATION

Sections:

- 2.21.010 Established – Composition.
- 2.21.020 Membership – Term of office.
- 2.21.030 Compensation for meeting attendance.
- 2.21.010 Established – Composition.

2.21.010 Established – Composition.

The Whatcom County board of equalization is established pursuant to Chapter 84.48 RCW and shall consist of three regular members and four alternates. The three regular members shall act as the board and the alternates shall fill in as needed. Two board members shall constitute a quorum.

The board members shall be selected based upon the qualifications established by the Department of Revenue by rule and shall not be members of the Whatcom County council or hold any other elective office, or be employees of any elected official. In order that as broad based a representation as possible may be made on the board of equalization, not more than two members may reside in any one county council district. (Ord. 2022-034 Exh. A; Ord. 2016-038 Exh. A; Ord. 95-044).

2.21.020 Membership – Term of office.

Board members shall be appointed by a majority of the Whatcom County council. Member terms shall be three years, or until their successors are appointed, pursuant to RCW 84.48.026. When a board member has completed two consecutive full terms, if a position on the board remains unfilled for one month, the county council shall have the right to waive the one-year period of separation set forth in WCC 2.03.030. The exiting board member may apply for the unfilled position if they remain qualified. Each appointed member may be removed by a majority vote of the Whatcom County council. (Ord. 2022-034 Exh. A; Ord. 2016-038 Exh. A).

2.21.030 Compensation for meeting attendance.

As authorized by RCW 84.48.010, members of the board of equalization shall receive \$150.00 per day for each day of actual attendance at a meeting of the board. (Ord. 2022-067; Ord. 2022-034 Exh. A; Ord. 2016-038 Exh. A; Ord. 95-044. Formerly 2.21.040).

2.21.040 Clerk

The Clerk of Whatcom County Council, or their designee, shall serve as the Clerk of the board and such assistants, legal advisors and appraisers as are necessary in order for the board to perform its functions as authorized by chapter 84.48 RCW and chapter 458-14 WAC and as provided in such budget as is approved by the county council.

2.21.050 Powers and Duties

The board of equalization shall have such powers and duties, conduct such meetings, and keep such records as are provided for by chapter 84.48 RCW and 458-14 WAC.

2.21.060 Time for Filing Petitions

The owner or person responsible for payment of taxes on any property within the county may petition the board of equalization for a change in the assessed valuation placed upon the property by the county assessor or for any other reason specifically authorized by statute. The petition must be filed with the board on or before July 1 of the year of the assessment or determination or within sixty days after the date an assessment, value change notice, or other notice is mailed, whichever is later.