



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Report

File Number: AB2023-775

<b>File ID:</b>	AB2023-775	<b>Version:</b>	1	<b>Status:</b>	Adopted
<b>File Created:</b>	11/14/2023	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Ordinance		
<b>Assigned to:</b>	Council Committee of the Whole			<b>Final Action:</b>	12/05/2023
<b>Agenda Date:</b>	12/05/2023			<b>Enactment #:</b>	ORD 2023-082

**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**

<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
11/21/2023	Council	SUBSTITUTE INTRODUCED	Council Committee of the Whole
		Aye: 5 Buchanan, Donovan, Frazey, Galloway, and Kershner	
		Nay: 1 Elenbaas	
		Absent: 1 Byrd	
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	

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**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

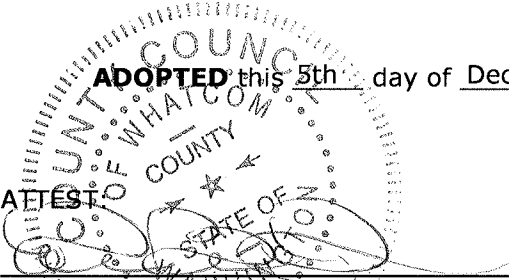
19           **WHEREAS**, the term "quorum" for the purpose of holding meetings and taking  
20 action varies and is often confusing, and there is benefit to having the term defined  
21 consistently across all County advisory groups.  
22

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, 20 23 .  
36  
37

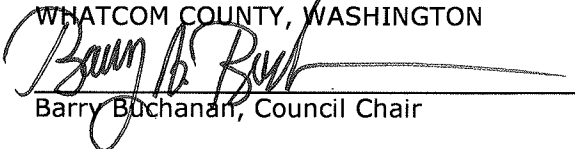
38  
39           ATTEST:  
40  
41           A circular seal for Whatcom County, Washington. The outer ring contains the text 'WHATCOM COUNTY WASHINGTON'. The inner ring contains 'COUNTY CLERK'. The center features a star and the words 'STATE OF WASHINGTON'.  
42           Dana Brown-Davis, Clerk of the Council

43  
44           WHATCOM COUNTY EXECUTIVE  
45           APPROVED AS TO FORM:  
46

47           /s/Karen Frakes approved via phone on 12/1/2023/MR  
48

49           Karen Frakes, Civil Deputy Prosecutor  
50

51           WHATCOM COUNTY COUNCIL  
52           WHATCOM COUNTY, WASHINGTON

53           A handwritten signature in black ink, appearing to read 'Barry Buchanan'.  
54           Barry Buchanan, Council Chair

55           WHATCOM COUNTY, WASHINGTON

56           A handwritten signature in black ink, appearing to read 'Satpal Sidhu'.  
57           Satpal Sidhu, County Executive

58            Approved           (    ) Denied

59           Date Signed: 12/1/23

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**EXHIBIT A**

**Chapter 2.03 ADVISORY GROUPS**

**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 groups.**
- 2.03.060 Confirmation of executive appointments.**
- 2.03.070 Review of nominees and executive appointees.**
- 2.03.080 Vacancies on advisory groups.**
- 2.03.090 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 group. (Ord. 2019-008 Exh. A).

**2.03.015 Definitions.**

"Advisory groups" 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 groups of non-councilmembers made by the council shall be for a term no longer than four years, unless specified differently in the enabling ordinance, resolution, or interlocal agreement.

B. The terms of all appointments to advisory groups 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.

C. Term lengths for those members first appointed to advisory groups 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 group's enabling statute and will be considered a partial term.

E. When advisory group membership includes representatives of specific agencies, jurisdictions, or County departments, their assigned delegates are not required to be appointed by the County Executive or County Council and are not subject to term lengths or limits.

1 **2.03.025 Removal.**

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

9  
10 **2.03.030 Limited terms.**

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

13  
14 B. No advisory group member shall serve more than two consecutive full terms; however,  
15 after serving two consecutive full terms, a member may become eligible for reappointment  
16 to the advisory group after a one-year period of separation from the respective board,  
17 commission or committee on which they have previously served.

18  
19 C. Term limits do not apply to the annual appointment of Whatcom County councilmembers  
20 to various county and community advisory groups, unless specified in the enabling  
21 ordinance. (Ord. 2019-008 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-  
22 006 Exh. A; Ord. 93-003 Attachment E (part); Res. 80-13 § 2).

23  
24 **2.03.040 Executive's terms.**

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

28  
29 **2.03.050 Appointment of non-councilmembers to advisory groups.**

30 For appointment by the council of non-councilmembers to advisory groups performing either  
31 an administrative or a legislative function, the council shall publish vacancies on its website  
32 and include an application deadline of 10:00 a.m. on Tuesday of the week prior to the  
33 regularly scheduled council meeting at which nominations and possible votes to appoint are  
34 scheduled to occur. Councilmembers shall make nominations from the list of applicants at  
35 this same regularly scheduled council meeting. Appointment of the nominees shall occur by  
36 an affirmative roll-call vote by a majority of the entire council. In the case of only one  
37 applicant for a given vacancy, nomination and appointment by general consent may occur.  
38 (Ord. 2019-008 Exh. A; Ord. 2014-044 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh.  
39 A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Ord. 91-030 (part). Formerly  
40 2.03.060).

41  
42 **2.03.060 Confirmation of executive appointments.**

43 A. Council confirmation of executive appointments shall be handled in the following manner:  
44 The executive shall present in writing to the council office, no later than seven days before  
45 the council meeting at which action is requested, the names of their appointments, positions  
46 and terms to which they are to be appointed, information on the appointees' qualifications  
47 or background, and any other information the executive deems appropriate, except in the  
48 case of executive appointments to executive and administrative offices, in which case this  
49 information shall include a job description and a resume. This information shall also be  
50 made available upon request to the public.

51  
52 B. The council shall confirm or reject appointments by the county executive within 30 days  
53 of the date the names are submitted to it; failure to act within this time period shall cause  
54 the appointees to be deemed confirmed. Confirmation or rejection shall be by an affirmative  
55 vote by a majority of the entire council. (Ord. 2019-008 Exh. A; Ord. 2010-045 Exh. A; Ord.

1 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Ord. 91-030  
2 (part)).

3  
4 **2.03.070 Review of nominees and executive appointees.**

5 A. Councilmembers will individually be responsible for meeting or contacting individuals  
6 nominated to serve on an advisory group, and individuals whose appointment by the  
7 executive is scheduled for confirmation by the council, prior to the council's consideration of  
8 the nomination or request for confirmation.

9  
10 B. The council chairperson may arrange for the council interview of the nominee or the  
11 recommended executive appointee prior to the regularly scheduled council meeting at which  
12 appointment or confirmation will be considered.

13  
14 C. The names of recommended appointees by the executive, and the names of nominees by  
15 councilmembers, shall be published on the agenda for the council meeting at which action is  
16 to be taken in filling a position or confirming an appointment. (Ord. 2019-008 Exh. A; Ord.  
17 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A. Formerly 2.03.075).

18  
19 **2.03.080 Vacancies on advisory groups.**

20 A. The clerk of the council shall compile and publish annually on the County website a listing  
21 of vacancies and anticipated vacancies on all advisory groups within the appointive  
22 jurisdiction of both the council and the executive.

23  
24 B. The listing shall state the title and term of office of each position, if requirements to live  
25 in Whatcom County are applicable, the appointing authority, and a physical address, e-mail  
26 address, and telephone number for obtaining further information or for making applications.  
27 The listing shall also include a brief description of the duties of each position and  
28 information on when the regular meetings of the group in question are held.

29  
30 C. The listing shall be posted in conspicuous places in the Courthouse, provided to all county  
31 councilmembers, public libraries and city halls in the county, and be made available to the  
32 public and news media at no charge.

33  
34 D. Persons expressing an interest in applying for appointment to a council-appointed  
35 position on an advisory group shall be given an application form to complete and file with  
36 the clerk, giving their name, address, telephone number, occupation and relevant  
37 qualifications. The applications shall be kept on file in the clerk's office. An application for an  
38 advisory group is a public record subject to disclosure upon request. Once an applicant is  
39 appointed, some personal information such as residential address, telephone number, and  
40 e-mail address may be exempted from public disclosure as allowed by RCW 42.56.250.

41  
42 E. Persons expressing an interest in applying for appointment to an executive-appointed  
43 position on an advisory group shall be given an application form to complete and file with  
44 the executive's office, giving their name, address, telephone number, occupation and  
45 relevant qualifications. The applications shall be kept on file in the executive's office. An  
46 application for an advisory group is a public record subject to disclosure upon request. Once  
47 an applicant is appointed, some personal information such as residential address, telephone  
48 number, and e-mail address may be exempted from public disclosure as allowed by RCW  
49 42.56.250.

50  
51 F. In fulfilling the obligations of this section, the clerk shall seek the cooperation of the  
52 executive and may accomplish their obligations through joint action with the executive's  
53 office. (Ord. 2019-008 Exh. A; Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-  
54 028 Exh. A; Ord. 95-006 Exh. A; Ord. 91-030 (part). Formerly 2.03.080).

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1 **2.03.090 Qualifications.**

2 A. To qualify for appointment on a County advisory group, a person shall live in Whatcom  
3 County and shall meet the requirements of the advisory group's enabling statute.

4  
5 B. Individuals who have declared candidacy (as defined in RCW 42.17A.005(8)) for a paid  
6 elected office in any jurisdiction within the county are not eligible for appointment while  
7 they are a candidate, but shall be eligible for: (A) appointment as the official representative  
8 of an entity they are currently elected to, or (B) reappointment to additional terms, as  
9 allowed by the Whatcom County Code, to the same advisory group they were on prior to  
10 declaration of candidacy. (Ord. 2019-008 Exh. A; Ord. 2017-007 Exh. A; Ord. 2010-045  
11 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 91-030 (part). Formerly  
12 2.03.090).

13  
14 **2.03.100 Organization - Meetings.**

15  
16 A. An advisory group may establish its own operating bylaws, except:

- 17 1. A quorum for the purpose of holding a meeting and taking action will be more than  
18 one-half of the total number of committee positions, regardless of whether any  
19 positions are vacant.
- 20 2. A vote to make a recommendation to the County Council and/or County Executive  
21 shall be approved by a quorum of the members as defined in (1) above.  
22