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## MEMORANDUM

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**TO:** WHATCOM COUNTY COUNCIL  
**FROM:** RAJEEV D. MAJUMDAR, WHATCOM COUNTY HEARING EXAMINER  
**SUBJECT:** 2026 PROMULGATION OF HEARING EXAMINER RULE  
AMENDMENTS  
**DATE:** JUNE 5, 2026

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Dear Council,

Enclosed are both redline and clean copies of proposed amendments to the Rules of The Whatcom County Hearing Examiner (WCHE) for your review and approval, with some minor revisions and corrections from the version amended last in 2025. The minor changes are designed to continue to provide transparency and clarity, for the public, attorneys, applicants, appellants, and other stakeholders who interact with the Office of the Hearing Examiner.

Also attached are proposed redline revisions to the code to better match the practices and realities on the ground, including providing guidance to parties, the public, and the media as to the use of external recording systems and the submission of physical evidence.

These changes have been reviewed without objection by the Planning and Development Services Department and the Prosecuting Attorney's Office.

### **Background and Purpose**

The Office of the Hearing Examiner as currently recognized was established by Whatcom County via Ord. Adopted December 17, 1981, via Ord. 81-99 under Whatcom County Code ("WCC") Title 20.92.<sup>1</sup> In 2018, the Whatcom County Hearing Examiner authority was recodified and restated under WCC 2.11 via Ord. 2018-032 §

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<sup>1</sup> As amended numerous times over the years. See WCC 20.04.080 for record.

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1 (Exh. B). Various authorities, powers, and guidance for the Hearing Examiner and also manifest elsewhere throughout the code, including WCC 2.100, 2.104, 9.52, 16.16, 21.05, 22.05, 22.07, and 23.10.

WCC 2.11.220 authorizes the Hearing Examiner to prescribe rules and regulations for the conduct of hearings before them, subject to approval by the Council. This revision to the second promulgation of the Rules of Procedure for Proceedings Before the Whatcom County Hearing Examiner (WCHE) is being sent to the Council under those auspices. This current Hearing Examiner has proposed to the Council changes on two prior occasions; it is my commitment to continue to bring regular updates. This will also bring our rules into alignment with the same changes being adopted by Island County, Skagit County, Lynden, and Ferndale.

### **Funding Amount and Source**

This proposal has no budgetary ask or expected impact.

### **Note of Appreciated Effort**

These proposals have been refined many times, and I would like to note the following County employees as being critical in putting time and energy into bringing a diverse array of perspectives and talents into drafting this new set of rules: Lisa Bruner, the Hearing Examiner Coordinator; Kimberly Thulin from the Whatcom County Prosecutor's Office; and Amy Keenan, from the Department of Planning & Development Services.

Please feel free to call me with any questions or concerns at (360) 332-7000.

Sincerely,



Rajeev D. Majumdar  
Whatcom County Hearing Examiner

RDM/jra