

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
53
54
55

ORDINANCE NO. _____

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 bodies 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 body, 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 bodies 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 bodies prohibiting interested individuals who otherwise meet the qualifications outlined in an advisory body'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 bodies 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 bodies; and

1 **WHEREAS**, the Whatcom County Council encourages the Executive to establish
2 policies consistent with this ordinance for all Executive appointed advisory bodies; and

3
4 **WHEREAS**, language in WCC 2.03 addresses term limits of various County advisory
5 bodies; and

6
7 **WHEREAS**, mid-year appointments to vacancies may result in terms shorter than
8 the advisory body'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 bodies 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 bodies 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 bodies.

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 bodies; 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 bodies based on citizenship and/or voter status.

33
34
35 **ADOPTED** this ____ day of _____, 20____.

36
37
38
39 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

40
41
42 _____
43 Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

44 WHATCOM COUNTY EXECUTIVE
45 APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

46
47
48 _____
49 /s/Karen Frakes approved via email on 11/16/2023/MR

50 Karen Frakes, Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____

51
52
53
54
55
56

1 EXHIBIT A

2
3 Chapter 2.03 ADVISORY BODIES~~BOARDS AND COMMISSIONS~~

4
5 **Sections:**

6 **2.03.010 General.**

7 2.03.015 Definitions.

8 **2.03.020 Terms.**

9 **2.03.025 Removal.**

10 **2.03.030 Limited terms.**

11 **2.03.040 Executive’s terms.**

12 **2.03.050 Appointment of non-councilmembers to advisory bodies~~boards,~~**
13 **~~commissions and committees.~~**

14 ~~2.03.060 Appointment of planning commission members.~~

15 **2.03.070 Confirmation of executive appointments.**

16 **2.03.080 Review of nominees and executive appointees.**

17 **2.03.090 Vacancies on advisory bodies~~citizen boards, committees and~~**
18 **~~commissions.~~**

19 ~~2.03.100 Qualifications.~~

20 2.03.100 Organization – Meetings.

21
22 **2.03.010 General.**

23 The requirements of this chapter shall not supersede the requirements specified in the
24 enabling ordinance, resolution, or interlocal agreement for any advisory body~~board,~~
25 ~~commission, or committee.~~ (Ord. 2019-008 Exh. A).

26
27 2.03.015 Definitions.

28
29 “Advisory bodies” means all boards, committees, commissions, task forces, and other
30 groups established by the County Council to participate in county government and functions
31 primarily in advisory, coordinating, and/or planning capacities.

32
33 **2.03.020 Terms.**

34 A. Appointments to advisory bodies~~boards, committees and commissions~~ of non-
35 councilmembers made by the council shall be for a term no longer than four years, unless
36 specified differently in the enabling statute, ordinance, resolution, or interlocal agreement.

37
38 B. The terms of all appointments to advisory bodies~~boards, committees and commissions~~ of
39 noncouncilmembers made by the council shall expire on January 31st of the specified year,
40 except for those appointments made to fill an incomplete term, in which case it shall be for
41 the balance of that term.

42
43 C. Term lengths for those members first appointed to advisory bodies~~boards, committees~~
44 ~~and commissions~~ that are newly created or are returning from hiatus with a majority or
45 more of positions vacant shall be staggered so that the terms of future members do not
46 expire on the same date. (Ord. 2019-008 Exh. A; Ord. 2016-074 Exh. A; Ord. 2010-045
47 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res.
48 83-19 (part); Res. 80-13 § 1 (part)).

49
50 D. When a member is appointed mid-year, outside the annual appointment process, to a
51 vacant position with no term end date, the member’s term length will be no longer than the
52 maximum term length allowed by the advisory body’s enabling statute and will be
53 considered a partial term.

54
55 E. When advisory body membership includes representatives of specific agencies,
56 jurisdictions, or County departments, their assigned delegates are not required to be

1 [appointed by the County Executive or County Council and are not subject to term lengths or](#)
2 [limits.](#)

3
4 **2.03.025 Removal.**

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

13
14 **2.03.030 Limited terms.**

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

17
18 B. No [advisory body board, commission or committee](#) member shall serve more than two
19 consecutive full terms; however, after serving two consecutive full terms, a [citizen member](#)
20 may become eligible for reappointment to [the advisory body a board, commission or](#)
21 [committee](#) after a one-year period of separation from the respective board, commission or
22 committee on which [they have he or she has](#) previously served.

23
24 C. Term limits do not apply to the annual appointment of Whatcom County councilmembers
25 to various county and community [advisory bodies boards, commissions, or committees,](#)
26 unless specified in the enabling ordinance. (Ord. 2019-008 Exh. A; Ord. 2010-045 Exh. A;
27 Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 80-13 §
28 2).

29
30 **2.03.040 Executive's terms.**

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

34
35 **2.03.050 Appointment of noncouncilmembers to [advisory bodies boards,](#)**
36 **[commissions and committees.](#)**

37 For appointment by the council of noncouncilmembers to [advisory bodies these boards,](#)
38 [commissions and committees](#) performing either an administrative or a legislative function,
39 the council shall publish vacancies on its website and include an application deadline of
40 10:00 a.m. on Tuesday of the week prior to the regularly scheduled council meeting at
41 which nominations and possible votes to appoint are scheduled to occur. Councilmembers
42 shall make nominations from the list of applicants at this same regularly scheduled council
43 meeting. [Nominations for appointment to any position having a residency requirement as to](#)
44 [council district shall be made only by the councilmembers from the district or the](#)
45 [councilmember at large.](#) Appointment of the nominees shall occur by an affirmative roll-call
46 vote by a majority of the entire council. In the case of only one applicant for a given
47 vacancy, nomination and appointment by general consent may occur. (Ord. 2019-008 Exh.
48 A; Ord. 2014-044 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh.
49 A; Ord. 93-003 Attachment E (part); Ord. 91-030 (part). Formerly 2.03.060).

50
51 **~~2.03.060 Appointment of planning commission members.~~**

52 ~~Councilmembers will follow the procedure set forth in WCC 2.03.050 when making~~
53 ~~nominations and appointments to the planning commission. (Ord. 2019-008 Exh. A; Ord.~~
54 ~~2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E~~
55 ~~(part). Formerly 2.03.065).~~

56

1 **2.03.0760 Confirmation of executive appointments.**

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

10
11 B. The council shall confirm or reject appointments by the county executive within 30 days
12 of the date the names are submitted to it; failure to act within this time period shall cause
13 the appointees to be deemed confirmed. Confirmation or rejection shall be by an affirmative
14 vote by a majority of the entire council. (Ord. 2019-008 Exh. A; Ord. 2010-045 Exh. A; Ord.
15 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Ord. 91-030
16 (part)).

17
18 **2.03.0870 Review of nominees and executive appointees.**

19 A. Councilmembers will individually be responsible for meeting or contacting individuals
20 nominated to serve on an ~~an advisory body board, commission, or committee~~, and individuals
21 whose appointment by the executive is scheduled for confirmation by the council, prior to
22 the council's consideration of the nomination or request for confirmation.

23
24 B. The council chairperson may arrange for the council interview of the nominee or the
25 recommended executive appointee prior to the regularly scheduled council meeting at which
26 appointment or confirmation will be considered.

27
28 C. The names of recommended appointees by the executive, and the names of nominees by
29 councilmembers, shall be published on the agenda for the council meeting at which action is
30 to be taken in filling a position or confirming an appointment. (Ord. 2019-008 Exh. A; Ord.
31 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A. Formerly 2.03.075).

32
33 **2.03.0980 Vacancies on ~~advisory bodies-citizen boards, committees and~~**
34 **~~commissions.~~**

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

39
40 B. The listing shall state the title and term of office of each position, ~~residency-if~~
41 ~~requirements to live in Whatcom County are applicable-(if any)~~, the appointing authority,
42 and a ~~physical~~ address, ~~e-mail address~~, and telephone number for obtaining further
43 information or for making applications. The listing shall also include a brief description of the
44 duties of each position and information on when the regular meetings of the body in
45 question are held.

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

50
51 D. Persons expressing an interest in applying for appointment to a council-appointed
52 position on an ~~an advisory body board, commission or committee~~ shall be given an application
53 form to complete and file with the clerk, giving ~~his or her~~their name, address, telephone
54 number, occupation and relevant qualifications. The applications shall be kept on file in the
55 clerk's office. An application for an advisory body is a public record subject to disclosure
56 upon request. Once an applicant is appointed, some personal information such as residential

1 [address, telephone number, and e-mail address may be exempted from public disclosure as](#)
2 [allowed by RCW 42.56.250.](#)

3
4 E. Persons expressing an interest in applying for appointment to an executive-appointed
5 position on an [an advisory body board, commission or committee](#) shall be given an application
6 form to complete and file with the executive's office, giving [his or hertheir](#) name, address,
7 telephone number, occupation and relevant qualifications. The applications shall be kept on
8 file in the executive's office. [An application for an advisory body is a public record subject to](#)
9 [disclosure upon request. Once an applicant is appointed, some personal information such as](#)
10 [residential address, telephone number, and e-mail address may be exempted from public](#)
11 [disclosure as allowed by RCW 42.56.250.](#)

12
13 F. In fulfilling the obligations of this section, the clerk shall seek the cooperation of the
14 executive and may accomplish [his or hertheir](#) obligations through joint action with the
15 executive's office. (Ord. 2019-008 Exh. A; Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A;
16 Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 91-030 (part). Formerly 2.03.080).

17 **2.03.1090 Qualifications.**

18 ~~A. To qualify for appointment by the council and/or executive to fill any vacancy on board,~~
19 ~~committee or commission, a person shall be a qualified registered voter and resident of the~~
20 ~~district, agency, or group he or she is appointed to represent on a specific board, committee~~
21 ~~or commission, meeting all of the qualifications of Section 4.20 of the Whatcom County~~
22 ~~Charter. To qualify for appointment on a County advisory body, a person shall live in~~
23 ~~Whatcom County and shall meet the requirements of the advisory body's enabling statute.~~

24
25
26 **B.** Individuals who have declared candidacy (as defined in RCW 42.17A.005(78)) for a paid
27 elected office in any jurisdiction within the county are not eligible for appointment while ~~he~~
28 ~~or she is~~ [they are](#) a candidate, but shall be eligible for: (A) appointment as the official
29 representative of an entity ~~he or she is~~ [they are](#) currently elected to, or (B) reappointment to
30 additional terms, as allowed by the Whatcom County Code, to the same [advisory body](#)
31 ~~board or committee he or she was~~ [they were](#) on prior to declaration of candidacy. (Ord.
32 2019-008 Exh. A; Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A;
33 Ord. 95-006 Exh. A; Ord. 91-030 (part). Formerly 2.03.090).

34 **2.03.100 Organization - Meetings.**

35 **A.** [An advisory body may establish its own operating bylaws, except:](#)

- 36
37
38 [1. A quorum for the purpose of holding a meeting and taking action will be more than](#)
39 [one-half of the total number of committee positions, regardless of whether any](#)
40 [positions are vacant.](#)
- 41 [2. A vote to make a recommendation to the County Council and/or County Executive](#)
42 [shall be approved by a quorum of the members as defined in \(1\) above.](#)

43