

PROPOSED BY: _____
INTRODUCTION DATE: _____

ORDINANCE NO. 2019-008

**AMENDING WHATCOM COUNTY CODE (WCC) CHAPTER 2.03,
BOARDS AND COMMISSIONS**

WHEREAS, membership requirements of Board of Equalization members are specified in WCC Chapter 2.21 and RCW 84.48.010, and therefore can be removed from WCC Chapter 2.03; and

WHEREAS, language in WCC 2.03 addresses term limits of various County advisory board, commission, and committee members; and

WHEREAS, many County advisory boards and commissions include members who are designated by their own agencies to represent their particular jurisdiction or County department; and

WHEREAS, the term limit language of WCC 2.03 can be interpreted to apply to the agency-designated representatives; and

WHEREAS, the County Council's intent is to allow jurisdictions to designate their own representatives to boards, commissions, or committees without restricting terms.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 2.78 is hereby amended as outlined in Exhibit A to this ordinance.

ADOPTED this 15th day of January, 2019.

ATTEST:



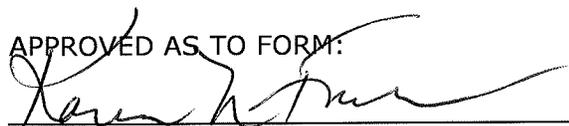
Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



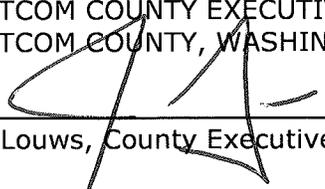
Rud Browne, Council Chair

APPROVED AS TO FORM:



Karen Frakes, Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON



Jack Louws, County Executive

Approved () Denied

Date Signed: 1/22/19

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EXHIBIT A

Chapter 2.03 BOARDS AND COMMISSIONS

Sections:

2.03.010 Recodified General.

2.03.020 Terms.

2.03.025 Removal.

2.03.030 Limited terms.

2.03.040 Executive's terms.

2.03.050 Effective date.

2.03.060 Appointment of non-councilmembers to boards, commissions and committees.

2.03.065 Appointment of planning commission members.

2.03.070 Confirmation of executive appointments.

2.03.075 Review of nominees and executive appointees.

2.03.080 Vacancies on citizen boards, committees and commissions.

2.03.090 Qualifications.

2.03.010 Election General.

Recodified to WCC 2.02.095 by Ord. 2010-044.

The requirements of this Chapter shall not supersede the requirements specified in the enabling ordinance for any board, commission, or committee.

~~**2.03.020 Terms.**~~

~~A. The term of office for the board of equalization shall be three years pursuant to RCW 84.48.026.~~

~~B All other appointments to boards, committees and commissions of non-councilmembers made by the council shall be for a term no longer than four years, unless specified differently in the enabling statute.~~

~~C. The terms of all appointments to boards, committees and commissions 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.~~

~~D. Term lengths for those members first appointed to boards, committees and commissions 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. 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)).~~

2.03.025 Removal.

In circumstances where the council has the authority to remove from office a member of a board, committee, or commission prior to the expiration of the board, committee or commission member's term of office, the council shall make such removal only upon the proper grounds specified in law. In the absence of such guidance in law, the council shall not remove a member from office without having given the member an opportunity to be heard by the council, if so requested. (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)).

1
2 **2.03.030 Limited terms.**

3 A. A member may be appointed to serve up to two consecutive four-year terms, regardless
4 of whether that member has served a first partial term of less than four years.
5

6 B. No board, commission or committee member shall serve more than two consecutive full
7 terms; however, after serving two consecutive full terms a citizen may become eligible for
8 reappointment to a board, commission or committee after a one-year period of separation
9 from the respective board, commission or committee on which he or she has previously
10 served.
11

12 C. Term limits do not apply to the annual appointment of Whatcom County Councilmembers
13 to various County and community boards, commissions, or committees, unless specified in
14 the enabling ordinance.
15

16 (Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003
17 Attachment E (part); Res. 80-13 § 2).
18

19 **2.03.040 Executive's terms.**

20 Those positions to which the county council appoints the executive to serve shall be for the
21 executive's term of office. (Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh.
22 A; Ord. 93-003 Attachment E (part); Res. 80-13 § 3).
23

24 ~~**2.03.050 Effective date.**~~

25 ~~The term of office limitations shall apply to all appointments made by the county council~~
26 ~~since May 1, 1979. (Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A;~~
27 ~~Ord. 93-003 Attachment E (part); Res. 80-13 § 4).~~
28

29 **2.03.060 Appointment of non-councilmembers to boards, commissions and**
30 **committees.**

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

45 **2.03.065 Appointment of planning commission members.**

46 Councilmembers will follow the procedure set forth in WCC 2.03.060 when making
47 nominations and appointments to the planning commission. (Ord. 2010-045 Exh. A; Ord.
48 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part)).
49

50 **2.03.070 Confirmation of executive appointments.**

51 A. Council confirmation of executive appointments shall be handled in the following manner:
52 The executive shall present in writing to the council office, no later than seven days before
53 the council meeting at which action is requested, the names of his appointments, positions

1 and terms to which they are to be appointed, information on the appointees' qualifications
2 or background, and any other information the executive deems appropriate, except in the
3 case of executive appointments to executive and administrative offices, in which case, this
4 information shall include a job description and a resume. This information shall also be
5 made available upon request to the public.
6

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

13 **2.03.075 Review of nominees and executive appointees.**

14 A. Councilmembers will individually be responsible for meeting or contacting individuals
15 nominated to serve on a board, commission, or committee, and individuals whose
16 appointment by the executive is scheduled for confirmation by the council, prior to the
17 council's consideration of the nomination or request for confirmation.
18

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

22 C. The names of recommended appointees by the executive, and the names of nominees by
23 councilmembers, shall be published on the agenda for the council meeting at which action is
24 to be taken in filling a position or confirming an appointment. (Ord. 2010-045 Exh. A; Ord.
25 2001-028 Exh. A; Ord. 95-006 Exh. A)
26

27 **2.03.080 Vacancies on citizen boards, committees and commissions.**

28 A. The clerk of the council shall cause to be compiled and published annually a listing of
29 vacancies and anticipated vacancies on all citizen boards, committees and commissions,
30 within the appointive jurisdiction of both the council and the executive.
31

32 B. The listing shall state the title and term of office of each position, residency requirements
33 (if any), the appointing authority, and an address and telephone number for obtaining
34 further information or for making applications. The listing shall also include a brief
35 description of the duties of each position and information on when the regular meetings of
36 the body in question are held.
37

38 C. The listing shall be posted in conspicuous places in the Courthouse, provided to all county
39 councilmembers, public libraries and city halls in the county, and be made available to the
40 public and news media at no charge.
41

42 D. Persons expressing an interest in applying for appointment to a council-appointed
43 position on a board, commission or committee shall be given an application form to
44 complete and file with the clerk, giving his or her name, address, telephone number,
45 occupation and relevant qualifications. The applications shall be kept on file in the clerk's
46 office.
47

48 E. Persons expressing an interest in applying for appointment to an executive-appointed
49 position on a board, commission or committee shall be given an application form to
50 complete and file with the executive's office, giving his or her name, address, telephone
51 number, occupation and relevant qualifications. The applications shall be kept on file in the
52 executive's office.
53

1 F. In fulfilling the obligations of this section, the clerk shall seek the cooperation of the
2 executive and may accomplish his or her obligations through joint action with the
3 executive's office. (Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A;
4 Ord. 95-006 Exh. A; Ord. 91-030 (part)).
5

6 **2.03.090 Qualifications.**

7 To qualify for appointment by the council and/or executive to fill any vacancy on a board,
8 committee or commission, a person shall be a qualified registered voter resident of the
9 district, agency, or group he or she is appointed to represent on a specific board, committee
10 or commission, meeting all of the qualifications of Section 4.20 of the Whatcom County
11 Charter. Individuals who have declared candidacy (as defined in RCW 42.17A.005(7)) for a
12 paid elected office in any jurisdiction within the county are not eligible for appointment while
13 he or she is a candidate, but shall be eligible for: (A) appointment as the official
14 representative of an entity he or she is currently elected to, or (B) reappointment to
15 additional terms, as allowed by the Whatcom County Code, to the same board or committee
16 he or she was on prior to declaration of candidacy. (Ord. 2017-007 Exh. A; Ord. 2010-045
17 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 91-030 (part)).