

## **Chapter 2.02 COUNTY COUNCIL\***

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\*Prior legislative history: Ord. 2008-004 repealed Ch. 2.02. Ords. 79-1, 79-7, 81-107, 88-10, 88-21, 88-25, 89-17, 89-26, 90-6, 90-8, 91-001, 91-030, 94-007, 95-003, 95-055, 96-035, 2001-061, 2002-022, 2004-006 and 2007-044 and Resos. 79-1, 79-2, 80-42, 82-1, 82-8, 83-45, 85-3, 97-006, 98-020 and 99-045 were formerly codified in the chapter.

#### **2.02.005 Council – Composition.**

The council shall consist of seven members, one councilmember from each of the five council districts and two councilmembers at large. (Ord. 2017-081 Exh. A; Ord. 2016-038 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.010 Council – Terms of office.**

The term of office of each elected councilmember shall be four years commencing with the second Monday in January following election, and until a successor has been elected and has qualified. Elected councilmembers shall serve no more than three consecutive full terms in office. Terms are considered consecutive unless they are at least four years apart. The limit in terms shall be applied prospectively only, beginning with the elections in 2017 and 2019 (Whatcom County Charter 2.14 – Amended by referendum 2015). (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.015 Council vacancies – Announcement.**

A. The council shall publicly announce any vacancy and shall provide a reasonable period for interested candidates to contact councilmembers and request that his or her name be considered for the vacant position.

B. Such announcement shall be made at least 10 days before the vacancy is filled. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.020 Council vacancies – Qualifications.**

A. A vacancy on the county council shall be filled by a qualified registered voter and resident of the district he or she represents, meeting all of the qualifications of Section 4.20 of the Whatcom County Charter.

B. Any information provided by a nominee may be checked to verify qualifications, and submission of a personal resume may be requested. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.025 Council vacancies – Nominations.**

A. Nominations to fill a vacancy on the county council shall be made by any councilmember by nominating an individual by name in a regular open meeting. No councilmember may nominate himself or herself.

B. All names submitted may be referred to a committee of the whole for consideration.

C. Nominees may be personally interviewed by a committee of the council, or any councilmember(s) chosen by the council to conduct such interviews. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.030 Council vacancies – Procedures.**

A. An appointment to fill a vacancy on the council shall be approved by an affirmative roll-call vote by a majority of the council. The council majority shall be four votes.

B. A nominated councilmember shall be allowed to vote for other nominees.

C. If at any time, by virtue of vacancies on the council, the membership of the council is reduced below that required to constitute a quorum (four members), the council may nevertheless fill the vacancies by an affirmative roll-call vote by a majority of the remaining council.

D. If a council vacancy remains unfilled for a period of 30 days because of the inability of the council to make the appointment, the vacancy shall be filled within 15 additional days by the county executive from among those persons nominated by the members of the council. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.035 Council vacancies – Term of appointee.**

Section 4.50 of the Whatcom County Charter shall govern the term for which the appointee may serve. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.040 Meetings – General rules.**

A. It is the policy of the council that, to the greatest extent possible, all official meetings of the council and its committees shall be open to the public, with the exception of “executive sessions” (closed to the public), for certain limited topics, as defined in RCW [42.30.110](#). All council and committee meetings will be held in compliance with the State Open Public Meetings Act (Chapter [42.30](#) RCW).

B. Regular meetings of the county council and its standing committees shall be held every other Tuesday in the Whatcom County Council Chambers, unless decided otherwise by the council. A schedule of specific meeting dates shall be approved by resolution annually. The chairperson of the council or the chairperson of any of its standing committees may call special meetings as required, provided proper public notice and notice to councilmembers are given.

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C. Committee of the whole meetings will be scheduled as necessary. These meetings may be canceled at the will of the council.

D. Executive sessions (closed meetings) may be held in accordance with the provisions of the Washington State Open Public Meetings Act (RCW [42.30.110](#)).

E. All council and council committee meetings shall be conducted pursuant to The American Institute of Parliamentarians Standard Code of Parliamentary Procedure, latest edition, except when in conflict with the standing rules of the council. A copy of the Standard Code of Parliamentary Procedure shall be available in the council office for review.

F. A majority (four members) of the council shall be in attendance to constitute a quorum and shall be necessary for the transaction of the council's business. A majority of a council committee (two members) shall be necessary for the transaction of a committee's business. If a quorum is not present, the chair may call the meeting to order to establish that a meeting was held, but no official action may be taken. Agenda items that do not require official action may be dealt with, such as a minor discussion or report. At the conclusion of the meeting those in attendance will be named and they shall adjourn to a later time.

G. In the event of a tie in votes on any motion, the motion shall be considered lost.

H. Any session of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting thereafter (RCW [42.30.090](#)).

I. The council may schedule work sessions (open to the public) at the call of the council chair or of any two or more members of the council to review forthcoming programs of the county, receive progress reports on current programs or projects, or receive other similar information from the county executive or county staff. Formal action may be taken at these meetings.

J. The clerk of the council shall keep an account of all proceedings of the council. Written minutes shall be recorded promptly after every meeting and, upon approval by the council, shall be entered in a

**1: Suggested change:**  
Add hard stop meeting time of 10 pm. May need to add language re: what to do with items not completed (reschedule for 2 weeks or add extra council meetings)

minutes book constituting the official record of the council. All approved minutes shall be open to public inspection. Minutes shall include a summation of the actions and discussions forthcoming from each council and committee meeting, as well as a record of the vote of each councilmember. A verbatim public record shall be kept of each meeting by electronic or mechanical means for a reasonable period of time as provided by state law.

K. Minutes of a council meeting are required to be read into the record only if requested by a member of the council. Minutes may be approved without reading if the clerk of the council previously furnished each councilmember with a copy thereof.

L. During an open session or public hearing, audience members will be given three minutes to address the council.

**Potential language to add/change:**

- Add language restricting public comment to sign-in speakers (in person or via Zoom) only
- Limit open session to 2 hours
- Limit public comment to items on the agenda (or allow non-agenda comments at specific meetings – every 3<sup>rd</sup> meeting, for example)
- Move open session to the end of the agenda

**2: Suggested change:**  
two minutes

**3: Comment**  
Require speaker sign-up

M. Cell phones shall be silenced and cell phone conversations shall be prohibited within the confines of the council chambers during meetings.

N. Placards, signs, applause, or other distractions shall not be allowed in the council chambers without the consent of the council chair.

O. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, while attending a council or council committee meeting may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the council during that meeting. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**NEW SECTION - Procedures for Remote Meeting Attendance by Councilmembers.**

A. From time to time, it is not possible for a councilmember to attend a council meeting in person. In these limited instances, the county would benefit by a Councilmember's participation in a meeting by means of remote communication. Remote attendance is for the benefit of Whatcom County and not for the benefit of an individual Councilmember. While council acknowledges the advantages of and prefers in-person attendance and participation by its members, The council recognizes the benefits of fullest practicable attendance and participation by its members. Attendance from remote locations may is intended to

**4: Suggested addition**

**See section edits by legal**

~~serve be as an acceptable alternative and relatively infrequently used method means for councilmember participation, to be used infrequently and when good cause exists. by Councilmembers.~~

B. Remote attendance may occur as follows:

1. During any meeting that a cCouncilmember is attending via remote communication, the council chair or presiding officer shall state for the record that a particular councilmember is attending via remote communication and the reasons for such remote attendance. This information shall be reflected in the meeting minutes.
2. Councilmembers appearing via remote communication may participate and vote during the meeting as if they were physically present at the meeting.
3. Councilmembers appearing by remote communication shall comply with all rules and procedures as if they were physically present at the meeting.
4. In the case of executive sessions, the council may permit participation from remote location(s) only when the Ccouncil, on a case-by-case basis, considersdeems such participation to be necessary and the Ccouncil is confident in the security of such remote communications.
5. During remote attendance, except when calling in via telephone, councilmembers must have the video feature enabled.

C. Absences

1. Excused Absences: Councilmembers may be excused from a meeting by notifying the chair prior to the meeting and providing the reason for the inability to attend. The chair shall excuse the absence if it is for: (a) the death of a family member, (b) family or personal illness, (c) inclement weather, (d) accident, (e) scheduled vacation, (f) family or personal emergency, (g) county-related business, or (h) unusual or unforeseen circumstances. Following or prior to roll call, the chair shall inform the council of the member's absence and whether it is excused.

2. Leave of Absence: Councilmembers who need to miss more than two consecutive meetings shall request a leave of absence from the full council for the following reasons:-The council shall vote to approve the leave of absence if it is for: (a) a serious health or physical condition impacting the councilmember, (b) birth, adoption, or foster placement of a new child within the councilmember's immediate family, or (c), some unusual and unforeseen circumstances impacting the councilmember that warrant approval of the leave. The full council will vote on whether to grant the requested leave of absence, and approval requires a majority vote.

## **2.02.045 Meetings – Agenda.**

A. The clerk of the council shall consult with the council chair and the chair of each committee prior to preparation of the council's agenda. [The clerk shall prepare the agenda, which, together with supporting documents, shall be provided to all councilmembers no less than five days prior to each regular council meeting and at the earliest possible date prior to any special meeting. The agenda shall be posted conspicuously within the Whatcom County Courthouse and shall be available for review on the council's webpage.

**5: Suggested addition:**  
Each chair has discretion over their committee's agenda

B. Upon request by any two or more members of the council at any council meeting, an item of business shall be placed on the agenda of the next regular meeting.

C. Consent items may be acted upon en masse; provided, however, that any consent item shall be considered separately if so requested by a councilmember, a member of the county administration, or a member of the public.

D. Introduction items may be accepted en masse; provided, however, that any introduction item shall be considered separately if so requested by one or more councilmembers. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.050 Meetings – Council acting in other capacities.**

Where the members of the county council sit in an administrative or legislative capacity in situations such as, but not limited to, supervisors of a special district or members of the county health board, all business in these other capacities shall be treated as regular items of business during council meetings. The agenda for the meeting shall note any items being considered in one or more of these other capacities. It shall not be necessary for the council to adjourn itself in order to consider items in these other capacities. All actions taken by the council regarding issues in these other capacities shall be deemed to have been enacted or approved by those entities under the authority as may be provided for in law, or the authority of the county if appropriate. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-046 § 1; Ord. 2008-004 Exh. A).

**2.02.055 Meetings – Order of business.**

Business may include but not be limited to the following order:

A. Roll call;

B. Flag salute;

C. Announcements;

D. Special presentations;

E. Approval of minutes;

F. Public hearings and final consideration of hearing items;

G. Open session;

H. Consent agenda;

I. Final consideration of other items;

J. Introduction of ordinances and resolutions;

K. Committee reports, other items, and councilmember updates;

L. Adjourn.

The council may adjust the order of business at meetings in consideration of public attendance on particular matters. (Ord. 2017-081 Exh. A; Ord. 2012-010 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.060 Meetings – Decorum of debate.**

A. Any councilmember desiring to speak shall first be recognized by the chair, and shall confine his or her remarks to the specific subject under consideration or to be considered. The councilmember who has proposed a motion or the committee member who has presented a report shall be allowed the first opportunity to explain the motion or report, and usually is allowed to speak last on it. No member or small group of members shall be permitted to monopolize the discussion on a question. If a member has already spoken and other members wish to speak, they should be recognized in preference to the member who has already spoken on a question.

B. Councilmembers shall address each other as “councilmember” and the council chair shall be addressed as “chair.”

C. Staff members, presenters, and the general public shall be addressed as Mr., Mrs., Ms., or by their official or honorary title.

D. When two or more councilmembers desire to speak at the same time, the chair shall name the member who shall have the floor.

E. When a councilmember is speaking, no other member shall hold discourse which may interrupt the speaker except to raise a point of order. The chair should insist that every member be attentive to the business before the assembly.

F. Councilmembers shall have time to explain any motion they intend to make. All motions will begin with the words, “I move” and must receive a second prior to being put to a vote.

**6: Suggested addition:**  
On items previously considered that day in committees, limit debate to 2-3 mins per councilmember



G. When it appears that all councilmembers who wish to speak have done so, the chair shall inquire, "Is there any further discussion?" If there is not, the question is put to a vote.

H. To bring a question to immediate vote, a councilmember may move to close debate. If more than one motion is pending, the motion to close debate should specify the pending motions to which it applies (main motion, motion to amend, etc.). The motion to close debate cannot interrupt a speaker, is not debatable, and requires an affirmative vote by two-thirds of the councilmembers in attendance. The motion to close debate should be used in moderation, as members cannot be expected to maintain interest in an organization if they are frequently denied the right to participate in its deliberations. (Ord. 2017-081 Exh. A; Ord. 2015-021 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.065 Meetings – Powers of the chair.**

A. The council chair, if present, shall preside as chairperson at all meetings of the council. In the absence of the council chair, the vice chair shall preside. In the absence of both the council chair and the vice chair, the council shall elect a chair.

B. All meetings of the council shall be called to order by the council chair or vice chair. In the absence of both the council chair and the vice chair, the meeting shall be called to order by the clerk of the council for the election of a temporary chair. The roll shall then be called by the clerk, who shall enter in the minutes of the meeting the names of the members present. Four councilmembers shall be in attendance to constitute a quorum.

C. The chair shall preserve order and is responsible for controlling and expediting debate.

D. The chair shall determine all points of order, subject to the right of any member to appeal to the council. If any appeal is taken, the question shall be, "Shall the decision of the chair be sustained?"

E. The chair shall state all questions submitted for a vote and announce the result. A roll-call vote is required for all ordinances and may be taken upon request of a councilmember for all other items.

F. The presiding officer may move and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a councilmember by reason of his acting as the presiding officer. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

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#### **2.02.070 Meetings – Annual reorganization and election of officers.**

**7: Suggested:**  
Add section on councilmember attendance (including in-person vs. remote)

A. At its first committee of the whole or regular council meeting in January, the council shall schedule its annual reorganization. At this meeting, the council shall elect the chair, vice chair, the executive pro tempore and the members of all standing committees, each by an affirmative roll-call vote by a majority of the entire council, or by general consent when applicable. Prior to each reorganizational meeting, the council clerk or chairperson shall ask councilmembers to circulate to each other in writing their requests for committee assignments and other offices. No councilmember shall hold the position of chair more than two full consecutive years.

B. The chair of the council shall act as executive pro tempore in the absence of the regular executive pro tempore who was selected pursuant to the above procedure. Terms of office shall begin at the conclusion of the reorganizational meeting.

C. The executive pro tempore shall not assume the duties of executive under Section 3.26 of the County Charter based on the physical "absence" of the executive for periods of less than 21 days if the executive remains available to the county staff and the county council by phone or video conferencing during normal business hours.

D. The term "temporary disability" shall include any period greater than 72 hours during which the executive is under the influence of any substance or medication, or is suffering from a medical condition which could reasonably be deemed sufficient to impair the executive's judgment to the degree that the executive would be unsafe to operate a motor vehicle under the laws of the state of Washington. The term "medical condition" as used in this section is not intended to include physical disabilities which do not impair judgement such as blindness, deafness, paralysis or epilepsy, etc.

E. The executive shall immediately provide notice to the deputy executive and the executive pro tempore of any anticipated absences or periods of inability to perform their duties.

F. In the temporary absence of the chairperson, the vice chairperson shall perform the duties and responsibilities of the chairperson. A temporary chairperson shall be elected should both the chairperson and vice chairperson be absent and shall serve during such absence. (Ord. 2022-027 Exh. A; Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.075 Standing committees – Established.**

The following committees are established:

A. Finance and Administrative Services. General areas of responsibility for this committee shall be budget, taxation and purchasing issues, personnel policies and union negotiations;

B. Planning and Development. General areas of responsibility for this committee shall be zoning, development, stormwater, and fire;

C. Public Works and Health. General areas of responsibility for this committee shall be road construction and vacations, new construction, remodeling, public utilities issues, solid waste and health-related issues referred to the committee by the health board, public health advisory board, or health department;

D. Climate Action and Natural Resources. General areas of responsibility for this committee shall be climate change mitigation and adaptation, water, forestry, agriculture, fishery and mineral issues;

E. Criminal Justice and Public Safety. General areas of responsibility for this committee shall be criminal justice activities and planning, public safety, and law enforcement. (Ord. 2022-020 Exh. A; Ord. 2017-081 Exh. A; Ord. 2012-010 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.080 Standing committees – Membership.**

A. There shall be three members of all standing committees, membership to be determined by an affirmative vote of a majority of the entire council, or by general consent where applicable. The committee members shall be responsible for election of a chairperson and its internal organization.

**8: Suggested change:**  
Make committees 7 members

B. The time of standing committee meetings shall be determined by the chairperson of each committee. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.085 Committee action.**

A recommendation of any committee shall be agreed to by a majority of the committee in a regularly called meeting before a proposed item is reported out. All actions of a committee pertaining to an ordinance that has been properly introduced, as specified elsewhere in this chapter, will be reported out to the full council for final consideration. A committee report may contain only that information which is approved by a majority vote of the committee; however, minority reports may be presented to the full council after the committee report is presented. A majority recommendation of the committee may be “do pass,” “do pass as amended,” “do pass the attached substitute ordinance,” “do not pass,” “no recommendation,” “postpone indefinitely” or “withdraw.” Minority reports may also be submitted. Any proposed item assigned to or referred to a standing committee, including an ordinance, may be withdrawn from the standing committee at any time and considered by the full council. (Ord. 2022-010 Exh. A; Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.090 Membership on required boards, commissions, and committees.**

Membership of councilmembers on those boards, commissions or committees on which, by law, members of the legislative body are required to sit shall be determined by an affirmative vote by a

majority of the entire council, or by general consent when applicable. Councilmembers who are appointed by the county to any other county governmental boards, commissions or committees, other than ad hoc council committees, shall likewise be determined by an affirmative vote by a majority of the entire council, or by general consent when applicable. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.095 Election of councilmembers as representatives to various boards and committees.**

A. Each year at its annual meeting, the county council shall elect its representatives who shall serve until the next annual meeting to the various boards and commissions on which it must appoint its own members to serve.

B. This annual election for one-year terms shall begin in January 1981. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Res. 80-12 §§ 1, 2. Formerly 2.03.010).

**2.02.100 Resolutions – General provisions.**

The county council may pass resolutions to organize and administer the legislative branch, to make declarations of policy which do not have the force of law, and to request information from any other agency of county government. Resolutions shall not be subject to the veto power of the executive, and the council in passing resolutions need not comply with the procedural requirements for the introduction, consideration and adoption of ordinances. All resolutions shall be filed with the clerk of the council in writing in their entirety and shall be scheduled on the council's agenda as requested and required. Resolutions of the Whatcom County flood control zone district board of supervisors shall meet the requirements in FCZD 100.01.070. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.105 Ordinances – General provisions.**

A. Every legislative act of the council shall be by ordinance.

B. The subject of every ordinance shall be clearly stated in the title and no ordinance shall contain more than one subject.

C. Ordinances may, by reference, adopt Washington State statutes or any recognized, printed codes or compilations in whole or in part.

D. No ordinance shall be amended unless a new ordinance sets forth each amended section or subsection at full length.

E. Voting on final passage of all ordinances shall be by roll-call vote of the council. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.110 Ordinances – Introduction.**

A. All proposed ordinances shall be filed with the clerk of the council in their entirety in writing and shall be introduced by a councilmember or by consent of the full council.

B. Proposed ordinances shall be introduced on the council's agenda by title, following which the council may refer the proposal to the appropriate standing or special committee, committee of the whole, or schedule the proposal for public hearing. Following committee report or public hearing closure, if applicable, an ordinance that has been properly introduced and scheduled on the agenda may be considered by the full council.

C. At least 13 days shall pass between introduction and final passage of every ordinance, except emergency ordinances. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.115 Ordinances – Reintroduction.**

Any ordinance which has been introduced and not acted upon within 120 days of its introduction must be reintroduced, notice of introduction republished, and at least 13 days elapsed before it can come up for final consideration; except, if any such ordinance has been under active consideration by any standing committee, special ad hoc committee, or committee of the whole and has appeared at least twice on such committee's published agenda, it is not subject to this requirement. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.120 Ordinances – Publication of proposed and enacted ordinances.**

Ordinances, or summaries of them, the places where copies are filed, and the times when they are available for inspection shall be published when the ordinances are proposed for introduction and again upon enactment. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.125 Ordinances – Effective date.**

Every ordinance which passes the council must be presented to the county executive. If the executive approves and signs the ordinance, it shall take effect 10 days after the date it is signed by the county executive, or otherwise enacted, or at a later date if stated in the ordinance. If the executive does not either sign or veto an ordinance within 10 days, Saturdays, Sundays, and holidays excepted, after presentation of the ordinance by the council, it shall become law without the executive's signature. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.130 Ordinances – Veto message – Overriding.**

If an ordinance is not approved by the executive, the entire ordinance shall be vetoed and returned with the executive's written objections, which shall be attached to the ordinance, placed in the council's agenda bill file, and distributed to all councilmembers. If, within 30 days after being returned to the council, the ordinance receives an affirmative roll-call vote by two-thirds of the entire council, it shall become law. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.135 Emergency ordinances.**

An emergency ordinance necessary for the immediate preservation of the public peace, health, safety, or support of the county government and its existing institutions may be passed by an affirmative roll-call vote by two-thirds of the entire council. An emergency ordinance shall be effective immediately when approved by the county executive. The specific emergency and the facts creating it shall be clearly stated in the ordinance. All emergency ordinances, except those making appropriations from an emergency reserve or borrowing money for 120 days or less, shall expire as of the sixty-first day following the date on which the ordinance became law. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.140 Signature on documents.**

All official documents issued by order of the council shall be signed by the chairperson (or authorized designee) and attested by the clerk of the council (or authorized designee), except as otherwise provided by the Charter. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.145 Requests for ordinances or legal opinions.**

A. Any member of the county council may forward a request to the county executive to have proposed legislation prepared for placement on an upcoming agenda.

B. Any member of the county council may request written legal opinions, relating to county business, from the county prosecuting attorney or designee.

C. Any member of the council may, for purposes of inquiry, request verbal opinions or advice on county legal matters directly from the council's assigned attorney. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.150 Duties of the chair.**

The chairperson shall supervise the clerk of the council and other personnel selected by the county council; provided, however, that such powers of the chair shall be exercised at the direction of the council. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.155 Clerk.**

A. The county council shall employ and supervise the clerk of the county council, who shall function as the administrative department director with the responsibility for the operation of the council office and the council clerk's staff. The clerk shall serve at the will of the council and will consult the council on major policy or procedural matters.

B. The clerk of the council shall supervise, hire and have full disciplinary authority over assigned staff. An employee may seek review by the council's finance and administrative services committee of a disciplinary action taken by the clerk of the council; provided further, that such review shall take place in executive session with both the clerk and the employee requesting the review present.

C. The clerk will prepare and justify the department budget, monitor all fiscal operations of the department, and approve all departmental expenditures. The clerk will provide planning leadership and direction for assigned staff. The clerk will develop policy recommendations concerning county-wide programs, and will develop and implement departmental policies and procedures.

D. The duties of the clerk of the county council shall include, but not be limited to, those statutory powers, responsibilities and duties specified in RCW [36.22.010](#)(6), [36.22.020](#), [36.32.135](#) and [36.32.140](#).

E. The duties of the clerk of the county council shall be increased or decreased consistent with future enactments of the state legislature.

F. The clerk of the county council shall oversee creation, management, and retention of public records in the council office by following the "Local Government Records Retention Schedules" as required by the state of Washington, Office of Secretary of State, pursuant to Chapter [40.14](#) RCW.

G. All tort liability claims filed against Whatcom County shall first be served upon the clerk of the county council or designee. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.160 Hearing examiner.**

The county council shall administer an annual contract for hearing examiner services. The duties of the hearing examiner are established in Chapter [2.11](#) WCC. (Ord. 2018-032 § 1 (Exh. B); Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

#### **2.02.165 Other staff selected by the county council.**

If additional staff members are selected by the county council, they shall be employed as independent staff members reporting to the council, and would be responsible for such duties as may be assigned by the council by an affirmative vote of two-thirds of the council. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.170 Correspondence requirements.**

Upon approval by a majority of the entire council, it shall be the responsibility of the council chairperson to respond to any correspondence on behalf of the council. Communications requesting council action shall be placed on the appropriate council committee agenda for consideration and recommendation to the full council. A copy of all council-initiated correspondence shall be kept in the council office. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.175 Requests of the executive branch.**

The county council, its staff, and individual councilmembers shall not interfere in the day-to-day operations of the executive branch, nor shall they give orders to or direct, either publicly or privately, any officer or employee of the executive branch. Requests for detailed information and attendance by executive staff at any council committee or full council meeting shall be submitted to the county executive's office for handling. Requests for documents that are readily available to the public may go directly to a specific department without seeking approval of the county executive. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.180 Handling complaints and concerns.**

A. The duty and responsibility for receiving and addressing complaints and concerns that are not related to the council's legislative responsibility or matters before the council or one of its committees are delegated to the county administration and the various executive official and department heads by the county charter.

B. Councilmembers shall refer all complaints and concerns which are not county policy or legislative matters to the administration, various elected officials or department heads, as circumstances dictate, for resolution before any council action is initiated. Subsequently, the county council, council committees, or individual councilmembers may address such issues with the administration before deciding if legislative action by the council is appropriate. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.185 Travel and expense approval.**

A. All councilmember expense claims shall be subject to approval by the chair of the council or authorized designee;

B. Expense claims made by the chair shall be approved by the vice chair or authorized designee;

C. Expense claims shall be submitted in detailed account citing date, place, and business purpose in accordance with procedures established by and forms approved by administrative services finance;



D. Original receipts prepared and issued by the service provider or copies of endorsed checks are required whenever this policy provides for actual cost reimbursement; and

E. Itemized expense claims shall be submitted to the deputy clerk of the council after obtaining written approval from the chair or vice chair, as appropriate. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

**2.02.190 Suspension of rules.**

The rules and procedures set forth in this chapter may be suspended in specific instances by an affirmative roll-call vote by two-thirds of the entire council. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).