

PROPOSED BY: ELENBAAS  
INTRODUCTION DATE: NOVEMBER 6, 2024

**ORDINANCE NO. \_\_\_\_\_**

**AMENDING WHATCOM COUNTY CODE CHAPTER 2.06 MEDICAL EXAMINER TO  
ESTABLISH A MEDICAL EXAMINER DEPARTMENT**

**WHEREAS**, Revised Code of Washington (RCW) [36.16.030](#) authorizes counties to elect a county coroner or appoint a medical examiner; and

**WHEREAS**, [Section 3.62](#) of the Whatcom County Home Rule Charter established the Office of County Medical Examiner; and

**WHEREAS**, Whatcom County Code Chapter [2.06](#) Medical Examiner establishes a medical examiner position and their duties, as well as a medical examiner advisory council to review policies and performance of the medical examiner; and

**WHEREAS**, in 1992, Whatcom County structured the medical examiner function a professional services contract rather than requiring an employee/employer relationship under Whatcom County Code; and

**WHEREAS**, Whatcom County now seeks to re-establish the Medical Examiner and staff as Whatcom County employees and require them to adhere to all Whatcom County personnel rules as outlined in WCC 2.06.020; and

**WHEREAS**, on May 21, 2024, the Whatcom County Council approved [Resolution 2024-024](#) to amend Resolution 2023-048 relating to unrepresented county employees to add the medical examiner as an unrepresented county position; and

**WHEREAS**, the Whatcom County Council believes it is beneficial to establish a Department of the Medical Examiner with the medical examiner serving as the department head and subject, alongside their staff, to all County personnel policies and procedures; and

**WHEREAS**, the Whatcom County Council believes that a Department of the Medical Examiner would be better arranged to support and provide service to the community; and

**WHEREAS**, the County is now in the process of employing a medical examiner and staff for the provision of medical examiner services.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that there is hereby established an executive department called the Medical Examiner effective January 1, 2025; and

**BE IT FINALLY ORDAINED** by the Whatcom County Council that Whatcom County Code Chapter 2.06 Medical Examiner is hereby amended as indicated in Exhibit A to this ordinance, effective January 1, 2025.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Cathy Halka, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Council

Chair APPROVED AS TO FORM:

( ) Approved ( ) Denied

\_\_\_\_\_  
George Roche (by email 10/30/2024/ks)

Civil Deputy Prosecutor

\_\_\_\_\_  
Satpal Singh Sidhu, County Executive

Date: \_\_\_\_\_

## EXHIBIT A

### CHAPTER 2.06 MEDICAL EXAMINER

Sections:

#### ARTICLE I. DUTIES AND ADMINISTRATION

- 2.06.010 Appointment.
- 2.06.020 Duties – Administrative.
- 2.06.030 Duties – Specific.
- 2.06.040 Personal property – Sheriff’s duty.
- 2.06.050 Personal property – Filing of duplicate lists.
- 2.06.060 Personal property – Delivery to county treasurer.
- 2.06.070 Required notice.
- 2.06.080 Reference to county coroner.
- 2.06.090 Medical examiner advisory council.

#### Article I. Duties and Administration

##### **2.06.010 Appointment.**

The county medical examiner shall be appointed by the county executive from applicants approved by the Whatcom County Medical Society and the county sheriff and shall be confirmed by the county council. The medical examiner shall have an M.D. or D.O. degree and be licensed to practice medicine in the state of Washington. (Ord. 79-24 § 1).

##### **2.06.020 Duties – Administrative.**

The medical examiner shall be responsible for the administration and staffing of the office as the department head. It is the responsibility of the director to hire department staff in accordance with the personnel policies and procedures of the county, and any other applicable laws and regulations. The director shall collaborate on an ongoing basis with stakeholders, including law enforcement, impacted families, the medical community, court systems, grief support providers, and others to support the best interests of the community. (Ord. 92-42 (part); Ord. 79-24 § 2).

##### **2.06.030 Duties – Specific.**

The medical examiner shall assume jurisdiction over human remains, perform autopsies, and perform such other functions as are authorized by RCW Chapter [68.09](#) except for those duties and functions relating to the personal property of the deceased as delineated by RCW [68.08.040](#) and RCW [36.24.130](#), and shall be authorized to institute such other procedures and/or policies to insure investigation into the death of persons coming under the jurisdiction of the medical examiner, including, but not limited to, the holding of an inquest pursuant to RCW Chapter [36.24](#) and other relevant statutes in the state of Washington. (Ord. 79-24 § 3).

##### **2.06.040 Personal property – Sheriff’s duty.**

The duties and functions relating to the personal property of the deceased referred to above shall be the responsibility of the Whatcom County sheriff’s office or its designee. Nothing contained in this chapter shall alter the duties as outlined by state law of the county treasurer in regards to such personal property. (Ord. 91-067; Ord. 79-24 § 4).

**2.06.050 Personal property – Filing of duplicate lists.**

Duplicate lists of all jewelry, moneys, papers and other personal property of the deceased shall be made immediately upon finding the same by the county sheriff. The original of such lists shall be kept as a public record at the sheriff's office and the duplicate thereof shall be forthwith duly certified to by the sheriff and filed with the county auditor. (Ord. 79-24 § 5).

**2.06.060 Personal property – Delivery to county treasurer.**

The county sheriff must, within 30 days after the inquest upon a dead body, deliver to the county treasurer any money or other property which may be found upon the body, unless such money or other property is claimed in the meantime by the legal representatives of the deceased. If he fails to do so, the treasurer may proceed against the county sheriff to recover the same by civil action in the name of the county. (Ord. 79-24 § 6).

**2.06.070 Required notice.**

The notice required by RCW [68.08.020](#) shall be given to the medical examiner. (Ord. 79-24 § 7).

**2.06.080 Appointment of Interim Medical Examiner**

In the event the appointed position of medical examiner becomes vacant, the county executive may appoint an interim medical examiner, until such time as a medical examiner can be appointed consistent with this section. The county executive may contract for forensic pathology services if necessary for the interim medical examiner's fulfillment of statutory mandated duties. Such interim appointment may be effective prior to review and confirmation described in 2.06.010.

**2.06.090 Reference to county coroner.**

State laws which apply or refer to the office of county coroner shall hereafter apply to the medical examiner, and the medical examiner shall have those powers, duties, and functions as provided by state law except as otherwise provided for in this chapter. (Ord. 79-24 § 8).

**2.06.~~090~~100 Medical examiner advisory council.**

A. The Whatcom County medical examiner advisory council is hereby formed for the following purposes:

1. To review the medical examiner's policies and procedures;
2. To review the performance of the medical examiner and make annual written reports to the county council and executive;
3. To report to the county and medical examiner the various jurisdictional needs for the medical examiner function.

B. The advisory council shall be comprised of the following members:

1. Whatcom County executive;
2. Whatcom County prosecuting attorney;
3. Whatcom County sheriff;
4. Whatcom County health officer;
5. Board-certified forensic pathologist;
6. City of Bellingham police chief;
7. Police chief of another city in Whatcom County.

C. The board-certified forensic pathologist member shall be recommended by the medical examiner and approved by the medical examiner advisory council membership. The police

chief position from a city other than Bellingham shall be selected by the cities' police chiefs and rotated periodically.

D. The advisory council shall meet at least once a year to review the medical examiner function. A majority of five members of the council may call for a special meeting, if necessary. (Ord. 2016-021 Exh. A; Ord. 92-42 (part)).