



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Report

File Number: AB2024-263

File ID: AB2024-263 **Version:** 1 **Status:** Adopted
File Created: 04/11/2024 **Entered by:** ABurnett@co.whatcom.wa.us
Department: Health Department **File Type:** Ordinance Requiring a Public Hearing

Assigned to: Council Public Works & Health Committee **Final Action:** 05/07/2024
Agenda Date: 05/07/2024 **Enactment #:** ORD 2024-031
Related Files:

Primary Contact Email: aburnett@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 2.85, Developmental Disabilities Department

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance adopting amendments to Whatcom County Code 2.85, Developmental Disabilities Department, to change the required number of members of the Developmental Disabilities Advisory Board

HISTORY OF LEGISLATIVE FILE

| Date: | Acting Body: | Action: | Sent To: |
|------------|---|--|---|
| 04/23/2024 | Council | INTRODUCED FOR PUBLIC HEARING Aye: 6 Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler Nay: 0 Absent: 1 Buchanan | Council |
| 04/23/2024 | Council | INTRODUCED FOR PUBLIC HEARING | Council Public Works & Health Committee |
| 05/07/2024 | Council Public Works & Health Committee | DISCUSSED | |
| 05/07/2024 | Council | ADOPTED Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler Nay: 0 | |

Attachments: Proposed Ordinance

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SPONSORED BY: _____

PROPOSED BY: Health

INTRODUCTION DATE: _____

ORDINANCE NO. 2024-031

AMENDING WHATCOM COUNTY CODE 2.85 REGARDING THE DEVELOPMENTAL DISABILITIES DEPARTMENT

WHEREAS, to be more consistent with RCW 71A.14.020 which says, "The [developmental disability] board shall consist of not less than nine nor more than fifteen members."

WHEREAS, the board has historically struggled to recruit and maintain a membership larger than 9; and

WHEREAS, existing by-laws were last revised 1/23/2012.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council to amend WCC 2.85 as shown in Exhibit A of this ordinance.

ADOPTED this 7th day of May, 2024.

ATTEST:



Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:

Christopher Quinn
Civil Deputy Prosecutor

electronically authorized
April 19, 2024

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON


Satpal Sidhu, County Executive

Approved () Denied
Date Signed: 5/9/2024

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EXHIBIT A

Chapter 2.85 DEVELOPMENTAL DISABILITIES DEPARTMENT

Sections:

- 2.85.010 Department established.**
- 2.85.020 Coordinator appointment.**
- 2.85.030 Repealed.**
- 2.85.040 Developmental disabilities advisory board.**
- 2.85.050 Services.**
- 2.85.060 Cooperation with other entities.**
- 2.85.070 Open meetings act.**
- 2.85.080 Contracts.**
- 2.85.090 Fund establishment.**
- 2.85.100 Severability.**

2.85.010 Department established.

Developmental disabilities shall be referred to as a part of the county health department known as Whatcom County Health and Community Services. (Ord. 96-061 Exh. A; Ord. 90-61 (part)).

2.85.020 Coordinator appointment.

The director of Health and Community Services shall appoint the developmental disabilities coordinator, in accordance with the provisions of Chapters 71A.12 and 71A.14 RCW. (Ord. 96-061 Exh. A; Ord. 90-61 (part)).

2.85.030 Department staff.

Repealed by Ord. 96-061. (Ord. 90-61 (part)).

2.85.040 Developmental disabilities advisory board.

A. The Whatcom County developmental disabilities advisory board, hereinafter referred to as the "developmental disabilities board," is created and shall serve in an advisory capacity to Health and Community Services on all issues related to the county developmental disabilities program and in accordance with Chapters 71A.12 and 71A.14 RCW.

B. The developmental disabilities board shall consist of 9 members who are residents of Whatcom County. Members shall be appointed by the county executive subject to confirmation by the majority of the county council and shall include but not be limited to representatives of public, private, or voluntary agencies, representatives of local governmental units, and citizens knowledgeable about developmental disabilities or interested in services to persons with developmental disabilities in the community. One member shall be appointed by the county council. The term of office for the members appointed by the executive shall be for three years. The term of office for the member

1 appointed by the county council shall be for one year, from the time of the council's
2 reorganization meeting to the next such meeting the following year.

3
4 **2.85.050 Services.**

5 The department, with the advice of the board, shall prepare, solicit and evaluate proposals
6 from potential service providers to provide developmental disabilities services within the
7 county. Following the evaluation of such proposals, the department shall file a
8 recommendation with the county executive for action in accordance with state and county
9 regulations. (Ord. 90-61 (part)).

10
11 **2.85.060 Cooperation with other entities.**

12 Subject to the administrative and legislative control of the county executive and the county
13 council, the department may cooperate and enter into contracts with, and receive moneys
14 from, public and private entities to carry out services set forth in this chapter. (Ord. 90-61
15 (part)).

16
17 **2.85.070 Open meetings act.**

18 The developmental disabilities board meetings shall be subject to the Open Meetings Act,
19 Chapter 42.30 RCW et seq. (Ord. 90-61 (part)).

20
21 **2.85.080 Contracts.**

22 All contracts, agreements, rights, claims and obligations, either in favor of or against the
23 Whatcom County department of developmental disabilities at the time the ordinance
24 codified in this chapter takes effect, shall continue in full force and effect, and responsibility
25 therefor shall be transferred to the Whatcom County department of developmental
26 disabilities. (Ord. 90-61 (part)).

27
28 **2.85.090 Fund establishment.**

29 The developmental disabilities fund is hereby established as a special revenue fund. The
30 fund shall be used exclusively for the financing of developmental disabilities services
31 provided for herein. (Ord. 90-61 (part)).

32
33 **2.85.100 Severability.**

34 It is understood and agreed to by the parties hereto that if any part of this agreement is
35 illegal, the validity of the remaining provisions shall not be affected and the rights and
36 obligations of the parties shall be construed as if the agreement did not contain the
37 particular illegal part. If it should appear that any provision hereof is in conflict with any
38 statutory provision of the state of Washington, said provision shall be deemed inoperative
39 and null and void insofar as they may be in conflict therewith, and shall be modified to
40 conform to such statutory provision. (Ord. 90-61 (part)).

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EXHIBIT A

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Chapter 2.85 DEVELOPMENTAL DISABILITIES DEPARTMENT

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2.85.010 Department established.

The department of developmental disabilities shall be dissolved and all of its duties, powers and responsibilities shall be assigned to the county health department on January 1, 1997, also providing the county executive to take any preliminary or transitional steps necessary for the implementation of this chapter. Developmental disabilities shall hereinafter be referred to as a part of the county health department known as Whatcom County Health and Community Services. (Ord. 96-061 Exh. A; Ord. 90-61 (part)).

2.85.020 Coordinator appointment.

The director of the health department Health and Community Services shall appoint the developmental disabilities coordinator, in accordance with the provisions of Chapters 71A.12 and 71A.14 RCW. (Ord. 96-061 Exh. A; Ord. 90-61 (part)).

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B. The developmental disabilities board shall consist of ~~15~~ 9 members who are residents of Whatcom County. Members shall be appointed by the county executive subject to confirmation by the majority of the county council and shall include but not be limited to representatives of public, private, or voluntary agencies, representatives of local governmental units, and citizens knowledgeable about developmental disabilities or

1 interested in services to persons with developmental disabilities in the community. One
2 member shall be appointed by the county council. The term of office for the members
3 appointed by the executive shall be for three years. The term of office for the member
4 appointed by the county council shall be for one year, from the time of the council's
5 reorganization meeting to the next such meeting the following year.

6
7 ~~C. The developmental disabilities advisory board shall continue as to members, terms of~~
8 ~~office, officers, and rules of procedure for conduct of their business in place on the effective~~
9 ~~date of the ordinance codified in this chapter. (Ord. 90-61 (part)).~~

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