

ORDINANCE NO. _____

ORDINANCE TO AMEND WHATCOM COUNTY CODE 2.03 ADVISORY GROUPS

WHEREAS, the council seeks to clarify sections of WCC 2.03; and

WHEREAS, it is necessary to occasionally adjust the term lengths of advisory group members and/or positions to maintain a staggered appointment schedule for some advisory groups; and

WHEREAS, advisory group members who no longer reside in Whatcom County may not continue to qualify for the position to which they were originally appointed; and

WHEREAS, vacancies on council-appointed advisory groups are generally posted on the County website by council staff; and

WHEREAS, vacancies on the executive-appointed advisory groups are generally posted on the County website by executive staff; and

WHEREAS, the council seeks to adjust quorum requirements for advisory group voting and member attendance to be more flexible.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 2.03 is amended as shown in Exhibit A.

ADOPTED this ____ day of _____, 20____.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Cathy Halka, Clerk of the Council

Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

George Roche via email 11/12/24 (ks)
George Roche, Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A

Chapter 2.03 ADVISORY GROUPS

Sections:

- 2.03.010 General.
- 2.03.015 Definitions.
- 2.03.020 Terms.
- 2.03.025 Removal.
- 2.03.030 Limited terms.
- 2.03.040 Executive's terms.
- 2.03.050 Appointment of noncouncilmembers to advisory groups.
- 2.03.060 Confirmation of executive appointments.
- 2.03.070 Review of nominees and executive appointees.
- 2.03.080 Vacancies on advisory groups.
- 2.03.090 Qualifications.
- 2.03.100 Organization – Meetings.

2.03.010 General

The requirements of this chapter shall not supersede the requirements specified in the enabling ordinance, resolution, or interlocal agreement for any advisory group.

2.03.015 Definitions.

"Advisory groups" means all boards, committees, commissions, task forces, and other groups established by the county council to participate in county government and functions primarily in advisory, coordinating, and/or planning capacities.

2.03.020 Terms.

A. Appointments to advisory groups of noncouncilmembers made by the council shall be for a term no longer than four years, unless specified differently in the enabling ordinance, resolution, or interlocal agreement. Appointments made to fill an incomplete term shall be for the balance of that term.

B. The terms of all appointments to advisory groups of noncouncilmembers 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.~~

C. Term lengths for those members first appointed to advisory groups 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. To serve the legislative purpose of ensuring staggered term end dates within the membership ranks of the County's advisory groups, the council may adjust terms of specific positions as necessary, as long as terms are no longer than either four years or the term length defined in the enabling statute.

D. When a member is appointed mid-year, outside the annual appointment process, to a vacant position with no term end date, the member's term length will be no longer than the

maximum term length allowed by the advisory group's enabling statute and will be considered a partial term.

E. When advisory group membership includes representatives of specific agencies, jurisdictions, or county departments, their assigned delegates are not required to be appointed by the county executive or county council and are not subject to term lengths or limits.

2.03.025 Removal.

In circumstances where the council has the authority to remove from office a member of an advisory group prior to the expiration of the advisory group 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-, unless a position requires a member to reside in Whatcom County on either a part-time or full-time basis and the position-holder no longer resides in Whatcom County. Council may vote to remove a position-holder from the appointed position before the end of the term if the position-holder no longer meets the position's residency requirements.

2.03.030 Limited terms.

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

B. No advisory group member shall serve more than two consecutive full terms; however, after serving two consecutive full terms, a member may become eligible for reappointment to the advisory group after a one-year period of separation from the respective board, commission or committee on which they have previously served.

C. Term limits do not apply to the annual appointment of Whatcom County councilmembers to various county and community advisory groups, unless specified in the enabling ordinance.

2.03.040 Executive's terms.

Those positions to which the county council appoints the executive to serve shall be for the executive's term of office.

2.03.050 Appointment of noncouncilmembers to advisory groups.

For appointment by the council of noncouncilmembers to advisory groups ~~performing either an administrative or a legislative function~~, the council shall publish vacancies on its website and include an application deadline of 10:00 a.m. on Tuesday of the week prior to the regularly scheduled council meeting at which nominations and possible votes to appoint are scheduled to occur. Councilmembers shall make nominations from the list of applicants at this same regularly scheduled council meeting. Appointment of the nominees shall occur by an affirmative roll-call vote by a majority of the entire council. In the case of only one applicant for a given vacancy, nomination and appointment by general consent may occur.

2.03.060 Confirmation of executive appointments.

A. Council confirmation of executive appointments shall be handled in the following manner: The executive shall present in writing to the council office, no later than seven days before the council meeting at which action is requested, the names of their appointments, positions and terms to which they are to be appointed, information on the appointees' qualifications

or background, and any other information the executive deems appropriate, except in the case of executive appointments to executive and administrative offices, in which case this information shall include a job description and a resume. This information shall also be made available upon request to the public.

B. The council shall confirm or reject appointments by the county executive within 30 days of the date the names are submitted to it; failure to act within this time period shall cause the appointees to be deemed confirmed. Confirmation or rejection shall be by an affirmative vote by a majority of the entire council.

2.03.070 Review of nominees and executive appointees.

A. Councilmembers will individually be responsible for meeting or contacting individuals nominated to serve on an advisory group, and individuals whose appointment by the executive is scheduled for confirmation by the council, prior to the council's consideration of the nomination or request for confirmation.

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

C. The names of recommended appointees by the executive, and the names of nominees by councilmembers, shall be published on the agenda for the council meeting at which action is to be taken in filling a position or confirming an appointment.

2.03.080 Vacancies on advisory groups.

A. The clerk of the council shall compile and publish annually on the county website a listing of vacancies and anticipated vacancies on all council-appointed advisory groups within the appointive jurisdiction of both the council and the executive.

B. The executive shall compile and publish annually on the county website a listing of vacancies and anticipated vacancies on all executive-appointed advisory groups.

BC. The listings shall state the title and term of office of each position, if requirements to live in Whatcom County are applicable, the appointing authority, and a physical address, email address, and telephone number for obtaining further information or for making applications. The listing shall also include a brief description of the duties of each position and information on when the regular meetings of the group in question are held.

CD. The listings shall be posted in conspicuous places in the Courthouse, provided to all county councilmembers elected officials and departments, public libraries and city halls in the county, and be made available to the public and news media at no charge.

DE. Persons expressing an interest in applying for appointment to a council-appointed position on an advisory group shall be given an application form to complete and file with the clerk, giving their name, address, telephone number, occupation and relevant qualifications. The applications shall be kept on file in the clerk's office. An application for an advisory group is a public record subject to disclosure upon request. Once an applicant is appointed, some personal information such as residential address, telephone number, and e-mail address may be exempted from public disclosure as allowed by RCW 42.56.250.

~~EF~~. Persons expressing an interest in applying for appointment to an executive-appointed position on an advisory group shall be given an application form to complete and file with the executive's office, giving their name, address, telephone number, occupation and relevant qualifications. The applications shall be kept on file in the executive's office. An application for an advisory group is a public record subject to disclosure upon request. Once an applicant is appointed, some personal information such as residential address, telephone number, and e-mail address may be exempted from public disclosure as allowed by RCW 42.56.250.

~~FG~~. In fulfilling the obligations of this section, the clerk shall seek the cooperation of the executive and may accomplish their obligations through joint ~~action with the executive's office~~.

2.03.090 Qualifications.

A. To qualify for appointment on a county advisory group, a person shall live in Whatcom County at least part time and shall meet the requirements of the advisory group's enabling statute. ~~Unless, otherwise allowed by the enabling statute, appointed advisory group members who no longer reside in Whatcom County at least part time will no longer qualify to be a member of the advisory group, and may be removed by the appointing authority.~~

B. Individuals who have declared candidacy (as defined in RCW 42.17A.005(8)) for a paid elected office in any jurisdiction within the county are not eligible for appointment while they are a candidate, but shall be eligible for: (1) appointment as the official representative of an entity they are currently elected to, or (2) reappointment to additional terms, as allowed by the Whatcom County Code, to the same advisory group they were on prior to declaration of candidacy.

2.03.100 Organization – Meetings.

A. An advisory group may establish its own operating bylaws, except:

~~1.~~ 1. An advisory group cannot meet and function if more than 51 percent of its positions are vacant.

~~2.~~ 2. A quorum for the purpose of holding a meeting and taking action will be more than one-half of the total number of filled voting committee positions, regardless of whether any positions are vacant.

~~3.~~ 3. A vote to make a recommendation to the county council and/or county executive shall be approved by a quorum of the members as defined in subsection (A)(1) of this section majority of voting members present at the meeting.