

ORDINANCE NO. _____

**ORDINANCE AUTHORIZING SUPERIOR COURT TO APPOINT
A STATUTORY COMMISSIONER**

WHEREAS, the Whatcom County Superior Court is limited by the Washington State Constitution to three full-time constitutional commissioners; and,

WHEREAS, RCW 26.12.050 allows the superior court to appoint, in addition to the constitutional commissioners, one or more family court commissioners to perform the duties in RCW 26.12.060; and,

WHEREAS, RCW 71.05.135 allows the superior court to appoint, in addition to the constitutional commissioners, one or more mental health commissioners to perform the duties in RCW 71.05.137; and,

WHEREAS, RCW 10.14.045 allows the superior court to appoint, in addition to the constitutional commissioners, one or more protection order commissioners to exercise all powers and perform all duties of a court commissioner appointed pursuant to RCW 2.24.010; and,

WHEREAS, state law specifically allows for one person to be appointed to all three of the above-referenced statutory court commissioner positions; and,

WHEREAS, the Whatcom County Superior Court judges want to create one full-time statutory court commissioner position and appoint the same person as the family court commissioner, the mental health commissioner, and the protection order commissioner; and,

WHEREAS, state law requires that the creation of statutory court commissioner positions must have the consent of the county legislative authority; and,

WHEREAS, the Whatcom County Superior Court judges are requesting the approval of one new statutory court commissioner position as described above as it is necessary for the efficient operation of the court.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

1. The creation of a statutory court commissioner position in Whatcom County Superior Court is approved.
2. Chapter 2.15 Whatcom County Code (WCC) (Family Court Commissioner) shall be amended as shown in the attached Exhibit A.

ADOPTED this ____ day of _____, 2022.

ATTEST

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Current Chair's Name), Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____

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4 **EXHIBIT A**

5
6
7 **Chapter 2.15**
8 **STATUTORY COURT COMMISSIONER**

9 Sections:

10 2.15.010 Appointment—Duties

11 2.15.020 Compensation

12
13 **2.15.010 Appointment – Duties.**

14 The superior court judges ~~shall appoint a family court commissioner and shall designate the~~
15 ~~duties performed by that person.~~ are authorized to appoint one full-time statutory court
16 commissioner to serve as the family court commissioner, mental health commissioner, and
17 protection order commissioner. The duties of the statutory commissioner shall be consistent
18 with those duties established by state law.

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20 **2.15.020 Compensation.**

21 The compensation for the ~~family court commissioner shall be consistent with that paid to~~
22 ~~the full-time constitutional commissioners, on a pro rata basis.~~ statutory court commissioner
23 shall be consistent with that paid to the full-time constitutional commissioners.

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