



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2022-048

File ID:	AB2022-048	Version:	1	Status:	Adopted
File Created:	01/11/2022	Entered by:	MRouse@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance		
Assigned to:	Council Criminal Justice and Public Safety Committee			Final Action:	02/08/2022
Agenda Date:	02/08/2022			Enactment #:	ORD 2022-009

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

TITLE FOR AGENDA ITEM:

Ordinance authorizing Superior Court to appoint a statutory commissioner

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance will amend Whatcom County Code 2.15 to create a statutory court commissioner position in Whatcom County Superior Court.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/25/2022	Council	INTRODUCED	Council Criminal Justice and Public Safety Committee
		Aye: 7 Nay: 0 Absent: 0	Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
02/08/2022	Council Criminal Justice and Public Safety Committee	FORWARDED TO COUNCIL WITH RECOMMENDED MOTION(S)	
02/08/2022	Council	ADOPTED	
		Aye: 7 Nay: 0 Absent: 0	Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Attachments: Proposed Ordinance

ORDINANCE NO. 2022-009

**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 8th day of February, 2022.

ATTEST

Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:
/s/ Karen Frakes (approved via e-mail) / JL
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Todd Donovan, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Satpal Sidhu, County Executive

Approved () Denied
Date Signed: 2-14-22

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4 **EXHIBIT A**

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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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