

ORDINANCE NO. _____

**AN ORDINANCE ADDING A NEW CHAPTER 2.107 TO THE WHATCOM COUNTY CODE
TO CREATE A WHATCOM RACIAL EQUITY COMMISSION**

WHEREAS, throughout the history of the United States systemic racism has manifested by acts of discrimination and oppression directed towards Black, Indigenous and people of color (BIPOC) and their communities resulting in fear, anxiety, trauma, terror, and long-term physical and mental health impairments, disproportionate representation in the criminal justice system as well as causing economic oppression for the targets of racism, their communities, and subsequent generations; and

WHEREAS, systemic racism has resulted in race as a social determinant of health, with persistent racial disparities nationally in all aspects of health including housing, education, healthcare, employment, worker protections, criminal justice, climate impacts, food access, and technology, and the Center for Health Progress has reported that data shows race, income, and ZIP Code have a bigger impact on health than behavior or medical care; and

WHEREAS, data gathered by the Whatcom County Health Department for the 2011 Community Health Assessment and 2018 Community Health Assessment showed evidence of disparities by race and ethnicity across several systems in Whatcom County: education, health care, criminal justice, and childcare, among others; and

WHEREAS, coalitions, task forces, committees, and other designated Whatcom County and City of Bellingham organizations whose focus is on children and families, climate impact, community health improvement, affordable housing, and other policy areas, have identified the disproportionate impacts and disparities experienced by the BIPOC community; and

WHEREAS, while addressing racial inequity is a national issue and is long overdue, there is a responsibility and necessity for municipal and county governments, and local communities, to proactively engage in advancing racial equity at the local level; and

WHEREAS, there has been substantial, ongoing community discussion and demand for action regarding local government proactively seeking to eliminate racial inequities and advancing racial equity in Whatcom County; and

WHEREAS, on Tuesday, November 24th, 2020, the Whatcom County Council acting as the Health Board adopted the Resolution Affirming Racism as a Public Health Crisis; and

WHEREAS, on Monday, September 27th, 2021, the Bellingham City Council unanimously adopted a Resolution Affirming Racism as a Public Health Crisis; and

WHEREAS, these Resolutions commit both the Whatcom County Health Board and City of Bellingham to making both the County and City a "welcome, inclusive, and safe community for everyone," and "actively participating in the dismantling of systemic racism

1 and its impacts” by reviewing and proposing changes to policies, practices and policymaking
2 to promote racial equity as needed; and

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4 **WHEREAS**, Whatcom County has become a member of the Government Alliance on
5 Race & Equity (G.A.R.E.); and

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7 **WHEREAS**, best practices, including toolkits from the Government Alliance on Race
8 & Equity, indicate that meaningful action by the government to address racial equity must
9 include engagement with diverse communities to effectively achieve goals; and

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11 **WHEREAS**, to address the County’s racial equity commitments and priorities,
12 Whatcom County and City of Bellingham engaged with Chuckanut Health Foundation to
13 convene a community-driven process that engaged in substantial outreach and was
14 informed by a preparatory group of community stakeholders to develop recommendations
15 for the founding of a Whatcom Racial Equity Commission to help achieve equity goals
16 outside the scope of city or county government; and

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18 **WHEREAS**, the preparatory group of community members have concluded their
19 work and provided Whatcom County and City of Bellingham with the recommendation to
20 establish a Whatcom County Racial Equity Commission;

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22 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that
23 Whatcom County Code Chapter 2.107, Whatcom Racial Equity Commission, is hereby
24 established as outlined in Exhibit A to this ordinance.

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26 **ADOPTED** this ____ day of _____, 2022.

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31 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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34 _____
Dana Brown-Davis, Clerk of the Council

Todd Donovan, Council Chair

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37 WHATCOM COUNTY EXECUTIVE
38 APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

39
40 Christopher Quinn (signed electronically 9/21/22)
41 CHRISTOPHER QUINN
42 Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

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46 Date Signed: _____
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EXHIBIT A
CHAPTER 2.107 WHATCOM RACIAL EQUITY COMMISSION

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Sections:

- 5 **2. 107. 010 Established**
- 6 **2. 107. 020 Purpose**
- 7 **2. 107. 030 Guiding Principles**
- 8 **2. 107. 040 Function**
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- 10 **2. 107. 060 Additional Appointed Members**
- 11 **2. 107. 070 Appointment Procedure**
- 12 **2. 107. 080 Liaison Members**
- 13 **2. 107. 090 Term of Office**
- 14 **2. 107. 100 Organization – Meetings**
- 15 **2. 107. 110 Staff and Funding Support**
- 16 **2. 107. 120 Reporting**

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2. 107. 010 Established

There is hereby established a Whatcom Racial Equity Commission.

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2. 107. 020 Purpose

As a conduit for ongoing community collaboration, engagement, and education, within the broader context of diversity and inclusion, the purpose of the Whatcom Racial Equity Commission is to gather, review, and evaluate data and to make recommendations on eliminating racial inequities, in all its forms, throughout Whatcom County.

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2. 107. 030 Guiding Principles

The Commission shall adhere to the following principles in all its work:

- 35 1. **Racial equity**—Strive to eliminate inequities and proactively advance equity and
36 justice
- 37 2. **Data-based decision-making**—Collect and rely on quantitative and qualitative data
38 to identify objectives and measurable outcomes and to inform strategies for reaching
39 desired outcomes.
- 40 3. **Local community involvement in decision-making processes**— Recognize and
41 promote the essential value in the expertise of lived experiences; support inclusion
42 that is critical to this work, especially inclusion of communities presently and
43 historically impacted by racial inequities.
- 44 4. **Attention to all affected by decisions**—Propose decisions to advance racial equity
45 that are examined to identify those groups benefited or burdened by their
46 consequences; and develop strategies to avoid or mitigate the unintended effects of
47 such decisions.

- 1 5. **Transparency**—Ensure the Commission’s processes and actions are fully
2 transparent and subject to public review; ensure public access to information and
3 data used in the Commission’s decision-making processes.
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6 **2. 107. 040 Function**

7 The Commission is established to:

- 8 1. Serve as an advisory board to local government agencies, other organizations
9 committed to the aims of the Commission, and the county-wide community with
10 regard to racial equity.
11 2. Serve as a community forum on racial equity and create mechanisms to identify
12 issues, concerns, needs, and resources.
13 3. Gather and analyze disaggregated qualitative and quantitative data to identify racial
14 disparities and disproportionalities in the areas of concern.
15 4. Develop and propose to local government a coordinated and comprehensive plan to
16 address racial inequity in Whatcom County. This plan shall include measurable
17 objectives and indicators by which progress toward racial equity in all its aspects is
18 to be measured. The Commission shall review and update the plan as necessary.
19 5. Develop recommended strategies for implementing the plan, including proposed
20 timelines to achieve each equity objective, together with recommendations for
21 shared governmental and community accountability for addressing racial disparities
22 in Whatcom County.
23 6. Provide recommendations to the Whatcom County Council and the Executive, to the
24 Bellingham City Council and Mayor, and to other relevant entities and jurisdictions
25 concerning:
26 a. Revisions to organizational policies, procedures, and ordinances as may be
27 needed to promote transparency and diminish racial inequities that may exist.
28 b. Budget priorities that may be necessary to mitigate and prevent the impacts
29 of racial inequities in local government.
30 c. Other policies that promote racial equity in response to emerging needs that
31 may require new policies and flexibility in revising earlier proposals.
32 7. Seek to increase community awareness of current and historical racial inequity,
33 serving as a resource and conduit for education and public information.
34 8. Review and advise on strategies for reducing barriers to public participation in
35 commissions, boards, task forces, committees, or other similar groups established to
36 participate in County government which function primarily as an advisory,
37 coordinating or planning capacity.
38 9. Report work and progress to the community, Whatcom County and the City of
39 Bellingham on an annual basis.
40 10. Seek grants and other funds to support Commission work, in addition to the funds it
41 may receive from Whatcom County and City of Bellingham.

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43 **2. 107. 050 Representative Members**
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45 The Whatcom Racial Equity Commission shall consist of up to thirty-one voting members
46 including the following twelve designated participants or their representatives. It is

1 encouraged that those who have an interest in or have been impacted by racial equity
2 issues are given preference by organizations, entities, and jurisdictions when considering
3 whom to designate or select to serve on the Commission:

- 4 1. One Representative, Lummi Nation, appointed by Lummi Indian Business Council;
- 5 2. One Representative, Nooksack Tribe, appointed by Nooksack Indian Tribe;
- 6 3. Designated Representative, Whatcom County staff member working to advance
7 racial equity within County departments;
- 8 4. Designated Representative, City of Bellingham staff member working to advance
9 racial equity within City of Bellingham departments;
- 10 5. Designated Representative from a municipal equity advisory body outside of the City
11 of Bellingham;
- 12 6. Law enforcement chief, lieutenant, or other representative, selected by WC Sheriffs
13 & Police Chiefs Association;
- 14 7. Whatcom County School Superintendent, Selected by the eligible Whatcom County
15 School Superintendents;
- 16 8. One community health representative with experience serving Hispanic and Latino
17 individuals and communities. This representative may be associated with
18 organizations such as Community to Community or SeaMar; organizations to be
19 considered and selected when filling vacant positions by the Commission's
20 Appointment Committee;
- 21 9. One designated economic development professional, selected by Port of Bellingham
22 Economic Development Division and Whatcom Associate Development Organization;
- 23 10. Up to 3 representatives from organizations working in Whatcom County to advance
24 racial equity and human rights; organizations to be considered and selected when
25 filling vacant positions by the Commission's Appointment Committee.

28 **2. 107. 060 Additional Appointed Members**

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30 In addition to those members designated above, the Whatcom Racial Equity Commission
31 shall include up to nineteen members appointed by the Mayor of Bellingham and County
32 Executive from the following categories of community members:

- 33 1. Up to 7 Community Members, which group shall include at least one of the following:
 - 34 a. A student living in Whatcom County;
 - 35 b. A community member with experience caring for a student currently
36 attending a Whatcom County public school such as parent, foster parent,
37 grandparent, caregiver, or guardian;
 - 38 c. An immigrant, migrant, or refugee;
 - 39 d. A business owner, manager, or independent contractor;
 - 40 e. A youth or young adult aged 16-24 at the time of appointment;
- 41 2. Two Diversity Officers or Staff Members engaged in DEI Work in educational
42 institutions: one working in local higher education institutions and one working in
43 local K-12 schools;
- 44 3. Two Human Service Providers, including but not limited to, victim or offender
45 services, housing or houseless services, and mental health services;
- 46 4. Up to 4 Subject Matter Experts, Individuals with Expertise in, and/or Specialists in
47 the Commission's areas of concern;
- 48 5. One Social Justice Advocate or Activist whose area of focus is racial equity;

6. One Representative from a Philanthropic Organization;
7. One Faith Leader;
8. One Multilingual Health Care Provider.

All candidates under this section shall have an interest in or have been impacted by racial equity issues. Candidates under this section shall apply for appointment to the Commission and meet the requirements for appointment as outlined in the Whatcom County Code.

2. 107. 070 Appointment Procedure

An Appointment Committee consisting of one staff representative for Whatcom County appointed by the County Executive, one staff representative for the City of Bellingham appointed by the Mayor of Bellingham, and four community representatives recommended by the County Executive and confirmed by the County Council shall be established to 1) review applications for appointed Commission positions 2) evaluate applicant's eligibility for appointment, and 3) provide written recommendations for Commission appointments to the County Executive and Mayor of Bellingham. Once established under this ordinance, the Commission Steering Committee shall supersede the four community representative members on the Appointment Committee. On no less than an annual basis, the Appointment Committee shall assess Commission vacancies and perform its duties as provided herein.

~~An Appointment Committee shall be convened to assess Commission vacancies at least annually; review applications for appointed roles; evaluate an applicant's eligibility for appointment; interview applicants as needed; and provide written recommendations for appointment to the County Executive and Mayor of Bellingham. The Committee composed of one staff representative from each appointing authority and the Steering Committee of the Commission.~~

In seeking and selecting members for Commission appointments, the Mayor of Bellingham and County Executive shall seek to represent the broadly diverse communities across Whatcom County with consideration to geography, income level, and a demonstrated commitment to diversity, equity, and inclusion.

Appointed members shall be subject to confirmation by a majority vote of both Whatcom County Council and Bellingham City Council per Whatcom County Charter 3.23.

2. 107. 080 Liaison Members

In addition to the voting members above, The Whatcom Racial Equity Commission shall include up to six non-voting liaison members or their representatives.

1. Whatcom County Executive;
2. Whatcom County Council Member;
3. Mayor of Bellingham;
4. Bellingham City Council Member;
5. One Chief Executive Officer from Cities in Whatcom other than Bellingham, Selected by the Small Cities Partnership;

- 1 6. One Councilmember from Cities in Whatcom other than Bellingham, Selected by the
2 Small Cities Partnership;
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5 **2. 107. 090 Term of Office**
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7 All members shall serve two-year terms. Members may serve up to six years consecutively.
8 Members who have previously served six consecutive years may be reappointed to the
9 commission after one year of non-membership. Members may serve extended terms
10 without a year of non-membership if approved by a vote of the Commission.

11 Each member shall continue to serve until a successor has been found unless the member
12 was removed from the Commission. Members may be removed by appointing authorities
13 following a vote recommending removal by remaining Commissioners.
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15 A member term of three years shall be extended to half of the first appointed Commission
16 members to stagger term cycles for future slates of Commissioners. These Commission
17 members will also be allowed to serve up to seven consecutive years from this initial
18 appointment.
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21 **2. 107. 100 Organization – Meetings**
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- 23 A. The Commission shall comply with the Open Public Meetings Act under RCW 42.30.
24 B. Meetings of the Commission shall be open and accessible to the public.
25 C. At every meeting, the Commission will schedule an open session to take public
26 comment on issues associated with commission work.
27 D. Written records of meetings, resolutions, findings, and recommendations shall be
28 kept, and such records shall be available to the public.
29 E. The Commission shall adopt its own rules and procedures for the conduct of business
30 which may include commission member expectations and agreements rooted in best
31 practices for equitable decision-making.
32 F. The Commission shall elect co-chairs from among its members to preside at its
33 meetings.
34 G. The Commission co-chairs, any other Commission officers, and three additional
35 members shall serve as the Commission’s Steering Committee.
36 H. The Commission shall determine its meeting schedule and work with Commission
37 staff to set the agenda but shall meet at least six times per year.
38 I. The Commission may form and appoint ad hoc committees to work on specific
39 issues, so long as at least two Commission members are also members of each ad
40 hoc committee.
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43 **2. 107. 110 Staff and Funding Support**
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45 Commission staff shall carry out the purpose, function, and daily operations of the
46 Commission with support from Whatcom County Staff as necessary. The Commission and its
47 designated representatives shall be responsible for planning and hosting meetings;
48 recruiting, orienting, and engaging members; and ensuring adherence to provisions of the
49 Commission’s bylaws, policies, and procedures.

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2 Local government funding of the Commission to perform its duties may be provided for
3 pursuant to an interlocal agreement entered into between Whatcom County and other
4 participating jurisdictions.
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6 As may be permissible under law, the Commission, including its staff and operations, may
7 seek fiscal sponsorship by a 501(c)(3) nonprofit entity for the purpose of advancing its
8 work. Additionally, and as may be permissible under law, the Commission may seek
9 additional funds from public and private grant-offering bodies for purposes of advancing its
10 functions.
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12 **2. 107. 120 Reporting**
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14 At least annually and within the second quarter of each year, the Commission will provide a
15 written report and recommendations to the County Council, Bellingham City Council, Mayor
16 of Bellingham, and County Executive on progress.
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