WHATCOM COUNTY COUNCIL

AGENDA REVISION NOTICE
FOR NOVEMBER 20, 2018
(DISTRIBUTED AT 4 P.M. ON NOVEMBER 19, 2018)

THE FOLLOWING MEETING HAS BEEN REMOVED FROM THE COUNCIL’S SCHEDULE:

SPECIAL COMMITTEE OF THE WHOLE
Immediately Following Planning and Development Committee
Tuesday, November 20, 2018
Council Chambers, 311 Grand Avenue

Committee Discussion

Pages 397–398

Other Business

THE FOLLOWING ITEMS HAVE BEEN ADDED TO THE COUNCIL MEETING AGENDA:

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES
Per Whatcom County Code 2.03.070(B), the council must confirm or reject executive appointments within 30 days of submission to the council. County code deems the appointee confirmed if council does not take action within this time.

1. Request confirmation of the County Executive’s appointment of Sarah Spritzer to the Whatcom County Public Defense Advisory Committee (AB2018-349)
   Paperwork Attached

INTRODUCTION ITEMS
Council action will not be taken. The council may accept these items for introduction (no action) in a single motion. Changes, in terms of committee assignment for example, may be made at this time.

3. Ordinance amending Whatcom County Code Chapter 2.78, Solid Waste Advisory Committee (AB2018-351)
   Paperwork Attached
4. Ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2018-350)
   Paperwork Attached
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TITLE OF DOCUMENT: Appointment to the Whatcom County Public Defense Advisory Committee

ATTACHMENTS: Application for Appointment

SEPA review required? ( ) Yes ( ) NO
SEPA review completed? ( ) Yes ( ) NO

Should Clerk schedule a hearing? ( ) Yes ( ) NO
Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

County Executive Jack Louws requests confirmation of his appointment of Sarah Spitzer to the Whatcom County Public Defense Advisory Committee.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
Application for Appointment to Whatcom County Boards and Commissions

Public Statement

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

First Name
Sarah

Last Name
Spitzer

Date
11/8/2018

Street Address
2003 N Mahonia Place

City
Bellingham

Zip
98229

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
Field not completed.

Primary Telephone
9166871099

Secondary Telephone
Field not completed.

Email Address
Swik2009@att.net

1. Name of Board or Committee
Public Defense Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
Yes

3. Which Council district do you live in?
District 1

4. Are you a US citizen?
Yes

5. Are you registered to vote in Whatcom County?
Yes
6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?

No

7. Have you ever been a member of this Board/Commission?

No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?

No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

Field not completed.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

Currently, I am a stay at home mother of two. Previously, I did plain clothes surveillance for the FBI in Sacramento supporting counterterrorism and counterintelligence operations. I have BA in Anthropology (minor Criminal Justice) from Sacramento State University (2006). As a stay at home mom, I am involved with our co-op preschool and the Whatcom County chapter of Moms Demand Action.

10. Please describe why you’re interested in serving on this board or commission

I am interested in being involved in my community and particularly interspersed in the criminal justice system. It’s important to me that our system is fair for all citizens and all citizens have the same access.

References (please include daytime telephone number):

Bex Buenaventura (916) 417-9814 Maria Gomez (202) 375-9227 Courtney Muraski (206) 434-9079

Signature of applicant: Sarah Spitzer

Place Signed / Submitted: Bellingham, WA
TITLE OF DOCUMENT:
Ordinance amending WCC Chapter 2.03, Boards and Commissions

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Ordinance amending WCC Chapter 2.03, Boards and Commissions
ORDINANCE NO. ______

AMENDING WHATCOM COUNTY CODE (WCC) CHAPTER 2.03, BOARDS AND COMMISSIONS

WHEREAS, membership requirements of Board of Equalization members are specified in WCC Chapter 2.21 and RCW 84.48.010, and therefore can be removed from WCC Chapter 2.03; and

WHEREAS, language in WCC 2.03 addresses term limits of various County advisory board, commission, and committee members; and

WHEREAS, many County advisory boards and commissions include members who are designated by their own agencies to represent their particular jurisdiction or County department; and

WHEREAS, the term limit language of WCC 2.03 can be interpreted to apply to the agency-designated representatives; and

WHEREAS, the County Council’s intent is to allow jurisdictions to designate their own representatives to boards, commissions, or committees without restricting terms.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 2.78 is hereby amended as outlined in Exhibit A to this ordinance.

ADOPTED this ___ day of __________, 20__.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Rud Browne, Council Chair

APPROVED AS TO FORM:

Karen Frakes, Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved     ( ) Denied

Date Signed: __________________
EXHIBIT A

Chapter 2.03
BOARDS AND COMMISSIONS

Sections:
2.03.010 Recapified General.
2.03.020 Terms.
2.03.025 Removal.
2.03.030 Limited terms.
2.03.040 Executive’s terms.
2.03.050 Effective date.
2.03.060 Appointment of non-councilmembers to boards, commissions and committees.
2.03.065 Appointment of planning commission members.
2.03.070 Confirmation of executive appointments.
2.03.075 Review of nominees and executive appointees.
2.03.080 Vacancies on citizen boards, committees and commissions.
2.03.090 Qualifications.

2.03.010 Election General.
Recapified to WCC 2.02.095 by Ord. 2010-044.

The requirements of this Chapter shall not supersede the requirements specified in the enabling ordinance for any board, commission, or committee.

2.03.020 Terms:
A. The term of office for the board of equalization shall be three years pursuant to RCW 84.48.026.
B. All other appointments to boards, committees and commissions of non-councilmembers made by the council shall be for a term no longer than four years.
C. The terms of all appointments to boards, committees and commissions of non-councilmembers 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.
D. Term lengths for those members first appointed to boards, committees and commissions 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. (Ord. 2016-074 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 83-19 (part); Res. 80-13 § 1 (part)).

2.03.025 Removal.
In circumstances where the council has the authority to remove from office a member of a board, committee, or commission prior to the expiration of the board, committee or commission 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. (Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 83-19 (part); Res. 80-13 § 1 (part)).
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 first partial term of less than four years.
B. No board, commission or committee member shall serve more than two consecutive full terms; however, after serving two consecutive full terms a citizen may become eligible for reappointment to a board, commission or committee after a one-year period of separation from the respective board, commission or committee on which he or she has previously served.
C. Term limits do not apply to the annual appointment of Whatcom County Councilmembers to various County and community boards, commissions, or committees, unless specified in the enabling ordinance.

(Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 80-13 § 2).

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. (Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 80-13 § 3).

2.03.050 Effective date.
The term of office limitations shall apply to all appointments made by the county council since May 1, 1979. (Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 80-13 § 4).

2.03.060 Appointment of non-councilmembers to boards, commissions and committees.
For appointment by the council of non-councilmembers to those boards, commissions and committees 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 vote to appoint are scheduled to occur. Councilmembers shall make nominations from the list of applicants at this same regularly scheduled council meeting. Nominations for appointment to any position having a residency requirement as to council district shall be made only by the councilmembers from the district or the councilmember at large. 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. (Ord. 2014-044 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Ord. 91-030 (part)).

2.03.065 Appointment of planning commission members.
Councilmembers will follow the procedure set forth in WCC 2.03.060 when making nominations and appointments to the planning commission. (Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part)).

2.03.070 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 his 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 rejections shall be by an
affirmative vote by a majority of the entire council. (Ord. 2010-045 Exh. A; Ord. 2001-028
Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Ord. 91-030 (part)).

2.03.075 Review of nominees and executive appointees.
A. Councilmembers will individually be responsible for meeting or contacting individuals
nominated to serve on a board, commission, or committee, 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. (Ord. 2010-045 Exh. A; Ord.
2001-028 Exh. A; Ord. 95-006 Exh. A)

2.03.080 Vacancies on citizen boards, committees and commissions.
A. The clerk of the council shall cause to be compiled and published annually a listing of
vacancies and anticipated vacancies on all citizen boards, committees and commissions,
within the appointive jurisdiction of both the council and the executive.

B. The listing shall state the title and term of office of each position, residency requirements
(if any), the appointing authority, and an 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 body in question are held.

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

D. Persons expressing an interest in applying for appointment to a council-appointed
position on a board, commission or committee shall be given an application form to
complete and file with the clerk, giving his or her name, address, telephone number,
occupation and relevant qualifications. The applications shall be kept on file in the clerk’s
office.

E. Persons expressing an interest in applying for appointment to an executive-appointed
position on a board, commission or committee shall be given an application form to
complete and file with the executive’s office, giving his or her name, address, telephone
number, occupation and relevant qualifications. The applications shall be kept on file in the
executive’s office.
F. In fulfilling the obligations of this section, the clerk shall seek the cooperation of the executive and may accomplish his or her obligations through joint action with the executive's office. (Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 91-030 (part)).

2.03.090 Qualifications.
To qualify for appointment by the council and/or executive to fill any vacancy on a board, committee or commission, a person shall be a qualified registered voter resident of the district, agency, or group he or she is appointed to represent on a specific board, committee or commission, meeting all of the qualifications of Section 4.20 of the Whatcom County Charter. Individuals who have declared candidacy (as defined in RCW 42.17A.005(7)) for a paid elected office in any jurisdiction within the county are not eligible for appointment while he or she is a candidate, but shall be eligible for: (A) appointment as the official representative of an entity he or she is currently elected to, or (B) reappointment to additional terms, as allowed by the Whatcom County Code, to the same board or committee he or she was on prior to declaration of candidacy. (Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 91-030 (part)).
**CLEARANCES** | **Initial** | **Date** | **Date Received in Council Office** | **Agenda Date** | **Assigned to:**
---|---|---|---|---|---
Originator: |  | 11/15/2018 |  | 11/20/2018 | Council
Division Head: |  |  |  |  | 
Dept. Head: | 11.15.18 |  |  |  | 
Prosecutor: |  |  |  |  | 
Purchasing/Budget: |  |  |  |  | 
Executive: |  |  |  |  | 

**TITLE OF DOCUMENT:**
Ordinance amending WCC Chapter 2.78, Solid Waste Advisory Committee

**ATTACHMENTS:**

**SEPA review required?** ( ) Yes ( ) NO
**SEPA review completed?** ( ) Yes ( ) NO
**Should Clerk schedule a hearing?** ( ) Yes ( ) NO
**Requested Date:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Ordinance amending WCC Chapter 2.78, Solid Waste Advisory Committee

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
PROPOSED BY:________
INTRODUCTION DATE:_______

ORDINANCE NO. _______

AMENDING WHATCOM COUNTY CODE (WCC) CHAPTER 2.78,
SOLID WASTE ADVISORY COMMITTEE

WHEREAS, sections of the WCC addressing initial appointment terms are outdated
and no longer apply; and

WHEREAS, WCC 2.78 addresses term limits of Solid Waste Advisory Committee
members; and

WHEREAS, the County Council, City of Bellingham, and Small Cities have each
annually appointed one representative to serve on the Advisory Committee; and

WHEREAS, the term limit code language as written can be interpreted to apply to
the annually-appointed elected officials; and

WHEREAS, the County Council’s intent is to allow each jurisdiction to designate their
own representative to the Advisory Committee without restricting the number of one-year
terms.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
Whatcom County Code Chapter 2.78 is amended as shown in Exhibit A.

ADOPTED this ____ day of __________, 20____.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council Rud Browne, Council Chair

APPROVED AS TO FORM: WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Karen Frakes, Civil Deputy Prosecutor Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed: ____________________
EXHIBIT A

Chapter 2.78
SOLID WASTE ADVISORY COMMITTEE

Sections:
2.78.010 Committee – Established.
2.78.020 Committee – Members.
2.78.030 Committee – Advice and recommendation to county executive.
2.78.040 Committee – Duties.
2.78.050 Appointments to committee.
2.78.060 Eligibility to serve on committee.
2.78.070 Filling of vacancies.
2.78.080 Terms of office.
2.78.090 Meetings – Rule promulgation.
2.78.100 Public works department to provide administrative support.
2.78.110 Members not to be compensated.

2.78.010 Committee – Established.
The county solid waste advisory committee is established to be comprised of a county-wide
group of representatives of citizens, public interest groups, business, the waste
management industry, and local elected public officials or their appropriately appointed
designees to provide for coordination and information exchange between the groups about
solid waste issues and to provide ongoing public input and advice to Whatcom County on
solid waste management issues. (Ord. 2009-022 Exh. A; Ord. 2002-050; Ord. 93-023; Ord.
91-002 (part); Ord. 85-90 § 1).

2.78.020 Committee – Members.
The county solid waste advisory committee shall be composed of 11 members. Two of the
members shall be local elected officials or their appropriately appointed designees, who
shall serve for a one-year period, with one representative from the city of Bellingham and
one representative from other cities in the county. One member shall be a Whatcom County
councilmember. The remaining eight members shall represent a balance of interest from the
following sectors: two citizen representatives with no financial ties to other included sectors,
two representatives from public interest groups, one business/industry representative, one
representative from the waste collection industry, one recycling industry representative, and
one solid waste disposal facility representative. No two representatives can be from the
same company or public interest group. (Ord. 2009-022 Exh. A; Ord. 2002-050; Ord. 93-
023; Ord. 91-002 (part); Ord. 85-90 § 2).

2.78.030 Committee – Advice and recommendation to county executive.
The county solid waste advisory committee shall advise and make recommendation to the
county executive and council on matters within their scope and charge. (Ord. 2009-022
Exh. A; Ord. 85-90 § 3).

2.78.040 Committee – Duties.
The scope and charge of the county solid waste advisory committee shall be to:
A. Advise Whatcom County of all aspects of solid waste management planning;
B. Review no less frequently than once annually, the county comprehensive solid waste management plan, and recommend appropriate changes, amendments, or modifications thereof;
C. Assist Whatcom County in the development of programs and policies concerning solid waste management;
D. Review and comment on proposed solid waste management rules and policies, or ordinances prior to their adoption;
E. Review and comment on the proposed solid waste management budget before it is submitted to the solid waste executive committee. (Ord. 2009-022 Exh. A; Ord. 85-90 § 4).

2.78.050 Appointments to committee.
The county executive shall be able to appoint nonvoting ex officio members who shall serve at the executive's discretion. The county council shall nominate and appoint members to the committee in accordance with its rules of procedure as required by RCW 70.95.165. (Ord. 2009-022 Exh. A; Ord. 2002-050; Ord. 93-023; Ord. 91-002 (part); Ord. 85-90 § 5).

2.78.060 Eligibility to serve on committee.
The term of office of any committee member shall be limited to two consecutive full terms. Reappointment shall be subject to confirmation by council action upon motion. If, during the term of office, a public officer is defeated in a general election, or for any other reason loses his/her political office, the public officer is no longer eligible to sit on the committee as an elected official and the position shall immediately be vacated by that reason and refilled. (Ord. 2009-022 Exh. A; Ord. 85-90 § 6).

2.78.070 Filling of vacancies.
A vacancy shall be filled for the remainder of the term of the vacant position in the manner described in the initial appointment. (Ord. 2009-022 Exh. A; Ord. 89-90 § 7).

2.78.080 Terms of office.
Four members shall initially serve a term ending December 31, 1987, and the remaining five members shall serve a term ending December 31, 1988, or until their successor is appointed and confirmed as provided in this chapter. Thereafter, all terms shall be for three years. (Ord. 2009-022 Exh. A; Ord. 85-90 § 8).

2.78.090 Meetings – Rule promulgation.
The solid waste advisory committee shall meet as required to carry out the purposes of the committee. The committee shall promulgate rules for the election of officers and the conduct of its business. (Ord. 2009-022 Exh. A; Ord. 85-90 § 9).

2.78.100 Public works department to provide administrative support.
Ongoing administrative support to the committee shall be provided by the county department of public works. (Ord. 2009-022 Exh. A; Ord. 85-90 § 10).

2.78.110 Members not to be compensated.
Members of the committee shall serve without compensation. (Ord. 2009-022 Exh. A; Ord. 85-90 § 11).