

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned To: |
|----------------------------|---------|----------|---------------------------------|-------------|------------------------|
| Originator: County Council | | 10/10/95 | | 10/17/95 | Council - Introduction |
| Division Head: | | | | 10/31/95 | Public Hearing |
| Dept. Head: | | | | | |
| Prosecutor: | | | | | |
| Purchasing/Budget: | | | | | |
| Executive: | | | | | |

SUBJECT:

Ordinance to clarify procedures of the Council when acting in other capacities.

ATTACHMENTS:

Proposed ordinance

SUMMARY STATEMENT: *Please complete sections of box as appropriate & explain the item below.*

| | | |
|----------------------------|--|--------------------------|
| Related County Contract #: | Should clerk schedule a hearing? (Y/N) Y | Requested Date: 10/31/95 |
|----------------------------|--|--------------------------|

This ordinance will insert clarifying language into Title 2 and Title 24 of the County Code. The purpose is ensure that a single set of procedures are followed when processing laws and policies through the Council; to end the procedure of the Council adjourning just to transact business under other Council capacities such as Health Board, Supervisors of Special Districts and similar roles; and to insure that Council adopted laws are all codified in the Whatcom County Code no matter which legislative capacity is being transacted. The ordinance had been developed in conjunction with Civil Deputy Prosecutors Randy Watts and Dan Gibson.

CLERK'S RECOMMENDED MOTION (for final action):

I move to approve the ordinance.

COUNCIL ACTION TAKEN:

10/17/95: Introduced

10/31/95: Adopted as amended 7-0

Related File Numbers:

Ordinance or Resolution Number (this item only):

SPONSORED BY: CONSENT

PROPOSED BY: STAFF

INTRODUCTION DATE: 10/17/95

ORDINANCE NO. 95-055

CLARIFYING PROCEDURAL PROCESSES OF THE COUNTY COUNCIL WHEN ACTING IN OTHER LEGISLATIVE CAPACITIES

WHEREAS, the Whatcom County Council has its legislative powers and duties specified in the Whatcom County Charter, and

WHEREAS, Article X, Section 4 of the Constitution of the State of Washington states that for charter counties, all powers, authority and duties granted to and imposed upon county officers by general law, except the prosecuting attorney, the superintendent of schools, the judges of the superior court, and the justices of the peace, shall be vested in the legislative authority unless expressly vested in specific officers by the charter; and

WHEREAS, the Constitution further states that the legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter to any county officer or officers or county employee or employees; and

WHEREAS, under the provisions of general law the County Council is called upon to exercise legislative and administrative jurisdiction over certain operations of county government such as, but not limited to, the County Health Board and various special districts; and

WHEREAS, the operations and procedures involved in these other jurisdictional situations that occur apart from regular county business has, on occasion, caused concern and confusion as to the proper conduct of Council business;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the following amendments to the Whatcom County Code are made to clarify-process and standardize operations of the Whatcom County Council:

Whatcom County Code Title 2

2.02.021 Meetings - Council acting in other capacity. Where the county council sits in an administrative or legislative capacity in situations such as, but not limited to, supervisors of a special district or members of the county health board, all business in these other capacities shall be treated as regular items of county council business. The agenda for the meeting shall note any items being considered in one or more of these other capacities. It shall not be necessary for the

1 council to adjourn itself in order to consider items in these other capacities.

2 All actions taken by the council regarding issues in these other capacities shall be
3 deemed to have been enacted or approved by those entities under the authority as may
4 be provided for in law, or the authority of the county if appropriate. Notwithstanding
5 language as may occur in general law, legislative actions in these other capacities shall be
6 adopted by ordinance, and policy issues adopted by resolution.

7 Whatcom County Code Title 24

8 24.01.050 Creation of health board.

9 The Whatcom County council shall constitute the official county health board, in
10 accordance with RCW 70.05.030 70.05.035. Items for health board consideration shall be
11 referred to the county council, unless required by law.

12 24.01.060 Powers and duties of health board.

13 The county council in its capacity as health board shall have the following legislative
14 powers, in accordance with RCW 70.05.060, and other legislative duties that may be
15 established by state or county law:

16 A. Enact such local rules and regulations as are necessary in order to preserve,
17 promote and improve the public health and provide for the enforcement thereof;

18 B. Establish fee schedules for issuing or renewing license or permits for such
19 services as are authorized by the law and the rules and regulations of the State Board of
20 Health or as recommended by the executive; such fees for services shall not exceed the
21 actual cost of providing any such services;

22 C. Meet from time to time with representatives of the cities with which the
23 department may contract to review performance and service provision;

24 D. Make recommendations to the executive on matters affecting public health.

25 All issues to be addressed under the powers of the health board shall be processed
26 through the county council under the forms and procedures established for the normal
27 conduct of county business as established by the Charter, ordinance or administrative
28 procedure. All ordinance, resolutions, and other actions taken by the county council
29 relating to issues under the jurisdiction of the health department, or as otherwise
30 specified in this title, are made under the joint authorities of both general county
31 powers and specific health department authorities contained in RCW Title 70.

32 ADOPTED this 31 day of October, 1995.

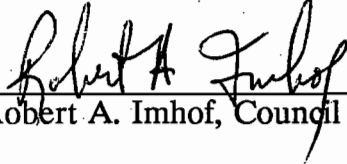
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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ATTEST:



Dana Brown-Davis, Clerk of the Council

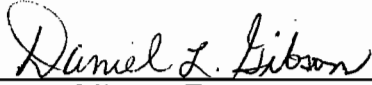


Robert A. Imhof, Council Chair

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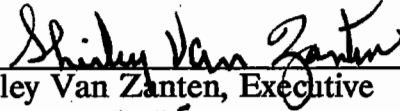
APPROVED AS TO FORM:

Approved Denied



Dan Gibson, Deputy Prosecutor

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Shirley Van Zanten, Executive

Date: 11-9-95