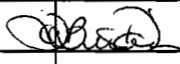


**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2008 - 76

<i>CLEARANCES</i>	<i>Initial</i>	<i>Date</i>	<i>Date Received in Council Office</i>	<i>Agenda Date</i>	<i>Assigned to:</i>	
<i>Originator:</i>	B-Davis	1/22/2008			1/29/2008	Introduction
<i>Division Head:</i>					2/12/08	COTW/Council
<i>Dept. Head:</i>		1.22.08 <sup>p</sup>				
<i>Prosecutor:</i>						
<i>Purchasing/Budget:</i>						
<i>Executive:</i>						

**TITLE OF DOCUMENT:**

Ordinance repealing and replacing Whatcom County Code 2.02, County Council

**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.)*

This ordinance repeals and replaces Whatcom County Code 2.02, County Council, to meet requirements of the Whatcom County Charter and to clarify rules, duties, and procedures of the council. Changes include, but are not limited to: Adding composition and term information for council; placing all meeting-related information together; adding sections for "general rules" and "decorum of debate"; and reorganizing and rewording existing language for purposes of easy reference and continuity of intent.

**COMMITTEE ACTION:**

2/12/2008: Discussed

**COUNCIL ACTION:**

1/29/2008: Introduced  
 2/12/2008: Council Adopted 6-0, Fleetwood absent Ord. 2008-004

*Related County Contract #:*

*Related File Numbers:*

*Ordinance or Resolution Number:* Ord. 2008-004

**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](http://www.co.whatcom.wa.us/council).*

**SPONSORED BY: Consent**  
**PROPOSED BY: Council Clerk**  
**INTRODUCTION DATE: January 29, 2008**

**ORDINANCE NO. 2008-004**

**REPEALING AND REPLACING  
WHATCOM COUNTY CODE 2.02, COUNTY COUNCIL**

**WHEREAS**, the Home Rule Charter of Whatcom County, Section 2.23, requires that the Whatcom County Council enact, by ordinance, rules of procedure governing the time, place, and conduct of its meetings and hearings, and the introduction, publication, consideration, and adoption of ordinances; and

**WHEREAS**, the Whatcom County Home Rule Charter also provides that the council shall be responsible for its own organization and adoption of rules of conduct of its business; and


**WHEREAS**, the Council finds it necessary to reorganize and revise Whatcom County Code 2.02, County Council, in order to clearly meet all the requirements of the Charter and for purposes of easy reference, continuity of intent, clarification of duties, and explanation of procedures; and

**WHEREAS**, amending Whatcom County Code 2.02 using the standard redline/strikeout technique would be cumbersome and confusing; and

**WHEREAS**, the Council finds that the least complicated method for amending Whatcom County Code 2.02 is to repeal the existing language and replace it with revised text.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code 2.02 is hereby repealed and replaced with the revised text as outlined in Exhibit A to this ordinance.

ADOPTED this 12th day of February, 2008.

  
Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Carl Weimer, Council Chair

APPROVED AS TO FORM:

Approved     Denied

  
Civil Deputy Prosecutor

  
Pete Kremen, County Executive

Date: 2-13-08

# **EXHIBIT A**

## **CHAPTER 2.02 COUNTY COUNCIL**

- 2.02.005 Council – Composition
- 2.02.010 Council - Terms of Office.
- 2.02.015 Council Vacancies – Announcement
- 2.02.020 Council Vacancies – Qualifications
- 2.02.025 Council Vacancies – Nominations
- 2.02.030 Council Vacancies – Procedures
- 2.02.035 Council Vacancies – Term of appointee
- 2.02.040 Meetings – General Rules
- 2.02.045 Meetings – Agenda
- 2.02.050 Meetings – Council Acting in Other Capacities
- 2.02.055 Meetings – Order of Business
- 2.02.060 Meetings – Decorum of Debate
- 2.02.065 Meetings – Powers of the Chair
- 2.02.070 Meetings - Annual Reorganization and Election of Officers
- 2.02.075 Standing Committees – Established
- 2.02.080 Standing Committees – Membership
- 2.02.085 Standing Committees – Committee Action
- 2.02.090 Membership on Required Boards, Commissions, and Committees
- 2.02.095 Appointment of Non-Councilmembers to Boards, Commissions, and Committees
  
- 2.02.100 Resolutions – General provisions
- 2.02.105 Ordinances – General provisions
- 2.02.110 Ordinances – Introduction
- 2.02.115 Ordinances – Reintroduction
- 2.02.120 Ordinances - Publication of Proposed and Enacted Ordinances
- 2.02.125 Ordinances – Effective Date
- 2.02.130 Ordinances - Veto Message – Overriding
- 2.02.135 Ordinances - Emergency Ordinances
- 2.02.140 Signature on Documents
- 2.02.145 Requests for Ordinances or Legal Opinions
- 2.02.150 Duties of the Chair
- 2.02.155 Clerk
- 2.02.160 Hearing Examiner
- 2.02.165 Planning and Policy Analyst
- 2.02.170 Correspondence Requirements
- 2.02.175 Requests of the Executive Branch
- 2.02.180 Addressing Complaints and Concerns
- 2.02.185 Travel and Expense Approval
- 2.02.190 Suspension of Rules

### **2.02.005 Council – Composition**

The council shall consist of seven members, two councilmembers from each of the three council districts and one councilmember at large.

### **2.02.010 Council - Terms of Office**

The term of office of each elected councilmember shall be four years, commencing on the second Monday in January following election.

**2.02.015 Council Vacancies – Announcement**

A. The council shall publicly announce any vacancy and shall provide a reasonable period for interested candidates to contact councilmembers and request that his or her name be considered for the vacant position.

B. Such announcement shall be made at least 10 days before the vacancy is filled. (Ord. 2001-061; Res. 79-2 § 3).

**2.02.020 Council Vacancies – Qualifications**

A. A vacancy on the county council shall be filled by a qualified registered voter resident of the district he or she represents, meeting all of the qualifications of Section 4.20 of the Whatcom County Charter. (Ord. 2001-061; Res. 79-2 § 1).

B. Any information provided by a nominee shall be checked to verify qualifications, and submission of a personal resume may be requested.

**2.02.025 Council Vacancies – Nominations**

A. Nominations to fill a vacancy on the county council shall be made by any councilmember who may place the individual's name into nomination in a regular open meeting.

B. All names submitted shall be referred to a committee of the whole for consideration.

C. Nominees may be personally interviewed by a committee or any councilmember or councilmembers chosen by the council to conduct such interviews. (Ord. 2001-061; Res. 79-2 § 2).

**2.02.030 Council Vacancies – Procedures**

A. An appointment to fill a vacancy on the council shall be approved by majority vote of the council.

B. If at any time the membership of the council is reduced below that required to constitute a quorum by virtue of vacancies on the council, a majority of the remaining members may nevertheless fill the vacancies.

C. If a council vacancy remains unfilled for a period of 30 days because of the inability of the council to make the appointment, the vacancy shall be filled by the county executive from among those persons nominated by the members of the council. (Ord. 2001-061; Res. 79-2 § 4).

**2.02.035 Council Vacancies – Term of Appointee**

Section 4.50 of the Whatcom County Charter shall govern the term for which the appointee may serve. (Ord. 2001-061; Res. 79-2 § 5).

**2.02.040 Meetings – General Rules**

A. It is the policy of the council that, to the greatest extent possible, all official meetings of the council shall be open to the public, with the exception of "executive sessions" (closed to the public), for certain limited topics, as defined in RCW 42.23.110. All council and committee meetings will be held in compliance with the state Open Public Meetings Act (Chapter 42.30 RCW).

B. Regular meetings of the county council and its standing committees shall be held every other Tuesday in the Whatcom County Council Chambers, unless decided otherwise by the council. A schedule of specific meeting dates shall be approved by resolution annually. The chairperson of the council or the chairperson of any of its standing committees may call special meetings as required, provided proper public notice and notice to councilmembers is given.

C. Committee of the whole meetings will be scheduled as necessary. These meetings may be cancelled at the will of the council. (Ord. 2001-061; Ord. 94-007 Exh. A; Res. 83-45 § 12; Res. 80-42 § 2 (part); Res. 79-1 § 12).

D. Executive sessions (closed meetings) may be held in accordance with the provisions of the Washington State Open Public Meetings Act. (RCW 42.30.110)

E. All council and council committee meetings shall be conducted pursuant to Sturgis Standard Code of Parliamentary Procedure, latest edition, except when in conflict with the standing rules of the council. A copy of the Standard Code of Parliamentary Procedure shall be available in the council office for review. (Ord. 2001-061; Ord. 94-007 Exh. A; Ord. 88-21; Ord. 79-7 § 2).

F. A majority (four members) of the council shall be in attendance to constitute a quorum and shall be necessary for the transaction of the council's business. A majority of a council committee (two members) shall be necessary for the transaction of a committee's business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.

G. In the event of a tie in votes on any motion, the motion shall be considered lost.

H. Any session of the council may be continued or adjourned from day-to-day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting thereafter. (RCW42.30.090)

I. The council may schedule work sessions (open to the public) at the call of the council chair or of any two or more members of the council to review forthcoming programs of the county, receive progress reports on current programs or projects, or receive other similar information from the county executive or county staff. Formal action may be taken at these meetings.

J. The clerk of the council shall keep an account of all proceedings of the council. Written minutes shall be recorded promptly after every meeting and, upon approval by the council, shall be entered in a minutes book constituting the official record of the council. All approved minutes shall be open to public inspection. Minutes shall include a summation of the actions and discussions forthcoming from each council and committee meeting, as well as a record of the vote of each councilmember. A verbatim public record shall be kept of each meeting by electronic or mechanical means for a reasonable period of time as provided by state law.

K. Minutes of a council meeting are required to be read into the record only if requested by a member of the council. Minutes may be approved without reading if the clerk of the council previously furnished each councilmember with a copy thereof.

L. When addressing the council during an open session or public hearing, audience members will be given three minutes to address the council.

M. Cell phones shall be silenced and cell phone conversations shall be prohibited within the confines of the Council Chambers during meetings.

N. Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous, while addressing the council may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the council during that council meeting.

#### **2.02.045 Meetings – Agenda**

A. The clerk of the council shall consult with the council chair and the chair of each committee prior to preparation of the council's agenda. The clerk shall prepare the agenda, which, together with supporting documents, shall be provided to all councilmembers no less than five days prior to each regular council meeting and at the earliest possible date prior to any special meeting. The agenda shall be posted conspicuously within the Whatcom County Courthouse and shall be available for review on the council's web page.

B. Upon request by any two or more members of the council at any council meeting an item of business shall be placed on the agenda of the next regular meeting.

C. Consent items may be acted upon en masse; provided, however, that any consent item shall be considered separately if so requested by a councilmember, a member of the county administration, or a member of the public. (Ord. 2001-061; Ord. 94-007 Exh. A; Ord. 89-26 (part); Res. 83-45 § 6; Res. 79-1 § 6).

D. Introduction items may be accepted en masse; provided, however, that any introduction item shall be considered separately if so requested by one or more councilmembers.

#### **2.02.050 Meetings – Council Acting in Other Capacities**

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 council to adjourn itself in order to consider items in these other capacities. All actions taken by the council regarding issues in these other capacities shall be deemed to have been enacted or approved by those entities under the authority as may be provided for in law, or the authority of the county if appropriate. Notwithstanding language as may occur in general law, legislative actions in these other capacities shall be adopted by ordinance, and policy issues adopted by resolution. (Ord. 2001-061; Ord. 95-055).

#### **2.02.055 Meetings – Order of Business**

Business may include but not be limited to the following order:

1. Roll call;
2. Flag salute;
3. Announcements;
4. Special presentations;
5. Approval of minutes;
6. Open session;
7. Public hearings and final consideration of hearing items;
8. Consent agenda;
9. Final consideration of other items;
10. Introduction of ordinances and resolutions;
11. Reports and other items from councilmembers;
12. Adjourn.

#### **2.02.060 Meetings – Decorum of Debate**

A. Any member desiring to speak shall first be recognized by the chair, and shall confine his or her remarks to one subject under consideration or to be considered. The councilmember who has proposed a motion or the committee member who has presented a report shall be allowed the first opportunity to explain the motion or report, and usually is allowed to speak last on it. No member or small group of members shall be permitted to monopolize the discussion on a question. If a member has already spoken and other members wish to speak, they should be recognized in preference to the member who has already spoken on a question.

B. Councilmembers shall address each other as "Councilmember \_\_\_\_\_" and the council chair shall be addressed as "Chair \_\_\_\_\_".

C. Staff members, presenters, and the general public shall be addressed as Mr., Mrs., or Ms., or by their official or honorary title.

D. When two or more councilmembers desire to speak at the same time, the chair shall name the member who shall have the floor.

E. No member of the council shall speak a second time to the same question as long as any member who desires to speak has not spoken to that question.

F. When a councilmember is speaking, no other member shall hold discourse, which may interrupt the speaker except to raise a point of order. The chair should insist that every member be attentive to the business before the assembly.

G. When it appears that all councilmembers who wish to speak have done so, the chair shall inquire, "Is there any further discussion?" If there is not, the question is put to a vote.

H. To bring a question to immediate vote, a councilmember may move to close debate. If more than one motion is pending, the motion to close debate should specify the pending motions to which it applies (main motion, motion to amend, etc.) The motion to close debate cannot interrupt a speaker, is not debatable, and requires a two-thirds affirmative vote of the council. The motion to close debate should be used in moderation, as members cannot be expected to maintain interest in an organization if there are frequently denied the right to participate in its deliberations.

#### **2.02.065 Meetings – Powers of the Chair**

A. The council chair, if present, shall preside as chairman at all meetings of the council. In the absence of the council chair, the vice chair shall preside. In the absence of both the council chair and the vice chair, the council shall elect a chair.

B. All meetings of the council shall be called to order by the council chair or vice chair. In the absence of both the council chair and the vice chair, the meeting shall be called to order by the clerk of the council for the election of a temporary chair. The roll shall then be called by the clerk, who shall enter in the minutes of the meeting the names of the members present. Four councilmembers shall be in attendance to constitute a quorum.

C. The chair shall preserve order and is responsible for controlling and expediting debate. Any member who fails or refuses to speak in an orderly and courteous manner may be denied the right to the floor and, if necessary, may be ejected from the meeting by order of the presiding officer or by vote of the council.

D. The chair shall determine all points of order, subject to the right of any member to appeal to the council. If any appeal is taken, the question shall be, "Shall the decision of the chair be sustained?"

E. The chair shall state all questions submitted for a vote and announce the result. A roll call vote is required for all ordinances and may be taken upon request of a councilmember for all other items.

F. The presiding officer may move and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a councilmember by reason of his acting as the presiding officer.

#### **2.02.070 Meetings - Annual Reorganization and Election of Officers**

A. At its first committee of the whole or regular council meeting in January, the council shall schedule its annual reorganization. At this meeting, the council shall elect, by roll call vote of a majority of the full council, the chair, vice-chair, the executive pro tempore and the members of all standing committees. Prior to each reorganizational meeting, the council clerk or chairperson shall ask councilmembers to circulate to each other in writing their requests for committee assignments and other offices. No councilmember shall hold the position of chair more than two full consecutive years.

B. The chair of the council shall act as executive pro tempore in the absence of the regular executive pro tempore who was selected pursuant to the above procedure. Terms of office shall begin at the conclusion of the reorganizational meeting.

C. In the temporary absence of the chairperson, the vice-chairperson shall perform the duties and responsibilities of the chairperson. A temporary chairperson shall be elected should both the chairperson and vice-chairperson be absent and shall serve during such absence. (Ord. 2001-061; Ord. 94-007 Exh. A; Ord. 88-10; Res. 83-45 § 1; Res. 82-1 § 1; Res. 79-1 § 1).

### **2.02.075 Standing Committees – Established**

The following committees are established:

1. Finance and Administrative Services. General areas of responsibility for this committee shall be budget, taxation and purchasing issues, personnel policies and union negotiations;

2. Planning and Development. General areas of responsibility for this committee shall be zoning, development, storm water, and fire;

3. Public Works and Safety. General areas of responsibility for this committee shall be road construction and vacations, solid waste, new construction, remodeling, public utilities issues, and criminal justice activities and planning;

4. Natural Resources. General areas of responsibility for this committee shall be water, forestry, agriculture, fishery and mineral issues. (Ord. 2004-006; Ord. 2001-061; Ord. 95-003; Ord. 94-007 Exh. A; Ord. 89-26 (part); Res. 85-3; Res. 83-45 § 13; Res. 82-8; Res. 82-1 (part); Res. 80-42 § 2 (part); Res. 79-1 § 13).

5. Health. General areas of responsibility for this committee shall be health related issues referred to the committee by the health board, public health advisory board, or health department.

### **2.02.080 Standing Committees – Membership**

A. There shall be three members of all standing committees, membership to be determined by majority roll call of the council. The committee members shall be responsible for election of a chairperson and its internal organization.

B. The time of standing committee meetings shall be determined by the chairperson of each committee.

### **2.02.085 Standing Committees – Committee Action**

A recommendation of any committee shall be agreed to by a majority of the committee in a regularly called meeting before a proposed item is reported out. All actions of a committee pertaining to an ordinance that has been properly introduced, as specified elsewhere in this chapter, will be reported out to the full council for final consideration. A committee report may contain only that information which is approved by a majority vote of the committee; however, minority reports may be presented to the full council after the committee report is presented. A majority recommendation of the committee may be "do pass," "do pass as amended," "do pass the attached substitute ordinance," "do not pass," "no recommendation," "postpone indefinitely" or "withdraw." Minority reports may also be submitted. (Ord. 2001-061; Ord. 94-007 Exh. A; Res. 83-45 § 14; Res. 82-1 (part); Res. 80-42 § 2 (part); Res. 79-1 § 14).

### **2.02.090 Membership on required Boards, Commissions, and Committees**

Membership of councilmembers on those boards, commissions or committees, on which by law members of the legislative body are required to sit, shall be determined by majority roll call vote of the council. Councilmembers who are appointed by the county to any other county governmental boards, commissions or committees, other than ad hoc council committees, shall likewise be determined by a majority roll call vote by the council. (Ord. 2001-061; Ord. 94-007 Exh. A; Res. 83-45 § 15; Res. 82-1 (part); Res. 80-42 § 2 (part); Res. 79-1 § 15).

### **2.02.095 Appointment of Non-Councilmembers to Boards, Commissions, and Committees**

A. Appointments of non-councilmembers to all county or intergovernmental boards, commissions or committees which exercise either an administrative or a legislative function shall be made by the county council in accord with Chapter 2.03 WCC. (Ord. 2001-061; Ord. 94-007 Exh. A; Ord. 91-030 (part); Res. 83-45 § 16; Res. 80-42 §§ 2 (part), 3; Res. 79-1 § 16)

B. The council may, by majority vote, remove any council-appointed member of a board, commission, or committee.

**2.02.100 Resolutions – General Provisions.**

The county council may pass resolutions to organize and administer the legislative branch, to make declarations of policy which do not have the force of law, and to request information from any other agency of county government. Resolutions shall not be subject to the veto power of the executive, and the council in passing resolutions need not comply with the procedural requirements for the introduction, consideration and adoption of ordinances. All resolutions shall be filed with the clerk of the council in writing in their entirety and shall be scheduled on the council's agenda as requested and required.

**2.02.105 Ordinances – General Provisions.**

- A. Every legislative act shall be by ordinance.
- B. The subject of every ordinance shall be clearly stated in the title and no ordinance shall contain more than one subject.
- C. Ordinances may, by reference, adopt Washington State statutes, or any recognized, printed codes or compilations in whole or in part.
- D. No ordinance shall be amended unless a new ordinance sets forth each amended section or subsection at full length.
- E. Voting on final passage of all ordinances shall be by roll call vote.

**2.02.110 Ordinances – Introduction.**

- A. All proposed ordinances shall be filed with the clerk of the council in their entirety in writing and shall be introduced by a councilmember or by consent of the full council.
- B. Proposed ordinances shall be introduced on the council's agenda by title, following which the council may refer the proposal to the appropriate standing or special committee or to the committee of the whole. Upon being reported back from committee, proposed ordinances shall be placed upon the council's agenda for action.
- C. At least 13 days shall pass between introduction and final passage of every ordinance, except emergency ordinances.

**2.02.115 Ordinances – Reintroduction.**

Any ordinance which has been introduced and not acted upon within 120 days of its introduction must be reintroduced, notice of introduction republished, and at least 13 days elapsed before it can come up for final consideration; except, if any such ordinance has been under active consideration by any standing committee, special ad hoc committee, or committee of the whole and has appeared at least twice on such committee's published agenda, it is not subject to this requirement.

**2.02.120 Ordinances – Publication of Proposed and Enacted Ordinances.**

Ordinances, or summaries of them, the places where copies are filed, and the times when they are available for inspection shall be published when the ordinances are proposed for introduction and again upon enactment.

**2.02.125 Ordinances – Effective Date.**

Every ordinance which passes the council must be presented to the county executive. If the executive approves and signs the ordinance, it shall take effect ten (10) days after the date it is signed by the county executive, or otherwise enacted, or at a later date if stated in the ordinance. If the executive does not either sign or veto an ordinance within ten days, Saturdays, Sundays, and holidays excepted, after presentation of the ordinance by the council, it shall become law without the executive's signature.

**2.02.130 Ordinances – Veto Message – Overriding.**

If an ordinance is not approved by the executive, the entire ordinance shall be vetoed and returned with the executive's written objections, which shall be attached to the ordinance, placed in the council's agenda bill file, and distributed to all councilmembers. If, within 30 days after being returned to the council, the ordinance receives the affirmative vote of two-thirds of the entire council, it shall become law.

**2.02.135 Emergency Ordinances.**

An emergency ordinance necessary for the immediate preservation of the public peace, health, safety, or support of the county government and its existing institutions may be passed by a two-thirds vote of the county council. An emergency ordinance shall be effective immediately when approved by the county executive. The specific emergency and the facts creating it shall be clearly stated in the ordinance. All emergency ordinance, except those making appropriations from an emergency reserve of borrowing money for one hundred and twenty (120) days or less, shall expire as of the sixty-first (61<sup>st</sup>) day following the date on which the ordinance became law.

**2.02.140 Signature on Documents**

All official documents issued by order of the council shall be signed by the chairperson and attested by the clerk of the council, except as otherwise provided by the Charter. (Ord. 2001-061; Ord. 94-007 Exh. A; Res. 83-45 § 5; Res. 79-1 § 5).

**2.02.145 Requests for Ordinances or Legal Opinions**

A. Any member of the county council may forward a request to the county executive to have proposed legislation prepared for placement on an upcoming agenda.

B. Any member of the county council may request written legal opinions, relating to county business, from the county prosecuting attorney or designee.

C. Any member of the council may, for purposes of inquiry, request verbal opinions or advice on county legal matters directly from the council's assigned attorney.

**2.02.150 Duties of the Chair**

The chairperson shall supervise the clerk of the council, the planning and policy analyst, and the contracted hearing examiner; provided, however, that such powers shall be exercised at the direction of the council. (Ord. 2001-061; Ord. 94-007 Exh. A; Res. 83-45 § 2; Res. 79-1 § 2).

**2.02.155 Clerk**

A. The county council shall employ and supervise the clerk of the county council, who shall function as the administrative department director with the responsibility for the operation of the council office and the council clerk's staff. The clerk shall serve at the will of the council and will consult the council on major policy or procedural matters.

B. The clerk of the council shall supervise, hire and have full disciplinary authority over assigned staff. An employee may seek review by the council's finance and administrative services committee of a disciplinary action taken by the clerk of the council; provided further, that such review shall take place in executive session with both the clerk and the employee requesting the review present.

C. The clerk will prepare and justify the department budget, monitor all fiscal operations of the department, and approve all departmental expenditures. The clerk will provide planning leadership and direction for assigned staff. The clerk will develop policy recommendations concerning county-wide programs, and will develop and implement departmental policies and procedures.

D. The duties of the clerk of the county council shall include, but not be limited to, those statutory powers, responsibilities and duties specified in RCW 36.22.010(6), 36.22.020, 36.32.135 and 36.32.140.

E. The duties of the clerk of the county council shall be increased or decreased consistent with future enactments of the state legislature.

F. The clerk of the county council shall file with the county auditor, at such time as they may be microfilmed, all original documents presented to the county council along with a notation of the council's official action securely appended for secure disposition of all such official records.

G. All tort liability claims filed against Whatcom County shall first be served upon the clerk of the county council or designee. (Ord. 2002-022; Ord. 2001-061; Ord. 94-007 Exh. A; Ord. 81-107 §§ 1, 2, 3, 4).

**2.02.160 Hearing Examiner**

The county council shall administer an annual contract for hearing examiner services. The duties of the hearing examiner are established in Chapter 20.92 WCC. (Ord. 2001-061; Ord. 94-007 Exh. A).

**2.02.165 Planning and Policy Analyst**

The position of planning and policy analyst shall be employed as an independent staff member reporting to the county council, and shall be responsible for such duties as may be assigned by the county council.

**2.02.170 Correspondence Requirements**

Upon approval by a majority of the council, it shall be the responsibility of the council chairperson to respond to any correspondence on behalf of the council. Communications requesting council action shall be placed on the appropriate council committee agenda for consideration and recommendation to the full council. A copy of all council-initiated correspondence shall be kept in the council office. (Ord. 2001-061; Ord. 94-007 Exh. A; Res. 83-45 § 21; Res. 79-1 § 21).

**2.02.175 Requests of the Executive Branch**

The county council, its staff, and individual councilmembers shall not interfere in the day-to-day operations of the executive branch, nor shall they give orders to or direct, either publicly or privately, any officer or employee of the executive branch. Requests for detailed information and attendance by executive staff at any council committee or full council meeting shall be submitted to the county executive's office for handling. Request for documents that are readily available to the public may go directly to a specific department without seeking approval of the county executive.

**2.02.180 Handling Complaints and Concerns**

A. The duty and responsibility for receiving and addressing complaints and concerns that are not related to the council's legislative responsibility or matters before the council or one of its committees, are delegated to the county administration and the various executive official and department heads by the county charter.

B. Councilmembers shall refer all complaints and concerns which are not county policy or legislative matters to the administration, various elected officials or department heads, as circumstances dictate, for resolution before any council action is initiated, after which, the county council, council committees, or individual councilmembers may address such issues with the administration before deciding if legislative action by the council is appropriate. (Ord. 2001-061; Res. 97-006).

**2.02.185 Travel and Expense Approval**

A. All councilmember expense claims shall be subject to approval by the chair of the council or authorized designee;

B. Expense claims made by the chair shall be approved by the vice chair or authorized designee;

C. Expense claims shall be submitted in detailed account citing date, place, and business purpose in accordance with procedures established by and forms approved by administrative services finance;

D. Original receipts prepared and issued by the service provider or copies of endorsed checks are required whenever this policy provides for actual cost reimbursement; and

E. Itemized expense claims shall be submitted to the deputy clerk of the council after obtaining written approval from the chair or vice chair, as appropriate. (Ord. 2001-061; Res. 99-045; Res. 98-020).

**2.02.190 Suspension of Rules**

The rules and procedures set forth in this chapter may be suspended in specific instances by an affirmative roll call vote of at least two-thirds of the members of the council. (Ord. 2001-061; Ord. 94-007 Exh. A; Res. 83-45 § 20).