

**ORDINANCE NO. 2015-12-055**

**AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE (BMC) SECTIONS 2.56.060 AND 3.16.040 REGARDING DUTIES OF THE HEARING EXAMINER.**

**WHEREAS**, Bellingham Municipal Code (BMC) Section 2.56.060 requires that the Hearing Examiner make a presentation to the City Council on a semi-annual basis; and

**WHEREAS**, on November 16, 2015, City Council directed the City Attorney's office to amend this requirement from semi-annually to annually; and

**WHEREAS**, BMC 3.16.040 states that the hearing examiner counsels with and advises the civil service commission on legal matters; and

**WHEREAS**, this requirement was intended for a previous hearing examiner who, at that time, was a City employee; and

**WHEREAS**, the hearing examiner is now a contractor with the City so advising the civil service commission would be better suited to a City employee in the City Attorney's office;

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1.** BMC Section 2.56.060 is hereby amended as follows:

**2.56.060 ~~Semi-a~~Annual report and meeting with city council.**

The hearing examiner shall report in writing and meet with the city council at least semi-annually for the purpose of reviewing the administration of the land use policies and regulatory ordinances and any amendments to city ordinances or other policies or procedures which would improve the performance of the hearing examiner process. Such report shall include a summary of the hearing examiner's decisions since the last report. If requested by the city council or the mayor, the hearing examiner shall provide additional written reports as deemed appropriate by the city council or mayor.

**Section 2.** BMC Section 3.16.040 is hereby amended as follows:

**3.16.040 Legal counsel.**

~~It shall be the duty of the hearing examiner to counsel with and advise the civil service commission as to those legal matters which come before it; provided, however, that in those instances in which there is an appearance of a conflict of interest, the hearing examiner shall be relieved of such responsibility and an independent attorney retained if so requested by the civil service commission. Such appointment shall be in accordance with the following procedure:~~

Amending BMC 2.56 and 3.16.040  
regarding Duties of the Hearing Examiner (1)  
#2015-12-055

**City of Bellingham**  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 676-6903

In the event the civil service commission deems it necessary that counsel be appointed, the name of such person, who shall be licensed to practice law within the state of Washington, shall be submitted to the mayor for confirmation. Upon such appointment, such person shall serve at the pleasure of the commission; provided, that sufficient funds have been appropriated for such purpose. Legal counsel to the civil service commission shall be provided by a designated attorney within the city attorney's office. The city attorney's office shall take measures to ensure that all Rules of Professional Conduct, including rules regarding conflict of interest, are met when providing such legal counsel.

PASSED BY COUNCIL this 14<sup>th</sup> day of December, 2015.

  
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Council President

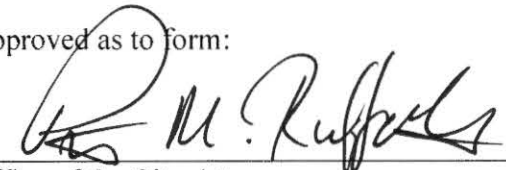
APPROVED BY ME this 15<sup>th</sup> day of December 2015.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Finance Director

Approved as to form:

  
\_\_\_\_\_  
Office of the City Attorney

Published: December 18, 2015

Amending BMC 2.56 and 3.16.040  
regarding Duties of the Hearing Examiner (2)  
#2015-12-055

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