

ORDINANCE NO. 2024-04-013

AN ORDINANCE RELATING TO THE WHATCOM MUSEUM AND REPEALING BELLINGHAM MUNICIPAL CODE (BMC) CHAPTER 2.39.

WHEREAS, Bellingham Municipal Code (BMC) Chapter 2.39 establishes that the Whatcom Museum Foundation (“Foundation”), a Washington nonprofit corporation, shall operate the Whatcom Museum; and

WHEREAS, BMC 2.39 also imposes requirements on the Foundation Board of Directors such as the number of directors, processes for selection of directors, and director term lengths; and

WHEREAS, since 2009, the City of Bellingham (“City”) and the Foundation have been parties to an Operating Agreement (“Agreement”) that contains substantially similar requirements to BMC 2.39, more specifically reflects the current relationship between the City and the Foundation, and clarifies each party’s obligations; and

WHEREAS, currently both BMC 2.39 and the Agreement contain provisions regarding the duties of the Foundation and the makeup of the Foundation’s Board of Directors; and

WHEREAS, the Foundation Board of Directors is not a City Board; and

WHEREAS, the City does not typically impose requirements on non-City boards or nonprofit organizations pursuant to an ordinance but rather by contract; and

WHEREAS, the Agreement is the more appropriate vehicle by which to establish and maintain the evolving relationship between the City and the Foundation; and

WHEREAS, on December 28, 2023, the City and the Museum entered into a new Agreement with a term ending on December 31, 2028; and

WHEREAS, the 2023 Agreement contains provisions regarding the composition of the Foundation’s Board of Directors; and

WHEREAS, those provisions are inconsistent with BMC 2.39; and

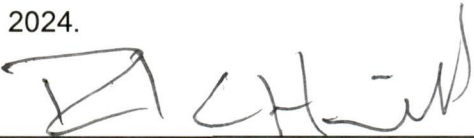
WHEREAS, the existence of both the Agreement and the code provision creates confusion rather than clarity; and

WHEREAS, to effectuate the Agreement, BMC 2.39 should be repealed.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. BMC Chapter 2.39 is hereby repealed.

PASSED by the Council this 8th day of April, 2024.



Council President

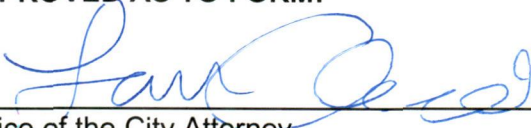
APPROVED by me this 17th day of April, 2024.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

Published:
April 12, 2024