

**ORDINANCE NO. 2009-09-060**

**AN ORDINANCE RELATING TO BELLINGHAM MUNICIPAL CODE CHAPTER 2.39 ENTITLED "MUSEUM " AND AMENDING SECTIONS 2.39.010 - 2.39.030 AND SECTION 2.39.050 TO REFLECT THE CURRENT NAME , WHATCOM MUSEUM FOUNDATION, AND TO UPDATE THE CODE TO REFLECT CHANGES PROVIDED IN THE 2009 MUSEUM OPERATING AGREEMENT BETWEEN THE CITY OF BELLINGHAM AND THE WHATCOM MUSEUM FOUNDATION.**

**WHEREAS**, in November of 2007, the City of Bellingham and the Whatcom Museum Society entered into a Joint Memorandum of Understanding to negotiate changes to the Museum's governance, operating, and management structure with a goal of enhancing the overall success of the Museum operation, particularly with the completion of the new Art and Children's Museum; and

**WHEREAS**, the Whatcom Museum Society changed its name in 2009 to the Whatcom Museum Foundation to more properly characterize its role as a non-profit organization whose mission is to manage the Museum operations and fund raise to support museum operations; and

**WHEREAS**, the parties have negotiated a new Museum Operating Agreement which is anticipated to be signed by the parties in August of 2009 and which is intended to clarify each entities' obligations, as well as move towards more independence for the Whatcom Museum Foundation with City financial support; and

**WHEREAS**, the current Bellingham Municipal code Chapter 2.39 entitled "Museum" needs to be amended to reflect the name change as well as to reflect the other changes that are contained n the 2009 Museum Operating Agreement;

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

**Section 1: Bellingham Municipal Code Section 2.39.010 is hereby amended as follows:**

**2.39.010 – Museum Foundation**

The Whatcom Museum Foundation, a Washington non-profit corporation, shall operate the Museum, under the direction of the Museum Director and the budget authority of the City Council. The duties of the Foundation shall be as provided in a Museum Operating Agreement entered into between the City and the Foundation.

**Section 2: Bellingham Municipal Code Section 2.39.020 is hereby amended as follows:**

**2.30.020 – Board of Directors**

The Foundation's Board of Directors shall consist of not more than 20 voting directors selected as follows: Half of the directors shall be proposed by the Foundation Board for consideration by the Mayor. These directors shall be appointed by the Mayor with City Council approval. The remainder of the Directors shall be elected or chosen by the current members of the Foundation Board. Additional non-voting members may be added at Foundation discretion.

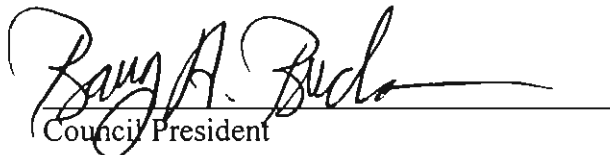
**Section 3: Bellingham Municipal Code Section 2.30.030 is hereby amended as follows:**

Each director appointed by the Mayor shall be appointed for a term of 3 years. Each member appointed by the Foundation shall be appointed in accordance with the bylaws of the Foundation. Upon vacancy by death, resignation or other cause of a city-appointed director, the Mayor shall fill the vacancy by appointing a director for the unexpired portion of the term.

**Section 4: Bellingham Municipal Code Section 2.30.040 is hereby amended as follows:**

The Museum Foundation shall make an annual report to the Mayor and City Council of all business conducted by it during the year, together with a statement of all expenditures and an estimate of the needs for the coming year, with such other recommendations as it may wish to submit for the consideration of the City Council.

Passed by the Council this 21st day of September, 2009.

  
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Council President

APPROVED by me this 23<sup>rd</sup> day of September, 2009.

Wahl P  
Mayor

ATTEST: A. R. Carter  
Finance Director

APPROVED AS TO FORM:

Jan Herington  
Office of the City Attorney

Published:

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