

**Whatcom County
Charter Review Commission**

Meeting Minutes

April 19, 1995

I. Call to Order

The meeting was called to order at 7:00 p.m. at the Courthouse Multi-purpose Room, 311 Grand Ave, Bellingham, by Chairperson Kathy Sutter.

II. Roll Call

Present:

Keith Ahrens
Danna Beech
Joe Elenbaas (arrived late)
Karen Federick
Georgia Gardner
Don Hansey
Darlene McLeod
Ron Polinder
Ray Radke
Mary Scrimsher
Orphalee Smith
Kathy Sutter
Terry Unger

Absent, but excused:

Yvonne Goldsmith
Mary Stender

III. Approval of the Agenda

Frederick moved to approve the agenda.

Scrimsher seconded the motion.

Motion carried unanimously.

IV. Reading and Approval of Minutes from the April 19, 1995 Meeting

Unger moved to approve the minutes.

Ahrens seconded the motion.

Motion carried unanimously.

V. Open Session - Public Comments

The Chair opened the floor for open session.

Speakers:

Shirley Forslof, County Auditor

Robert Imhof, County Council Chair

{Clerk's note: Joe Elenbaas arrived at this point in the meeting.}

The Chair closed open session.

VI. Discussion of Proposed Motions

Scrimsher moved to amend the Charter as follows:

Section 7.30 - Administration

The County Executive shall administer the personnel system of the county in accordance with the personnel rules adopted by the County Council by ordinance. Except for setting in place the personnel system and rules, the County Council shall not be involved in the day-to-day administration of the personnel system, except for the employment and supervision of the staff in the legislative branch, or as otherwise provided in this Charter.

{Clerk's note: last week, Goldsmith seconded this motion.}

Polinder moved to amend the motion to add the sentence to 2.24, so that it would read:

{Clerk's note: See attached, #1}

Hansey seconded the motion.

Motion carried, 10 - 3, with Gardner, McLeod, and Ahrens opposed.

Main motion, as amended, failed, 3 - 10, with Elenbaas, Polinder, and Scrimsher in favor.

{Clerk's note: the Chair called for a break at this point in the meeting.}

Scrimsher moved to amend the Charter as follows:

Section 6.60 Consideration and Adoption of the Budget

Prior to the adoption of any appropriation ordinances for the next fiscal year, the County Council shall hold a public hearing to consider the budget presented by the County Executive and shall hold any other public hearings on the budget or any part thereof that it deems advisable. The Council in considering the appropriation ordinances proposed by the Executive, may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditure of certain appropriations; but it shall not change the form of the proposed appropriation ordinances submitted by the Executive. The Council shall not change the form of the proposed annual budget ordinance submitted by the Executive nor use the annual budget ordinance as a vehicle to convey policy directives or to direct the administration of the County. The appropriation ordinances adopted by the County Council shall not exceed the estimated revenues of the county for the next fiscal year for each fund including surpluses and reserves, but the Council may increase the amount of the estimated revenues contained in the budget presented by the Executive by reestimating the amount by motion passed by a ~~minimum of five (5) affirmative votes~~ majority vote or by creating additional sources of revenue which were not included in the proposed tax and revenue ordinances presented by the Executive. Once the annual budget has been approved, the Executive shall need no further authorization to expend the funds appropriated.

By consent, the Commission amended the motion to eliminate "majority vote" and to go back to the original "minimum of five (5) affirmative votes".

By consent, the commission amended the motion by eliminating the words "The Council shall not change the form of the proposed annual budget ordinance submitted by the Executive".

Elenbaas moved to divide the question.

Elenbaas withdrew his motion.

Hansey moved to strike the added language in the middle of the paragraph.

Beech seconded the motion.

Motion carried unanimously.

Main motion, as amended carried, 7 - 6, with Ahrens, Beech, Frederick, Polinder, Radke, and Unger opposed. The Chair broke a tie vote.

{Clerk's note: see attached #2 for final motion, as amended.}

Radke moved to amend the Charter as follows:

Section 3.21 Election, Term of Office and Compensation

The County Executive shall be nominated and elected by the voters of the county, and the term of office shall be four years and until the successor is elected and qualified. ~~No individual shall hold this office for more than two full terms.~~ The County Executive shall receive compensation as determined by the County Council. (amended by Referendum 1986)

Unger seconded the motion.

Motion failed, 5 - 8, with Ahrens, Elenbaas, Hansey, Radke, and Sutter in favor.

Radke withdrew his motion to add Section 1.50 to the Charter.

{Clerk's note: see attached, #5}

Motions four and six (see attachment) were moved forward to the next meeting.

VII. Break

The Chair called for a break at 8:25 p.m.

The Chair reconvened the meeting at 8:35 p.m.

VIII. Other Business

The Chair referred to hand-outs received from the intern, Martin Otterson, regarding usage of the terms "Executive" and "Administrative" throughout the Charter.

Bob Woods, County Budget and Program Analyst, apologized for advocacy in the personnel issues and noted that he will be gone for the month of May. Terry Hinz, Deputy Auditor, will be available to answer questions in his absence.

IX. Discussion of Next Agenda

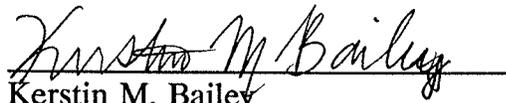
Items to be included on the next agenda: call to order, roll call, approval of agenda, approval of minutes, open session, discussion of motions, other business, discussion of next agenda, adjourn.

Polinder requested that time be set aside for items to be discussed without motions. The Chair put three items on the agenda under "Other Business": an ombudsman position, full time or part time Council Chair, and Administration/Executive terminology.

X. Adjourn

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,



Kerstin M. Bailey
Recording Secretary

WHATCOM COUNTY CHARTER REVIEW COMMISSION

Yvonne Goldsmith, Secretary

Kathy Sutter, Commission Chair

**MOTIONS MADE BY CHARTER REVIEW COMMISSIONERS
APRIL 19, 1995**

1. Scrimsher's first motion, as amended:

Section 2.24 - Relationship with Other Branches

Except in the exercise of its legislative powers under this Charter, as defined in Section 2.20, the County Council, its staff, and individual council members shall not interfere in the administration of the executive and/or executive branch. They shall not give orders to or direct, either publicly or privately, any officer, or employee subject to the direction and supervision of the County Executive, executive branch, or other elected official. Further, the County Council shall not be involved in the day-to-day administration of the personnel system, except for the employment and supervision of the staff in the legislative branch, or as otherwise provided in this Charter.

Interaction between the County Council, its staff and individual Council Members, and those officers and employees within the executive branch shall follow procedures agreed to by the County Executive and the County Council.

(Failed, 3 - 10)

2. Scrimsher's second motion, as amended:

Scrimsher moved to amend the Charter as follows:

Section 6.60 Consideration and Adoption of the Budget

Prior to the adoption of any appropriation ordinances for the next fiscal year, the County Council shall hold a public hearing to consider the budget presented by the County Executive and shall hold any other public hearings on the budget or any part thereof that it deems advisable. The Council in considering the appropriation ordinances proposed by the Executive, may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditure of certain appropriations; but it shall not change the form of the proposed appropriation ordinances submitted by the Executive. The appropriation ordinances adopted by the County Council shall not exceed the estimated revenues of the county for the next fiscal year for each fund including surpluses and reserves, but the Council may increase the amount of the estimated revenues contained in the budget presented by the Executive by reestimating the amount by motion passed by a minimum of five (5) affirmative votes or by creating additional sources of revenue which were not included in the proposed tax and revenue ordinances presented by the Executive. Once the annual budget has been approved, the Executive shall need no further authorization to expend the funds appropriated.

(Carried, 7 - 6)

3. (Ray Radke) I move to amend the Charter as follows:

Section 3.21 Election, Term of Office and Compensation

The County Executive shall be nominated and elected by the voters of the county, and the term of office shall be four years and until the successor is elected and qualified. ~~No individual shall hold this office for more than two full terms.~~ The County Executive shall receive compensation as determined by the County Council. (amended by Referendum 1986)

(Failed, 5 - 8)

4. (Keith Ahrens) I move to amend the Charter as follows:

Section 2.20 Powers

The County Council shall exercise its legislative power by adoption and enactment of ordinances or resolutions. It shall have the power:

(a) To levy taxes, appropriate revenue and adopt budgets for the county.

(b) To establish the compensation to be paid to all county officers and employees and to provide for the reimbursement of expenses, except that no council member may receive a salary increase for the term of office during which the ordinance is adopted, nor shall any council member receive a salary in excess of ~~fifteen (15)~~ ~~twenty-five (25)~~ percent of that of the County Executive.

(Tabled to next meeting)

5. (Ray Radke) I move to amend the Charter by adding the following section:

Section 1.50 Performance and Strategic Planning

The Executive, Administrative, and Legislative Departments under the budget authority of Whatcom County shall establish a partnership intended to achieve:

Long-term strategic planning

Performance measurements

Streamlined processes and organizational structure

Use of Total Quality Management (TQM) principles to achieve efficiencies

Priority-driven, results-oriented budgeting, accounting, and other internal support systems

Performance incentives

(Radke withdrew this motion.)

6. (Ray Radke) I move to amend the Charter as follows:

Section 8.11 Election and Period of Office

At least every ten (10) years after the adoption of this Charter, the County Council shall cause an election of a Charter Review Commission, hereinafter referred to as the Commission. The Commission shall consist of fifteen (15) persons, an equal number from each Council district. There shall be no filing fee nor shall there be a primary. Candidates names shall appear on all ballots as drawn by lot. The member of the Commission who receives the greatest number of votes shall convene the Commission. The term of office shall be one year. The Commission shall meet at such times and in such places as it deems appropriate upon having given public notice. (Ord. 93-045; amended by Referendum 1986)

(Tabled to next week)

**CHARTER REVIEW COMMISSION
SPEAKERS AT THE
MARCH 29, APRIL 5, APRIL 12, AND APRIL 19, 1995 MEETINGS**

March 29, 1995

(No members of the public spoke at this meeting.)

April 5, 1995

Dr. William S. Griffith, P.O. Box 1189, Point Roberts

945-1346

(See hand-out)

-I am not so upset about the taxes we are charged in Point Roberts as the lack of use of those taxes in Point Roberts. We receive a disproportionately low percentage of County services. Surely there must be some way to ensure a more equitable provision of services to the Point!

April 12, 1995

(No members of the public spoke at this meeting.)

April 19, 1995

1. Shirley Forslof, County Auditor

-Regarding Radke's motion to add Section 1.50, Performance and Strategic Planning: I think that the County should be doing long-term planning. It has in the past, but recently it's seemed more short-term. In order to do an audit, you have to establish a means of measurement. You might want to be more generic in the wording.

-Regarding requiring that candidates' names appear on the ballot as drawn by lot: if you look at the last election, it cost us \$6,000 to have the candidates' names rotate on the ballot. It requires extra printing, extra costs to set up automatic counting, and extra checking. Just the printing was about \$3,000. We looked at the overall results of the election to the results on the absentee ballots, which did not rotate. The order of the names did not seem to matter; people voted for the people they wanted. Because of the size of the Charter Review Commission, the cost of rotating names is exaggerated.

2. Robert Imhof, County Council Chair

-I think that an increase in the Council's salary appropriate. I think that you should also look at making the Council Chair a full-time position, in lieu of making everyone full-time. I can't take the time out to go to various meetings. By not having representation at those meetings, especially the ones that determine where money is spent, we miss out on our share. To have representation at those meetings would more than make up for the extra cost of the position and would greatly benefit the County. I'm concerned that Whatcom County is losing out on an ear at the State level. We're the only County in the state that has part-time representation. It would also give the position a little more power. It doesn't benefit me; this is my last year as Chair. The Council would still choose its own Chair; we'd just have to see who could do it and work it out. I don't think it should be tied to the

at-large position, because then you have that person on for four years. Right now, the Council Chair is one or two years.

-I spend 25 - 30 hours per week as the Chair.

-The position of Chair is as powerful as the person. I focus more on moving forward and getting things done than my predecessor did.

-In order to go to other meetings, half-time won't do it. With all the literature that comes across my desk, I could have put together an 80-hour week really fast. But even by the time I've sorted what I need to do from what I don't, it's still more than half-time. You need to make the position financially sound enough for the person to do a good job. If we don't have time, we end up sending staff, so staff ends up developing legislation, which is our job.

-I also think that it's important that the Charter have generic wording. If you have more specific language, you could recommend it to the Council as an ordinance or resolution, on the budget and any other items that come up that may not be appropriate for the Charter. I think the Council would be very receptive to that. Coming from a group like this, it would carry a lot of weight.

-I'd also like to caution you not to develop recommendations that come from the current personality problems, but rather look at the overall process. People going to meetings and saying, "This is the will of the Council," when, in fact, it's never come before the Council, is a problem with who gets elected and personalities.

-Having an ombudsman in the Executive's office would be a possibility. I do think that we need to do something differently.