

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2017 - 356

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	Browne/Do	11/20/2017		11/21/2017	Introduction
Division Head:					
Dept. Head:		11.20.17			
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

Ord Re Charter Amend #1 for 2018 General Election - Nominating/Electing Method

**ATTACHMENTS:**

SEPA review required? ( ) Yes ( ) NO	Should Clerk schedule a hearing ? ( X ) Yes ( ) NO
SEPA review completed? ( ) Yes ( ) NO	Requested Date: 12/5/2017

**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.)**

Forwarding Charter Amendment 1 to the County Auditor for inclusion on the 2018 General Election ballot, to require a supermajority of the county Council to propose any Charter Amentment pertaining to the method of nominating and electing council members.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**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).**

ORDINANCE NO. \_\_\_\_\_

**FORWARDING CHARTER AMENDMENT 1 TO THE COUNTY AUDITOR, FOR  
INCLUSION ON THE 2018 GENERAL ELECTION BALLOT, TO REQUIRE A  
SUPERMAJORITY OF THE COUNTY COUNCIL TO PROPOSE ANY CHARTER  
AMENDMENT PERTAINING TO THE METHOD OF NOMINATING AND ELECTING  
COUNCIL MEMBERS**

**WHEREAS**, several types of decisions in government are considered too important to allow a legislative body to decide them with a simple majority (50% plus 1) and, therefore, such decisions typically require a super majority (two-thirds) vote; and

**WHEREAS**, in order for the US Congress to propose an amendment to the United States Constitution a super majority (two-thirds) vote is required in the House of Representatives and the Senate; and

**WHEREAS**, in order for Washington State Legislature to propose an amendment to United States Constitution a super majority (two-thirds) vote is required in the House of Representatives and the Senate; and

**WHEREAS**, in 2015 the voters of Whatcom County considered three amendments to the Whatcom County Charter concerning the number of votes required for placing charter amendments onto the ballot; and

**WHEREAS**, the explanatory statement for Charter Amendment No. 2 of the 2015 Voters stated: *"Currently the County Council may propose Charter amendments if five of seven councilmembers vote to adopt an ordinance presenting such proposal to the voters. This amendment proposed by the Charter Review Commission, if adopted, would alter that requirement where the voters had previously approved an amendment on a matter by at least a 2/3 majority. New proposals by the Council to further amend the Charter on that matter could only be presented to the voters if adopted by a unanimous vote of all councilmembers. A "yes" vote for this amendment is incompatible with a "yes" vote for Proposition No. 10."*; and

**WHEREAS**, the explanatory statement for Charter Amendment No. 3 of the 2015 Voters stated: *"Currently the County Council may propose Charter amendments if five of seven councilmembers vote to adopt an ordinance presenting such proposal to the voters. This amendment proposed by the Charter Review Commission, if adopted, would change that requirement when the Council is proposing amendments to Charter Sections 2.12 and 2.13 which address the election of councilmembers. A proposal to amend those particular sections could only be presented to the voters if the Council adopted such a proposal by a unanimous vote of all councilmembers. A "yes" vote for this amendment is incompatible with a "yes" vote for Proposition No. 10."*; and

**WHEREAS**, the explanatory statement for Charter Amendment No. 10 of the 2015 Voters stated: *"The current Whatcom County Charter requires that a simple majority of the Charter Review Commission vote for a proposed charter amendment to place it before the voters. By comparison, a supermajority of the County Council must vote for a proposed charter amendment to place it before the voters. If this amendment passes, the requirement of a supermajority would apply to both Commission and Council and a supermajority would be sufficient for either to place any proposed amendment before the voters. A "yes" vote for this amendment is incompatible with a "yes" vote for either Proposition 2 or 3."*; and

**WHEREAS**, Proposition 2, 3, and 10 were all approved by a majority of voters in 2015; and

**WHEREAS**, Proposition 10 appeared after 2 and 3 and voters were informed that a "yes" vote for Proposition 10 was incompatible with a "yes" vote for either Proposition 2 or 3; and

**WHEREAS**, while 29,636 (51.6%) voters favored Proposition 2, and 29,486 (51.58%) voters favored Proposition 3, and 29,584 (52.5%) voters favored Proposition 10, somehow the provisions of Proposition 3 that contradicted 10 were incorporated into the charter instead of the other way around, which clearly did not reflect the will of the people; and

**WHEREAS**, the County Charter as amended now has the effect of granting any one member of the County Council veto power over future Councils ability to forward certain Charter amendments to the ballot for the voters of County to be able to decide and this does not reflect the will of the people; and

**WHEREAS**, left uncorrected the County Charter as amended now sets a precedent whereby the Council may not be able to vote on important issues due to a vacancy, incapacity, or absence on the Council and this does not reflect the will of the people; and

**WHEREAS**, these restrictions on the power of the peoples elected representatives to propose changes to County Charter for the voters to decide disrespects the will of the voters who participated in the 2015 Whatcom County election along with the very principles and values behind the Constitution of the United States and the State of Washington that our County citizens hold so dear; and

**NOW, THEREFORE, BE IT ORDAINED**, that the Whatcom County Council, by a supermajority affirmative vote, approves that the County Auditor shall place on the November 2018 general election ballot Charter Amendment 1 as specified in Exhibits A to this ordinance.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

( ) Approved ( ) Denied

\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive

Date: \_\_\_\_\_

**EXHIBIT A**

WHATCOM COUNTY CHARTER AMENDMENT NO. 1

**BALLOT TITLE**

SHALL SECTION 8.23 OF THE WHATCOM COUNTY CHARTER BE AMENDED TO REQUIRE THAT ANY AMENDMENT PROPOSED BY THE COUNTY COUNCIL NEEDS A SUPERMAJORITY VOTE IN ORDER TO BE PLACED ON THE BALLOT?

Proposition No. 1

AMENDMENTS PROPOSED TO THE VOTERS BY THE COUNTY COUNCIL

The Whatcom County Council has proposed an amendment to the Whatcom County Charter concerning voting thresholds to place charter amendments on the ballot. This measure would amend Charter Section 8.23 to require any amendment proposed by the County Council to have a supermajority vote of the Council in order to be placed before the voters on the ballot. Should this proposal be:

APPROVED \_\_\_\_\_

REJECTED \_\_\_\_\_

## **AMENDED CHARTER LANGUAGE**

### Section 8.23 Amendments by the County Council.

The County Council may propose amendments to the Charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least ninety (90) days after enactment. A supermajority (five of seven) of affirmative votes of the entire membership shall be required to enact such an ordinance, except that if a previous charter amendment was approved by a two-thirds majority of the voters, then no ordinance proposing to the voters further amendment of that matter shall be adopted except by a 7-0 affirmative vote of the Council. ~~No ordinance proposing amendment of any provision of Sections 2.12 or 2.13 of this Charter shall be adopted by the Council except by a 7-0 affirmative vote.~~ An ordinance proposing an amendment to the Charter shall not be subject to the veto power of the County Executive.

The County Council by unanimous vote of the entire Council may effect amendments to the Whatcom County Charter language of the Charter where the passage of time has rendered language moot or obsolete. Such changes shall be made by ordinance, and have a public hearing.

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