

Agenda for Charter Review Commission Meeting

7 p.m. to 9:30 p.m., June 7, 1995

Courthouse, Council Chambers

311 Grand Ave., Bellingham

Individuals needing information about accessibility or special assistance should please contact the County Council office at 676-6690 at least 48 hours in advance, so that we may make necessary accommodations. Some accommodations, such as assistive listening devices or materials in alternative format may require 7 to 10 days notice.

- I. Call to Order
- II. Roll Call
- III. Approval of the Agenda
- IV. Reading and Approval of Minutes from the May 31, 1995 Meeting
- V. Open Session - Public Comments
- VI. Discussion of Proposed Motions (See attached)
 1. Sutter: appointing a commission to draft a plan for transitional government
 2. Stender, Secs. 2.12 & 4.10: making Council positions partisan
 3. Elenbaas, Section 3.21: limiting the Executive's term to two years
 4. Sutter: requiring supplemental expenditures to be submitted to the Executive and forwarded them to the legislative branch with recommendation
 5. Elenbaas, Section 5.40: reducing the number of signatures needed for an initiative
 6. Elenbaas, Section 5.60: reducing the number of signatures needed for a referendum
 7. Elenbaas, Section 8.22: reducing the number of signatures needed for Charter amendments

8. Sutter, Section 5.40: excluding Sundays in the time limit to gather signatures for an initiative and clarifying when time period begins
9. Sutter, Section 5.60: lengthening the time allowed to propose a referendum, excluding Sundays in the time limit to gather signatures, and clarifying when time period begins
10. Elenbaas, Section 8.11: ensuring that Charter Review Commissioners are of sound mind
11. Sutter, Section 2.30: requiring ordinances to include intent and measurable goal and requiring the review of ordinances' effectiveness within five years
12. Elenbaas, Section 1.30: limiting the number of county employees to 4 FTEs per 1,000 citizens
13. Stender, multiple sections: additional implementation language required with motion to make the Executive position appointed

VII. Break (8:20 p.m.)

VIII. Other Business

IX. Discussion of Next Agenda

X. Adjourn

The next scheduled meeting will be Wednesday, June 14, 1995 at 7 p.m. in the Human Resources Training Room, Bellingham City Hall.

People are encouraged to write the Charter Review Commission and share their thoughts and concerns. Please mail your comments to: Charter Review Commission, c/o Whatcom County Council Office, 311 Grand Avenue, Bellingham, WA 98225.

**PROPOSED MOTIONS
CHARTER REVIEW COMMISSION
JUNE 7, 1995**

1. (Sutter) I move that the following question be put on the ballot:

Shall a commission of five (5) members be appointed to draft a plan or plans to provide for the speedy and effective transition of Whatcom County's present government to one in which all senior county administrators are appointed by the Council, and all administrative functions not presently under the direction of the County Assessor, Auditor, Treasurer, Sheriff or courts shall become subject to the supervision of the County Council?

2. (Stender) I move to amend the Charter as follows:

Section 2.12 Nominations.

- (a) Nominees by district.

There shall be two council positions in each of the three districts, designated position (A) and position (B), respectively. At the primary election, the qualified electors of each district shall select ~~two (2) candidates~~ one candidate from each political party or Independent for each position to be filled from their district.

- (b) Nominee at large.

There shall be one council position designated council member at-large, which shall be nominated without regard to district. ~~The two candidates~~ candidate of each political party or Independent receiving the largest number of votes county-wide shall be certified as candidates for the position of council member at-large.

Section 4.10 Election Procedures.

Except as provided in this Article, the nominating primaries and elections of the Assessor, Auditor, Treasurer, ~~and Sheriff, and County Executive~~ shall be conducted in accordance with general law governing the election of non-partisan county officers.

Nominating primaries and elections of the County Council ~~and Executive~~ shall be conducted in accordance with general law governing the election of ~~non-partisan~~ county offices. (amended by Referendum 1986)

3. (Elenbaas) 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~~ two years and until the successor is elected and qualified. The County Executive shall receive compensation as determined by the County Council. (amended by Referendum 1986)

{Note: this language represents what is currently in the Charter, not as it has been previously amended by the Commission.}

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

All requests for supplemental expenditures shall be submitted to the Executive. The Executive shall process the request and forward a recommended action to the legislative branch.

5. (Elenbaas) I move to amend the Charter as follows:

Section 5.40 Initiative - Procedures.

Any legal voter or organization of legal voters of Whatcom County may file an initiative proposal with the County Auditor, who within five (5) days, excluding Saturday, Sunday and holidays, shall confer with the petitioner to review the proposal as to form and style. The Auditor shall give the proposed initiative a number, which shall thereafter be the identifying number for the measure. The Auditor shall then transmit a copy of the proposal to the Prosecuting Attorney, who within ten (10) days after receipt thereof, in consultation with the petitioner shall formulate a concise statement, posed as a positive question, not to exceed twenty (20) words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title. The petitioner then has one hundred and twenty (120) days to collect the signatures of the registered voters in the county equal in number to not less than ~~fifteen (15)~~ ~~seven (7)~~ percent of the votes cast in the county in the last general election. Each petition shall contain the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title. {Etc.}

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

Section 5.60 Referendum - Procedures.

Any legal voter, or organization of legal voters of Whatcom County may file a referendum proposal, against any enacted ordinance or portion thereof, with the County Auditor. The proposal shall be presented to the Auditor within forty-five (45) days after the ordinance is passed by the County Council.

{Etc.}

The petitioner then has one hundred and twenty (120) days to collect the signatures of registered voters of the county equal in number to not less than ~~fifteen (15)~~ ~~seven (7)~~ percent of the number of votes cast in the county in the last gubernatorial election. Each petition shall contain the full text of the measure being referred and the ballot title. The Auditor shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the measure to the people at the next general election that is not less than one hundred and twenty (120) days after the registering of the petitions.

7. (Elenbaas) I move to amend the Charter as follows:

Section 8.22 Amendments by the Public.

The public may propose amendments to the charter by registering with the Auditor an initiative petition bearing the signatures of registered voters of the county equal in number to, but not less than, ~~twenty (20)~~ ~~seven (7)~~ percent of the number of votes cast in the county in the last gubernatorial election. Signatures shall be registered not more than one hundred twenty (120) days following filing of the petition with the Auditor, who shall submit the amendments to the voters.

8. (Sutter) I move to amend the Charter as follows:

Section 5.40 Initiative - Procedures.

Any legal voter or organization of legal voters of Whatcom County may file an initiative proposal with the County Auditor, who within five (5) days, excluding Saturday, Sunday and holidays, shall confer with the petitioner to review the proposal as to form and style. The Auditor shall give the proposed initiative a number, which shall thereafter be the identifying number for the measure. The Auditor shall then transmit a copy of the proposal to the Prosecuting Attorney, who within ten (10) days after receipt thereof, in consultation with the petitioner shall formulate a concise statement, posed as a positive question, not to exceed twenty (20) words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title. The petitioner then has one hundred and twenty (120) days, ~~excluding Sundays,~~ to collect the signatures of the registered voters in the county equal in number to not less than fifteen (15) percent of the votes cast in the county in the last general election. ~~This one hundred and twenty (120) day period shall begin upon official notification to petitioner(s) and shall end on the first working day of county offices following the one hundred and twenty (120) days.~~ Each petition shall contain the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title. {Etc.}

9. (Sutter) I move to amend the Charter as follows:

Section 5.60 Referendum - Procedures.

Any legal voter, or organization of legal voters of Whatcom County may file a referendum proposal, against any enacted ordinance or portion thereof, with the County Auditor. The proposal shall be presented to the Auditor within ~~forty-five (45)~~ ~~ninety (90)~~ days after the ordinance is passed by the County Council.

{Etc.}

The petitioner then has one hundred and twenty (120) days, ~~excluding Sundays,~~ to collect the signatures of registered voters of the county equal in number to not less than fifteen (15) percent of the number of votes cast in the county in the last gubernatorial election. ~~This one hundred and twenty (120) day period shall begin upon official notification to the~~

petitioner(s) and shall end on the first working day of county offices following the one hundred and twenty (120) days. Each petition shall contain the full text of the measure being referred and the ballot title. The Auditor shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the measure to the people at the next general election that is not less than one hundred and twenty (120) days after the registering of the petitions.

10. (Elenbaas) 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 of sound mind, an equal number from each Council district. {Etc.}

11. (Sutter) I move to amend the Charter as follows:

Section 2.30 Ordinances.

Every legislative act shall be by ordinance.

The subject of every ordinance shall be clearly stated in the title, and no ordinance shall contain more than one subject. Ordinances or summaries of them, the places where copies are filed, and the times when they are available for inspection, shall be published when the ordinances are proposed and again upon enactment.

No ordinance shall be amended unless the new ordinance sets forth each amended section or subsection at full length.

All ordinances shall include a clearly stated intent and goal which is measurable within a specified time frame.

Ordinances may, by reference, adopt Washington State statutes, or any recognized, printed codes or compilations in whole or in part.

{Etc.}

Section 2.31 Review of Ordinances

All ordinances shall include a set date for review as to its effectiveness in accomplishing its stated goal. Such review shall be done within five years of the adoption of the ordinance. If review is not done within the specified time period or if the ordinance is not effective in accomplishing the stated goal, it shall be automatically repealed.

12. (Elenbaas) I move to amend the Charter as follows:

Section 1.30 Construction.

The power of the County shall be liberally construed; it is intended that this Charter confer the greatest power of local self-government consistent with the Constitution of the State. Specific mention of a particular power or authority shall not be construed as a limitation on general power of the county, but shall be considered as an addition to and supplementary to or explanatory of the powers conferred in general terms by this charter.

To protect the interests of the citizens, impede unchecked growth in regulation and expense, and provide a basis for allocation of county resources, a threshold of 4 FTE county employees shall be allowed for each 1,000 citizens. In the event this threshold needs expansion, said activity must be submitted to the voters by the County Council at the next general election.

References to adoption of ordinances by the County Council shall not be construed as impairing the right of the people to initiate or refer ordinances. The word "law" shall mean the Constitution and laws of the State of Washington unless context indicates otherwise.

13. (Stender) I move to amend the Charter as indicated on the hand-out I have passed out entitled "Smith/Stender Amendment to Read".

{Note: this hand-out contains additional implementation language needed with the proposal to amend the Charter such that the position of Executive be appointed by the Council, rather than elected. (This motion by Stender passed May 31, 1995, by a vote of 9 to 6.) Copies of the complete text are available at the Council Office.}

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