

Agenda for Charter Review Commission Meeting
7 p.m. to 9:30 p.m., June 14, 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 June 7, 1995 Meeting
- V. Open Session - Public Comments (15 minutes)
- VI. Discussion of Proposed Motions (See attached)
 1. Stender, multiple sections: additional implementation language required with motion to make the Executive position appointed
 2. Elenbaas, Section 1.30: limiting the number of county employees to 4 FTEs per 1,000 citizens
 3. Sutter, Sections 2.30 & 2.31: requiring ordinances to state goal, and addition of new section 2.31 requiring ordinances to be reviewed every five years
 4. Gardner, Sections 2.11 and 2.12: five Council Members instead of seven, four districts instead of three
 5. Gardner, Section 2.20: increasing the Council's salary to 85% of the Executive's salary
 6. Hansey, Section 6.71: allowing the Council to spend contingency funds without being requested to do so by the Executive

7. Radke, Section 3.52: giving the Auditor the authority to audit quasi-official agencies in the County
8. Sutter, Section 5.60: reducing the time to propose a referendum, and preventing ordinances from being enacted after a referendum proposal has been received
9. Sutter, Section 2.30: preventing ordinances to be enacted until after the referendum period has expired
10. Polinder, Preamble: including government's advancement of justice as a reason for this Charter
11. Polinder, Section 1.11 review of addition of new section previously adopted, regarding consideration of and provisions for compensation to those unduly burdened by ordinance or resolution

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

VIII. Other Business

1. Beech: recommendation to the Council, regarding purchasing and contracts
2. Other business

IX. Discussion of Next Agenda

X. Adjourn

The next scheduled meeting will be Wednesday, June 21, 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.

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**PROPOSED MOTIONS
CHARTER REVIEW COMMISSION
JUNE 14, 1995**

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1. (Stender) I move to amend the Charter as indicated on the hand-out I passed out last week, entitled "CHANGING THE COUNTY EXECUTIVE TO AN APPOINTED POSITION".

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{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. This text is different from the one on last week's agenda.}

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

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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.

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3. (Sutter) I move to amend the Charter by adding the following section:

Section 2.30 Ordinances.

Every legislative act shall be by ordinance.

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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.

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

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

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

7 {Etc.}

8 **Section 2.31 - Review of Ordinances**

9 All ordinances shall include a set date for review as to its effectiveness in accomplishing its
10 stated goal. If, upon the required review by the County Council, the ordinance has not met
11 its stated goal, it shall be retired.

12 After twenty-five (25) percent of the set duration of the ordinance has elapsed, a citizen
13 petition signed by at least 25 registered Whatcom County voters may be submitted to the
14 County Council requesting an early review of the ordinance. The County Council shall do
15 such a review and hold a public hearing within sixty (60) days of submittal of the petition.
16 A citizen requested review may result in the Council amending or repealing the ordinance.

17 If the required review is not done within the specified time period, the ordinance shall be
18 automatically repealed.

19 4. (Georgia Gardner) I move to amend the Charter as follows:

20 **Section 2.11 - ~~Three~~ Four Districts**

21 The County Council shall consist of ~~seven (7)~~ five (5) members, selected as follows: For
22 purpose of nomination of members of the Council, the county shall divide into ~~three~~ four
23 districts so that each district shall comprise as nearly as possible ~~one-third~~ one-fourth of the
24 population of the county. ~~On adoption of the charter, the existing commissioner districts~~
25 ~~shall constitute the three districts for the purpose of nomination of candidates to the County~~
26 ~~Council.~~

27 **Section 2.12 - Nominations**

28 (a) Nominees by district.

29 There shall be ~~two~~ one council positions in each of the ~~three~~ four districts;
30 ~~designated position (A) and position (B), respectively.~~ At the primary election, the
31 qualified electors of each district shall select two (2) candidates for each position to
32 be filled from their district.

1 (b) Nominee at large.

2 There shall be one council position designated council member at-large, which shall
3 be nominated without regard to district. The two candidates receiving the largest
4 number of votes county-wide shall be certified as candidates for the position of
5 council member at-large.

6 **Section 4.20 Qualifications.**

7 Each county officer holding an elective office shall be, at the time of his appointment or
8 election and at all times while holding office, a citizen of the United States and a resident
9 and registered voter of Whatcom County and council members shall be residents of the
10 districts which they represent. Any change in the boundaries of the council member's district
11 which shall cause that member to be no longer a resident of the district which that council
12 member represents shall not disqualify that council member from holding office during the
13 remainder of the term for which that council member was elected or appointed. Any
14 reduction in the number of Council positions allowed in each district shall not disqualify the
15 council member whose term is nearest to completion from holding office during the
16 remainder of that term.

17 **Section 4.41 Districting Committee.**

18 During the month of January, 1981, and by January 31 of each tenth year thereafter, a
19 five-member Districting Committee shall be appointed. The County Council shall appoint
20 four persons to the committee, two from each major political party, the four to appoint the
21 fifth who shall be the Chairman. The Districting Committee shall within thirty (30) days of
22 its appointment meet and appoint a Districting Master who shall be qualified by education,
23 training and experience to draw a districting plan. If the Districting Committee is unable to
24 agree upon the appointment of a Districting Master within thirty (30) days, the County
25 Council shall appoint a Districting Master by March 31 of that year.

26 In the event that changes in the Charter result in increases or decreases in the number of
27 districts, a Special Districting Committee shall be appointed as called for above if a regular
28 Districting Committee would not otherwise be scheduled, by January 31 of the next year
29 after the change shall have been approved by the voters. Establishment of a Special
30 Districting Committee shall not alter the schedule for appointment of regular Districting
31 Committees.

32 5. (Georgia Gardner) I move to amend the Charter as follows:

33 **Section 2.20 Powers**

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

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

1 (b) To establish the compensation to be paid to all county officers and employees
2 and to provide for the reimbursement of expenses, except that no council member
3 may receive a salary increase for the term of office during which the ordinance is
4 adopted, nor shall any council member receive a salary in excess of fifteen (15)
5 ~~eighty-five (85)~~ percent of that of the County Executive.

6 {Etc.}

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

8 **Section 6.71 Contingency Appropriations.**

9 The annual budget ordinance shall include contingency funds which shall not be expended
10 unless the County Executive certifies in writing that sufficient funds are available and the
11 County Council adopts an additional appropriation ordinance ~~after being requested to do~~
12 ~~so by the Executive.~~

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

14 **Section 3.52 Powers and Duties.**

15 The County Assessor and Sheriff created by adoption of this charter shall have the powers
16 and duties of their respective offices as provided by general law; Provided that these offices
17 and those of the Auditor and Treasurer shall be subject to the personnel, budgeting and any
18 other policies set by the County Council.

19 The County Auditor shall be the recorder of deeds and other instruments which are
20 required by law to be filed and recorded in the county; shall issue licenses and other
21 records, as specified in county law and as an agent of the state; shall certify and administer
22 all elections within the county and maintain voter rolls and records; shall audit county
23 financial systems, records, and management procedures, ~~to include quasi-official agencies~~
24 ~~that receive funding or have taxing authority;~~ for compliance with recognized accounting
25 principles and conformance to federal, state, and county laws, policies, and procedures; shall
26 insure the adequacy and standing of county finances through certification of an annual
27 financial report; and shall perform other duties as specified by county law.

28 {Etc.}

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

30 **Section 5.60 Referendum - Procedures.**

31 Any legal voter, or organization of legal voters of Whatcom County may file a referendum
32 proposal, against any enacted ordinance or portion thereof, with the County Auditor. The
33 proposal shall be presented to the Auditor within ~~forty-five (45) days after the ordinance is~~
34 ~~passed by the County Council~~ ten (10) days after the ordinance is signed by the County
35 Executive or otherwise enacted as provided by this Charter. ~~Should such referendum~~

1 petition be so presented, said ordinance, or portion thereof, shall not take effect until the
2 Auditor has completed the petition signature process, as provided in this section of this
3 Charter.

4 {Etc.}

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

6 **Section 2.30 Ordinances.**

7 Every legislative act shall be by ordinance.

8 {Etc.}

9 Except as otherwise provided in this Charter, all ordinances shall take effect ~~ten (10) days~~
10 ~~after the date they are signed by the County Executive or otherwise enacted on the day~~
11 ~~following the expiration of the referendum filing period, as provided for in Section 5.60 of~~
12 ~~this Charter, or at a later date if stated in the ordinance.~~

13 10. (Polinder) I move to amend the Charter as follows:

14 **PREAMBLE**

15 Treasuring the many wonders of our unique environment and realizing that the power and
16 duty to govern and protect this region is inherent in its people, we, the citizens of Whatcom
17 County, in order to have a ~~more responsible and better integrated~~ government; which
18 ~~advances justice, inspires confidence, and fosters self-reliance responsibility,~~ do adopt as the
19 foundation of our government, this Charter.

20 11. (Polinder) I move that the following addition to the Charter be returned to the floor
21 for final action:

22 **Section 1.11**

23 The rights of the individual citizen shall be guaranteed under the Constitutions of the
24 United States and the State of Washington. No regulation or ordinance shall be generated
25 without consideration of and provisions for compensation to those unduly burdened

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