

**Whatcom County
Charter Review Commission**

Meeting Minutes

June 21, 1995

I. Call to Order

The meeting was called to order at 7:00 p.m. at the Bellingham City Hall Chambers, by Chairperson Kathy Sutter.

II. Roll Call

Present:

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

Absent, but excused:

(None)

III. Approval of the Agenda

Goldsmith moved to approve the agenda.

Smith amended the agenda to add under "Other Business" reconsideration of Joe Elenbaas' motion of last week, regarding Section 1.30.

Beech seconded the main motion.

Main motion, as amended, carried unanimously.

IV. Reading and Approval of Minutes from the June 14, 1995 Meeting

Ahrens moved to approve the minutes.

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

Smith seconded the motion.

Motion carried unanimously.

V. Open Session - Public Comments (15 minutes)

The Chair opened the floor for open session.

Speaker: Bob Woods, 6987 Hannegan Road, Lynden

Polinder moved that we allow four minutes per person in open session.

Unger seconded the motion.

Motion carried unanimously.

Further Speakers:

Roy Ingham, 2721 Russell Street, Bellingham

Tony Idczak, 6300 Saxon Road, Acme

Mike Collins, 3229 Iowa Place, Bellingham

Dale Brandland, County Sheriff

Keith Willnauer, County Assessor

Francie Smart, 210 Sable Drive, Everson

The Chair closed open session.

VI. Discussion of Proposed Motions

Sutter moved 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, not to exceed five (5) years, for review as to its effectiveness in accomplishing its stated goal. If, upon the required review by the County Council, the ordinance has not met its stated goal, it shall be retired.

After twenty-five (25) percent of the set duration of the ordinance has elapsed, a citizen petition signed by at least five hundred (500) registered Whatcom County voters may be submitted to the County Council requesting an early review of the ordinance. The County Council shall do such a review and hold a public hearing within sixty (60) days of submittal of the petition. A citizen requested review may result in the Council amending or repealing the ordinance. Upon conclusion of review, the date for automatic review shall be reset, and no new citizen request for review may be filed until twenty-five (25) percent of that time has elapsed.

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

The county budget, contracts, and other items which are currently subject to periodic review shall be exempted from the requirements of this section and shall be specifically enumerated in the Whatcom County Council Member Handbook of Office and Operating Policies (Res. 95-018).

Beech seconded the motion.

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

Radke moved to amend the motion by scratching everything after Line 21.

Beech seconded the motion to amend.

Sutter moved to amend the amendment to include the language of lines 3 and 4 on page 2.

Goldsmith seconded the motion to amend.

Motion to amend the amendment failed by a majority.

Motion to amend failed by a majority.

Main motion failed, 3 - 12, with Beech, Goldsmith, and Sutter in favor.

Unger moved for reconsideration of 1.11, which states:

Section 1.11

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

Smith seconded the motion.

Motion failed by a majority.

Polinder moved 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 the chair of the council receive a salary in excess of forty (40) percent of that of the County Executive; nor shall the remaining council members ~~any council member~~ receive a salary in excess of fifteen (15) percent of that of the County Executive.

{Etc.}

Unger seconded the motion.

{Clerk's note: Gardner left at this point in the meeting.}

Motion failed, 2 - 12, with Elenbaas and Polinder in favor.

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

Beech moved to amend the Charter as follows:

PREAMBLE

~~Treasuring the many wonders of our unique environment and realizing that the power and duty to govern and protect this region is inherent in its people, w~~We, the citizens of Whatcom County, in order to have a government which advances justice for all, inspires confidence, and fosters responsibility, do adopt as the foundation of our government, this Charter.

Goldsmith seconded the motion.

Due to a point of order, Beech withdrew her motion.

Beech moved to reconsider Polinder's amendment to the Charter in the Preamble section.

Smith seconded the motion.

Motion failed by a majority.

Goldsmith moved 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. ~~No person who is employed by the County Government or who holds an elected office in County Government will be eligible to serve on the Charter Review Commission.~~ There shall be no filing fee nor shall there be a primary. {Etc.}

Hansey seconded the motion.

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

Motion failed, 3 - 12, with Goldsmith, Hansey, and Smith in favor.

Hansey moved to amend the Charter as follows:

Section 8.40 Hearing Examiner

The County Council may hire a hearing examiner to assist in its quasi-judicial responsibilities. The duties of the Hearing Examiner will be determined by general law and by the County Council by ordinance. The Hearing Examiner shall continuously be a member in good standing of the Washington State Bar Association.

Beech seconded the motion.

Hansey withdrew his motion.

VII. Break

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

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

The Chair called for a second break at 9:40 p.m.

The Chair reconvened the meeting at 9:50 p.m.

VIII. Other Business

The Chair discussed draft final amendments and scheduling. Because no substantive changes will be made to the amendments, the Chair determined that the July 6 meeting will not be a public hearing. Final review of the amendments will be on June 28, July 6 and July 8 (if necessary).

Smith moved for reconsideration of Section 1.30.

Stender seconded the motion.

Motion carried, 11 - 4, with Elenbaas, Goldsmith, Hansey, and Radke opposed.

Smith moved to postpone this issue to August.

Frederick seconded the motion.

{Clerk's note: Gardner left at this point in the meeting.}

Motion failed by a majority.

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

Hansey moved to amend the motion by striking line 37.

Frederick seconded the motion.

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

By consent, the Commission amended the amendment to include changing "citizens" to "residents".

Motion to amend carried, 10 - 5, with Gardner, McLeod, Polinder, Scrimsher, and Stender opposed.

Main motion, as amended, carried, 8 - 7, with Ahrens, Gardner, McLeod, Polinder, Scrimsher, Stender, and Unger opposed.

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 draft final amendments, break, other business, discussion of next agenda, adjourn.

Frederick moved to approve of the agenda.

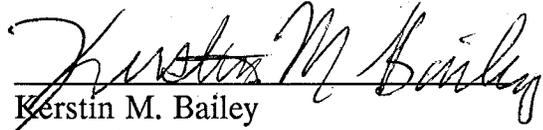
Goldsmith seconded the motion.

Motion carried unanimously.

X. Adjourn

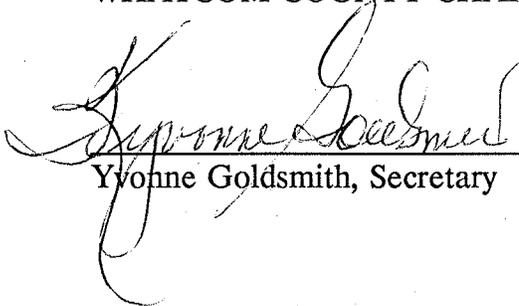
The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

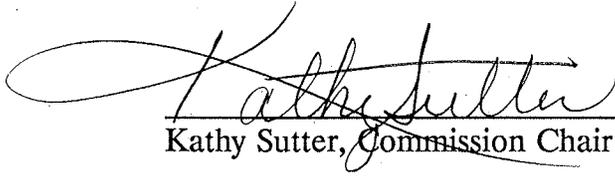


Kerstin M. Bailey
Recording Secretary

WHATCOM COUNTY CHARTER REVIEW COMMISSION



Yvonne Goldsmith, Secretary



Kathy Sutter, Commission Chair

CHARTER REVIEW COMMISSION
SPEAKERS AT THE
JUNE 21, 1995 MEETING

1. Bob Woods, 6987 Hannegan Road, Lynden
{See handout}

2. Roy Ingham, 2721 Russell Street, Bellingham 734-6934
-I'd like to make a comment on Section 1.11, dealing with the rights of individual citizens. I think that there are two things about this that you may want to give some further thought. First, I think the second sentence, which ends with the clause "without consideration of and provision for compensation to those unduly burdened" trivializes the first sentence, which deals with the more general issue of the rights of individuals. Reading between the lines, it seems to me that this language is a somewhat clandestine way of getting in the issue of private property rights only. I'd like to suggest another way of phrasing this statement, which will embody the meritorious parts of it, while eliminating the negative aspects of it. It would read as follows:

The rights of the individual citizens shall be guaranteed under the constitution of the United States and the State of Washington. No regulation or ordinance shall be generated that diminishes the quality of life of the community.

-I emphasize the last word, because I think that it would have the effect of bringing us together, whereas the language that is now proposed would be divisive by focusing on the individual. The vision statement, as you are all familiar, makes it clear that the people of Whatcom County place a higher value on community interests, over individual interests. That is in the vision statement prepared by the people of Whatcom County. Thank you.

3. Tony Idczak, 6300 Saxon Road, Acme

-I read in the paper about your idea that you're going to get rid of 150, or however many, county employees. I just wanted to come and talk to you a little bit. I'm a county employee. I've worked a little over ten years for the Parks Department. I'm the horticulturalist for the parks. I've got a living-wage job here in Whatcom County. My wife doesn't work outside the home; I'm the only bread-winner in the house. And I work hard. I'd invite any of you, if you want to come to work with me some day, bring your lunch and come along. I'll show you what gets done by a county employee who works an eight hour day for the parks. There are a lot of dedicated people who work for Whatcom County and do an excellent job. A lot of them are here tonight.

-Government does some things very well. And a lot of the things government does are done by Whatcom County employees. In the last couple of years, I've lived on the fringes of the County, and I've noticed a marked decrease in the response time in the Sheriff's Department. If I'd call the Sheriff because someone is shooting 50 yards from my house, it used to take a long time, like an hour. The last few times I've had to call the Sheriff, they've been there in under ten minutes. I've been shaking their hands. I see some improvements. And if you folks are here to improve Whatcom County, I think that's great. But let's not destroy what's good about what we have going here.

-I have a son who is ten years old and has cystic fibrosis, Nathan. My medical benefits are very important to me; it's one of the reasons I've stayed in this job. I want you to know that you're affecting people's lives here, not just affecting statistics on a sheet. My biggest concern is that my son is going to continue to have the enzymes he needs to take every day with his meals, so he can digest his food, and the medical attention he gets at Children's Hospital twice a year. Cystic fibrosis is a degenerative disease; it gets worse as he gets older. He's ten now; he's doing good. He plays baseball. Think about Nathan when you're doing this, okay?

-I don't just work for the County. Because I work for the County and I make a living wage job, I volunteer and do a lot of different things. I volunteered 160 hours to help build the Deming Library. So when you're thinking about what you're going to do to change Whatcom County Government, make improvements and discuss it. But let's not destroy what's good about what we've got going here. Thank you.

4. Mike Collins, 3229 Iowa Place, Bellingham

I've written all of you a letter that, hopefully, you've all received. I just wanted to follow up with an oral presentation. The letter I wrote deals with the action taken at the last Commission meeting to put on the ballot a measure that would place before the voters a ratio of county employees to the number of citizens in Whatcom County. The remarks I want to make fall into two areas. The first area is the perception of excessive growth in the number of employees in the last five years. As I pointed out in my letter, probably 50% of the increase in the number of county employees in the last five years has been in the criminal justice system. This, of course, has been in response to demands from the citizens of Whatcom County to be more responsive in that area - not only law enforcement, but also in the subsequent follow-up in the court system. It seems to me to be in conflict to say that the number of county employees has risen beyond what you, as a commission, feel is a tolerable amount when, at the same time, it was in response to what has been demanded by the citizens. Now, additional growth has come in non-criminal justice departments, but, as you know, the population of the County has been growing as well, and the demands to provide services are there likewise.

-The other thing that I wanted to point out is that I think that the idea of putting some arbitrary ratio in effect in order to limit the number of county employees strictly by that ratio, rather than based on revenues, needs, and policy-making is extremely ill-founded. The role of elected officials, whether it be the Executive or the County Council, is to make those decisions and provide leadership for the citizens of the County. That's why we elected them. Clearly, if the County doesn't have the money or the revenues aren't there, then cuts are going to have to be made in services. The Council and the Executive are going to have to prioritize and make those choices. We're certainly not contending that the number of employees should be kept beyond the means of the County to pay for the salaries, benefits, and so forth, of those employees. Don't take that responsibility away from the people that we elect to do that, because that is their role and function. The ratio is entirely arbitrary; I think every one would have to agree with that, whether it's 4/1,000 or 6/1,000 or whatever, it doesn't have any bearing on matching revenues and services that are going to be provided, which are the real roots of managing the governmental structure. We seriously implore you to reconsider that action that was taken last week and leave that in the hands of the people we elect, and if we're dissatisfied with how the Council or Executive do their jobs, then we

vote them out of office and put in people who are more responsive to the majority. Thank you.

5. Dale Brandland, County Sheriff, 311 Grand Avenue, Bellingham 966-4803

-Thank you Madame Chair. I apologize right off the bat here. I probably should have been here weeks ago to address this issue. I was tied up with my own business and didn't really understand the magnitude of what was happening until today. Consequently, you'll be pleased to know, I don't have a lot of lengthy remarks.

-I am very concerned about the arbitrary decision to create a system where we only have four employees per 1,000. The reason is, as I've asked several of you, where are we going to cut here? What services do you not want? I have not been able to get an answer that indicates that you have been able to get enough information to make a decision like this. I can tell you that we in the Sheriff's Office, in criminal justice, have worked for a lengthy amount of time to make sure that we are operating efficiently. I'll tell you that if county government is cut, we in criminal justice will be affected by those cuts. There is no way that that cannot happen. At our last budget retreat, we were talking about having cuts between seven and ten percent. We know that we are going to be affected by those as well. If you double that, you double our problem as well. I would ask for your reconsideration on this. If nothing else, I would hope that you get enough information to make a good decision. You were elected because you are good people. You are rational people. I would ask you to do what you think is right. If there is a problem with county government and you're angry with county government, I think that we need to address that. We need to address that in the legal process; that's what we elect people for. I think that we are stepping beyond what we intended here. So, I would ask that if you have an agenda, that you leave it at the door and do what you think is right for the citizens of Whatcom County. Doing this will be wrong. Thank you.

6. Keith Willnauer, County Assessor, 311 Grand Avenue, Bellingham 676-6790

-Thank you very much. I'm Keith Willnauer, speaking tonight as Whatcom County's Assessor. The Assessor's role is directed by State statute. The Assessor is elected to administrate services not only to Whatcom County, but also some 66 additional taxing districts. Each of these districts provide vital local services that the citizens of Whatcom County need and demand. It's for those districts that I speak tonight, in regard to the proposition to cut employees of Whatcom County according to a quoted ration. Without a doubt, as Dale indicated, the Assessor's Office's woes are known; they've been articulated before, so I won't go into detail. Certainly further reductions will not benefit the Assessor's Office, nor the assessment function in any fashion, nor provide the kinds of revenue generation that are sorely needed by the districts that depend on the Assessor's Office. That doesn't bother many people, I'm sure, except for when those services do become impacted. Then they find out the reality of the situation.

-I speak tonight to where this was formulated. I think it has to do with a concern over the bloated nature of Whatcom County's size of government in comparison to other county governments. I'd like to leave you with a positive recommendation. Predicated upon a bona fide study of comparability to other counties, a proposal like this might be well-founded. But in this particular instance, I'm not sure if that that study has occurred, and to move

forward so dramatically without that kind of data behind the proposition is a dangerous, and could be a disasterous situation for the services of Whatcom County.

7. Francie Smart, 210 Sable Drive, Everson

-I'd like to preface my following statement by saying that I might offend some of you with what I'm going to say. While I can't apologize for that offense, I would like to say that I do regret the strong feelings that I have at having to come and say this.

-I'm appalled that any motion limiting participation in government would be entertained, let alone proposed in the United States of America. I am, of course, speaking of proposal number 8.11, which states that no county employee shall be on the Charter Review Commission. Does the body continually say, as Barbara Brenner pointed out to you, that the people should have a chance to vote on it? This proposal limits the people we have a chance to vote for. Do you believe that we the people are not able to make for ourselves the decision of whom we want to represent us? If I remember U.S. history correctly from high school, that's one of the issues on which our country was founded. It seems to me that if we begin limiting the types of legal citizens that are allowed to take part in government, you open the door to having any citizen group eliminated. At some time, perhaps loggers should be excluded, or let's exclude fishermen, or let's exclude anyone from a particular religion, or even better, since this is supposed to be a non-partisan committee, let's exclude anyone who is an officer in a political party. See how this can snowball into a fascist statement? I have very, very strong feelings about the unamerican tone of this proposal. I strongly request that you not only reject this proposal, but that each of you make a statement regarding how you feel about it personally. The voters in this county need to know where each of you, particularly those who will be running for elected positions, stand on this issue, and ultimately on the basic right of freedom, the foundation of the United States.