

**Whatcom County
Charter Review Commission**

Meeting Minutes

March 22, 1995

I. Call to Order

The meeting was called to order at 7:00 p.m. at the Harmony Elementary School Gym, 5060 Sands Road, by Chairperson Kathy Sutter.

II. Roll Call

Present:

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

Absent, but excused:

None

Goldsmith and Smith arrived at this point in the meeting.

III. Approval of the Agenda

Ahrens moved to approve of the agenda.

Goldsmith seconded the motion.

Motion carried unanimously.

IV. Reading and Approval of Minutes from the March 15, 1995 Meeting

Frederick moved to approve of the minutes as presented.

McLeod seconded the motion.

Motion carried unanimously.

V. Open Session - Public Comments

The Chair opened the floor for open session.

Speakers:

Dan Warner, past Council Member

[Elenbaas and Gardner arrived at this point in the meeting.]

Ward Nelson, current Council Member

Will Roehl, past Council Member

[Clerk's note: ten minute break.]

Ken Henderson, current Council Member

Ben Hinkle, 2582 Northshore Drive, Bellingham

Roger Almskaar, 3324 Granada Way, Bellingham

Tom Brown, 7024 Mt. Baker Highway

Art Anderson, 5326 Williams Road

Blain Nelson, P.O. Box 2091, Ferndale

Norm Wicks, P.O. Box 28111, Bellingham

The Chair closed open session.

VI. Break

The Chair called for a ten minute break at 8:20 p.m, after Will Roehl spoke.

The Chair reconvened the meeting at 8:30 p.m.

VII. Discussion of Article 2 - the Legislative Branch

During open session, the legislative branch was discussed.

VIII. Other Business

Stender reported to the Commission on the process of hiring an intern.

Recording Secretary Bailey discussed meeting location options for three dates, April 12, May 10, and June 14. The Commission decided by consent to use the Mayor's training room.

IX. Discussion of Next Agenda

The next agenda will be similar to this week's agenda.

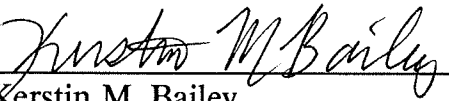
The Commission decided, by consent, that the Chair will determine, through discussion with other members, which priority issues will be discussed.

The Commission decided by consent to limit public input to 15 minutes, in order to facilitate a work session.

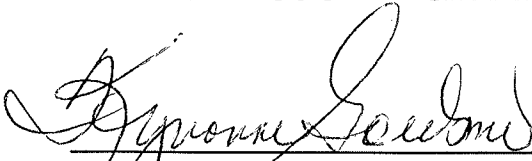
X. Adjourn

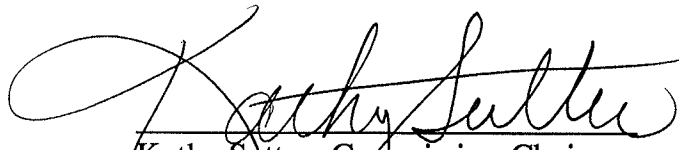
The meeting was adjourned at 9:30 p.m. by the Chair.

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 MARCH 22, 1995 MEETING

1. Dan Warner, past Council Member

-How much time you want Council Members to spend depends on what you want them to do. It doesn't take a full-time person to set the policy, but it does take a full-time person to run the government. If you want the Council to set policy and not interfere in the execution of the policy, then a part-time Council is fine. I spent ten hours a week.

-For myself, I would have done it for nothing; the pay was just a nice adjunct. Of course, I have another source of income.

-Tension between the two branches is inevitable. You are going to have unpleasant experiences if you have immature people in office. If the Council sticks to setting policy and the Executive sticks with administration, the conflict is minimal. The problem is, what happens when the administration isn't doing a good job? Often, the situation revolves around personalities. If you have mature people in office, who accept criticism and don't have fits, you have a very good system in general. How to get mature people into office is a question for the electorate. If you have the problem of people screaming and having fits, no system of government is going to help. I think an appointed Executive would be beneficial, but the fact is that people want the Executive under their thumb, with regrettable results.

-When you have appointed people, you have an advantage in that you can scrutinize their resume. For example, N.F. Jackson in Superior Court is developing a national reputation for excellent work as a court administrator. He was chosen because he has top-notch credentials. I don't think the public does a very good job of scrutinizing resumes.

-If people have a complaint with government service, they ought to go to the Executive first. It's just polite. If they don't get any satisfaction, then they should go to the Council, and the Council can rattle the cage. The Council Chair and the Executive should be able to work together to solve problems.

-An ombudsman may cause more tension. More research on how it functions in other countries would be beneficial.

-The most acrimonious thing we ever discussed on the Council was employee parking. It was really awful. Other than that, it's a toss up between solid waste and the Growth Management Act.

2. Ward Nelson, present Council Member

-People run for office because, let's face it, they have an ego; they have personalities, and they're going to express themselves one way or another, sometimes aggressively. Censoring may just create more animosity. The public needs to make their own mind up at the polls, "Is this the type of behavior I want representing me?"

-The legislative branch is responsible for the broader scope of government. Some of that comes from feedback from the Executive. The administration grapples with,

"How do we implement this? How do we get this accomplished?" It requires communication, including on the department level. A Council Member should be able to call up and get some information. I'd like to see the Executive be an active participant at our meetings, providing us with necessary input, so that we can make good decisions. Otherwise, we might as well be running this whole show ourselves. -Not getting answers is what frustrates people. If I don't know how to respond to a citizen's complaint, I go to the executive assistant in the Executive's office. I've never had a problem. Pat Lundquist gets it handled and comes back to you with a response of what's been done.

-I'm opposed to an appointed Executive. I want the right to vote for my Executive. If I can't make a good decision, then I guess I'll just have to make a different decision next time. I think there's intelligent people in this community. If we can't get rid of some of these problems, then we're going to be out. If you make the Executive appointed, then you increase the Council's responsibility and required time. Control needs to be put in to define roles, fields of play, and how to communicate. If the Charter gave some direction on communication, perhaps by defining a communication mechanism requiring the Council and Executive to meet together at a certain time of the year, it would help.

-I spend 15 - 20 hours of solid time on Council matters, plus some leisure time. I don't think we need full-time Council Members. I think we need them dealing with some critical issues and providing direction.

-If you limit the number of people on the Council, you limit the number of ideas. I think seven works out fine; all the committees are filled.

-It takes a lot of energy to run a County-wide campaign. But as a Council Member, you have to deal with issues from all over the County. I don't have a problem representing the people in Bellingham, as well as the rest of the County. I don't feel tied with Bellingham issues, because that's the Bellingham Council's responsibility. I get approached by people from all areas. I think you should keep it so that we are responsible for the entire County.

-Pay was not a consideration when I ran for office. But then, I thought it was a two year term, not four. Four years is a lot to ask for someone to commit out of their lives without pay. You'd limit the number of people who can do it. Requiring full-time also limits the number of people who can do it. Besides, I feel that my time is worth something. I admire you guys, but can you imagine doing this for four years?

-I'm in favor of term limits for the Council. I'd worry about anyone who wanted to do this as a continuous lifestyle. Three year terms instead of four may also be a good idea. Two is too short; it limits capability, because you need time to work into it.

-There is poor participation at the State level. We have other full-time jobs. Also, I feel that my State legislature is our representation. Our time is mainly spent at our meetings and on the various boards to which we're assigned.

3. Will Roehl, past Council Member

-I was on the original Board of Freeholders in 1978, then elected as a Council Member from 1979 - 1990.

-Leave the County Executive as an elected position. An elected person is always going to be more responsive to the public than an appointed one. Also, when someone is appointed by a group, that person has to respond to multiple bosses and will eventually become a puppet with too many puppeteers. Having both the Executive and the Council elected provides necessary checks and balances. If you elect responsible people, they will work together to discuss conflicts. The responsibility to elect good people lies with the electorate. Changing it to an appointed position won't help us.

-The Council needs to understand its role as a legislative, policy-making body. It's the Executive's responsibility to ensure that it gets done. The Council can and has in the past served as an ombudsman; they should be able to go to the Executive when someone comes to them with a problem, and the Executive should be able to get it done, or give an explanation of why it's not able to be done. Misunderstanding of roles caused many problems. Council Members would think that they were administrators and try to direct things, but that's not their role.

-Not getting into administrative issues does save a lot of time. However, I know that the work load has increased since I was there. Up until the last two or three years, I read everything that came across my desk. The last two years, I just couldn't. I started relying on other Council Members and focusing on the issues I was interested in or that came before a committee I was on. There's no way that you can adequately address every issue.

-In order to really communicate effectively, the Council and the Executive need to communicate on a weekly, if not daily, basis. One work-session every six months won't do it. We didn't have that problem, so I don't really have an answer. I guess it's mainly current personalities. The Charter has to be general. The best you can do is to state a goal or desire.

4. Ken Henderson, present Council Member
(See hand-out)

-The conflict between the Council and the Executive is partly personalities and partly a lack of clarity. The Council should speak in an organized way, and some clarification in the Charter would be helpful. I tried to get some answers on how the Council should give direction to administration, but I got conflicting answers, depending on what argument I made. It's not the fault of the prosecutor, but of the lack of clarity in the Charter.

-Currently, there is a management philosophy group, which consists of most of the department heads and a few Council Members. The Executive came to the first meeting and said that she would follow whatever course the department heads selected. We're trying to figure out, from the management perspective, how the Council would interact. That's another level. Having something in the Charter

would also help.

-I'm in favor of term limits, because I think there are many qualified people, and turn-over from time to time is good. The role of the Executive is more complex, so there is value in keeping the term limit longer for this position.

-The Executive should be the focal point in giving direction. Information gathering should be more expeditiously handled than I have experienced. If the Charter defined how that information should be transferred, I think it would be helpful. On the other hand, I think it should be stated that the Executive will have a representative at a microphone to answer questions at Council meetings in order to answer questions. The lack of communication is on both sides. Often, the staff says that they're not allowed to spend the time to answer our questions. Because of the lack of information, the Council cannot put together good ordinances.

-We are dealing with very complicated issues. We do try to divide the work up with committees. But if you weren't in that three-person committee, and the issue comes before the whole Council, often you end up asking the same questions that were asked in the committee, just so that you can feel comfortable enough to vote. Then, the meetings go until midnight.

-The year that I got on the Council, there were double the meetings that there were the year before. This year, it's at least triple, and it's not all Growth Management. If you look at the State and Federal level, you wonder what's happened to make issues so complex that everyone in government is having to spend so much time.

5. Ben Hinkle, 2582 Northshore Drive, Bellingham

-I've been watching our government for 40 years now, and I see a constant erosion of our government. I believe that the Home Rule Charter is a part of that erosion. It didn't do any good to oppose it, because the idea was sold to the public by the Bellingham Herald. As a result, we have a self-repairing Charter. So, as time goes on, we have a gradually changing, eroding principle of government.

-The Sheriff is the only law-enforcement officer that's elected by we the people. As such, he has more authority than the federal agents. It's become the opposite of that, and we've got to turn this thing around. To make the Sheriff appointed would further erode our government.

-Our Constitution is the greatest document that was ever written for the governing of mankind. It created a prosperity that has never been equaled in the history of mankind. But it's slipping through our fingers. If you're listening to the controlled press, then you're not getting it. The press is not telling you the truth.

6. Roger Almskaar, 3324 Granada Way, Bellingham

-Maturity is very important in government. The willingness to abuse power is a symptom of immaturity. If we look back at what's happened in this County, we've seen some abuses of power. I'm speaking especially of the Critical Areas Ordinance. I think that it's the perception of these abuses that's driving the separation movement.

-I am here tonight to urge you to change the Charter, so that Council Members would be elected by their district only, no matter what the number is. I have three reasons for this: accountability, communication, and removal of the dominance of Bellingham. Having been very involved, my belief is that the voters of Bellingham have way too much power over Whatcom County politics and government affairs. The Critical Areas Referendum failed in Bellingham, but passed by a considerable majority in the County. We have to watch for that.

-When I was a planner for the County, I learned that we're like a miniature country. We've got a lot of diversity. City-wide elections are fine for Bellingham and small areas, but for the County, voting should be by district.

-I ran for a Council position in 1991, and one of my greatest frustrations was trying to figure out how to run a campaign from Point Roberts to Wickersham, and Glacier to Lummi Island. As a candidate, I couldn't physically get to all of those places. What is the magical thing about running county-wide? It's only a good theory.

-I don't think that if you cut the number or pay of elected officials you'd get less regulations. You'd have to start cutting the staff in order to move in that direction. It's the staff that writes all those regulations.

-I'd like to see you go to five Council Members and raise the pay, perhaps doubling it. I think that would help give the Council Members more time to read all the stuff and begin to understand it. I think there's something wrong with passing something that you don't understand and haven't even read about.

-Whenever the Council is considering amending or passing an ordinance that effects people's rights, including property rights, they should have to have a public hearing.

-I think that it's too bad that we're not getting any annual reports from our Planning Department; we used to. How can you tell if a department is even coming close to accomplishing their mission if they never do even the simplest annual report? I don't understand that kind of government.

7. Tom Brown, 7024 Mt. Baker Highway
(See hand-out)

-Mr. Warner's views on government are what got me and a bunch of other people active in the County today. I believe in property rights.

-I would suggest replacing the three districts with four and reducing the number of Council Members to five, with one at-large position.

-I don't know if it's possible, but I would like the districts to represent not equal populations, but regions. Otherwise, have a core group in the center, then come in on Bellingham with the other three. As it is, it creates an awkward situation.

-Only the people residing in their respective districts should vote for those people representing their district, at both the primary and the general election. It would put our County government on the same representation basis as our legislative government. It would also lower campaign costs.

-Section 2.24 of the Charter: I think that the Council should have the ability to request or order department heads to come before the Council to explain matters

relating to their department. This provision should be added to this section. The reason for this is that it's frustrating, as a department head, not being able to talk to Council Members directly, but rather, having to go through two or three other layers of personnel. The answers that come out are usually wrong or don't reflect actualities. I am not suggesting that the Council have any jurisdiction over department heads, just that they have the ability to ask for information.

-Section 5.50 & 5.60: I would ask that the words "excluding Sundays" be included in the eighth line. In other words, they would have 120 days, not including Sundays, to do an initiative or referendum. Also, some clarifying language should be added to extend the 120 days to the first working day that County offices are open. Sometime 120 days falls on a weekend. Our experience was that the Auditor was cutting your time short. I think that we should give the people the full 120 days in both the initiative and the referendum. Also, under 5.60, the time to file a referendum should be extended to 90 days, instead of 45. In 45 days, the general population does not have the ability to fully understand what's going on with some of these ordinances that are passed. To have to jump out within 45 days and start the petition process short-circuits the public. I believe that the public really does know what it wants, if you give them the chance. Thank you.

8. Art Anderson, 5326 Williams Road

-I look at you as making the road map for the next ten years. I think the County is at a critical spot. How will your decisions effect the County five years down the road? The County in general and specific departments should have goals, mission statements, and set tasks. In business if this doesn't happen, we look for new people. The Council and the administration should be able to recite that mission statement.

9. Blain Nelson, P.O. Box 2091, Ferndale

-I just wanted to throw a little feedback back, because you folks seem to want to listen. My job is to live my life the best I can. Your job is not to make our lives work. Likewise, it's not your job to make the Council or the Executive work. However, you can give us and them some vision and some principles.

-Let's face it: we have survived under the existing Charter. People haven't been dying in the streets because of it. You probably don't need to start with a blank sheet of paper. Listen a lot; think a lot; talk a lot; look into a lot of things. But when it comes time to write, act like you're writing with a pen with ink made out of gold. Don't write much, but make it good. The problems that we have are much more people problems. I've looked the Charter over. I like the fact that it's this thin.

-We need to make up our minds about what is and isn't partisan, and then make it so. Right now, things are kind of half-way this and half-way that. Make it one way or the other and then get on with it.

-We do have overlapping authority between the Council and the Executive. "Not interfering" isn't good enough, or else we wouldn't be seeing the problems that we

have been. Again, don't write too much, just something fairly general about how we can resolve these problems. Just provide a little structure. We need to send those folks in the Courthouse the idea that they're working together for us, not this, that, or the other faction. In the end, we all need to be agreed.

10. Norm Wicks, P.O Box 28111, Bellingham

-I happen to think that government is shaped more by socio-economic forces than constitutional documents. Most people find out about government by running up against it. As the County has more variety, the role of government becomes more tougher. It's the staff that write regulations, not elected officials. In dealing with some particular issues, I found a profound lack of accountability by both the Executive and the Council. I would like to see you build accountability into the Charter somehow. With all the pressures that government has on it, perhaps one way that we can take away the excuse that they don't have enough time is to give them more time. Have the Council be full-time, so that they can meet our high expectations, not only to get things done, but also to have accountability. That will take pressure off of some of the staff. That way, the issues with Buildings and Code will be handled by the politicians, where it ought to be.

-I got a letter from Shirley Van Zanten regarding an issue of mine. The letter referred me to a three-page letter from one of the staffers. I didn't want a response from a staffer; I wanted it from Shirley Van Zanten! The way I see it, the Executive should be one who does, not one who originates policy, but one who carries out the will of the County Council. I would like to empower the Council, and pare down the role of the Executive.

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