

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: WC Ag Pres Com		9/19		9/27/94	Council
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

SUBJECT:

Resolution amending Resolution 94-037, regarding the election to determine formation of an irrigation district to be known as Whatcom Agricultural Water District

ATTACHMENTS:

Resolution

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #:	Should Clerk schedule a hearing? NO /xx/ YES / / Requested date:
----------------------------	--

Council will be asked to pass this resolution only if the resolution under AB94-273D passes. The resolution attached here revamps the election process set out by Resolution 94-037. This new resolution changes the election date and sets out new terms under which this election can take place by that election date.

The biggest hurdle in the process is that the Council must be able to appoint and hire an election supervisor as quickly as possible. No one in the Council Office has the time availability this fall/winter to act in that capacity. The Clerk has attempted to contact potential election supervisor candidates.

If this resolution is passed, Civil Deputy Prosecutor Dan Gibson will be asked to draw up a professional services contract, the Whatcom County Agriculture Preservation Committee will need to pay the Council Office an additional \$5,500 (approximately, to cover the cost of hiring this person and any other election workers) before we can offer the contract to the person, and the Council would need to make the appointment and approve of the contract on October 4.

CLERK'S RECOMMENDED MOTION (for final action):

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

9/27/94: Council approved the substitute resolution. 7-0

Related File Numbers:

Ordinance or Resolution Number (this item only): Res 94-047

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

RESOLUTION NO. 94-047
AMENDING RESOLUTION 94-037, REGARDING THE
ELECTION TO DETERMINE FORMATION OF AN IRRIGATION DISTRICT
TO BE KNOWN AS WHATCOM AGRICULTURAL WATER DISTRICT

WHEREAS, certain procedural problems encountered by the Whatcom County Agriculture Preservation Committee, the group proposing the formation of this district, resulted in an inability to meet time lines set forth in Resolution 94-037; and

WHEREAS, because the time lines were not met, the election date of October 5, 1994, is no longer feasible; and

WHEREAS, the Agriculture Preservation Committee requests that the election to determine whether the irrigation district will be formed take place and be certified before December 1, 1994, in order for tax assessments to be imposed and collected in 1995; and

WHEREAS, the County Council has primary responsibility under RCW 87 to put together the initial election for formation of this district; and

WHEREAS, the Council asserts that this new election date is possible only if an election supervisor can be appointed by the Council on October 4, 1994, to perform the following tasks, among others: review petitions of nomination for district directors and certify that the petitions are valid, oversee the publication of the election notice that

1 must appear in the *Bellingham Herald* and the *Daily Olympian*, ensure people and
2 supplies are available for the sending of ballots and oversee the mailing of those ballots,
3 oversee the incoming ballots, ensure people and supplies are available for counting of
4 the ballots, develop a tabulation chart for the votes, and organize questionable ballots to
5 present to the Council for canvassing; and

6 WHEREAS, the cost of hiring the election supervisor and the other employees
7 needed for ballot mailing and counting must be covered by the Agriculture Preservation
8 Committee; and

9 WHEREAS, these costs were not anticipated when the Council accepted the
10 Committee's bond in the amount of \$20,000, and for that reason they shall be sought in
11 addition to the bonded amount; and

12 WHEREAS, this election may only take place if a pollbook is accepted and
13 certified by the County Council for this mail ballot election;

14 NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that
15 Resolution 94-037 is amended to change the election date from October 5, 1994 to
16 November 17, 1994; and


17 BE IT FURTHER RESOLVED that Resolution 94-037 is amended to strike
18 Exhibit B to that resolution; and

19 BE IT FURTHER RESOLVED that the new deadline for submitting
20 nominations for candidates for the Irrigation District Board of Directors shall be October
21 3, 1994; and

1 BE IT FINALLY RESOLVED that in order for the election to take place on
2 November 17, 1994, any conditions contained in Exhibit A to this Resolution must be
3 met in full.

4 APPROVED this 27th day of September, 1994.

5 WHATCOM COUNTY COUNCIL
6 ATTEST: WHATCOM COUNTY, WASHINGTON

7 
8 _____
9 Ramona Reeves, Council Clerk

7 
8 _____
9 Robert Imhof, Chair

9 APPROVED as to form:

10 _____
11 Civil Deputy Pros. Atty.

**Conditions Under Which the Proposed November 17, 1994
Irrigation District Election May Proceed**

The irrigation district election as proposed by Resolution 94-037 and revised by this Resolution may take place on November 17, 1994 if all of the conditions contained in this Exhibit have been met and the guidelines have been followed:

1. A poll book to be used in conducting the mail ballot must have been certified by the County Auditor or her staff, or, as an alternative, certified and accepted by majority approval of the full County Council.

A. The poll book is required to determine the eligible voters in this election. The poll book will include the parcel number, the parcel size and the name and address of the tax paying entity.

B. The Whatcom County Agriculture Preservation Committee is solely responsible for producing an adequate poll book that will meet this criteria and be acceptable to either the County Auditor or the Council.

2. In addition to the \$20,000 bond already posted by the Whatcom County Agriculture Preservation Committee, the Whatcom County Agriculture Preservation Committee will have arranged for immediate payment to the County Council Office \$5,540.00 (by no later than Thursday, September 29, 1994). This is anticipated to cover the costs not anticipated at the time the \$20,000 bond was accepted by the Council. The additional funds will cover the costs of hiring an election supervisor and elections staff (the Committee will be reimbursed should

1 costs be less than anticipated, and billed to cover any additional costs that may
2 result):

3 Elections Supervisor, 117 hours @ \$20.00 per hour¹ cost \$2,340.00

4 Election workers, five @ 64 hours each @ \$10 per hour² cost \$3,200.00

5 Total: \$5,540.00

6 3. The Agriculture Preservation Committee remains responsible for any and all costs
7 incurred by the County or on behalf of the County now or in the future if those
8 costs relate to or result from this election; and in addition they are liable for any
9 costs that may arise due to litigation relating to or resulting from this election or
10 the irrigation district formation process.

11 4. The election supervisor appointed by the Council must be someone who does not
12 have a vested interest in the formation of the irrigation district. Upon receipt of
13 the \$5,540 payment from the Whatcom County Agriculture Preservation
14 Committee, Civil Deputy Prosecutor Dan Gibson will draw up a professional
15 services contract between Whatcom County and the proposed election supervisor.
16 The Council will review and consider approving the contract on October 4, 1994.
17 By approving the contract the Council will have officially appointed the election
18 supervisor.

19 ¹The \$20.00 per hour figure is an estimate, based on a probable \$15.00 per hour
20 wage and an estimated \$5.00 per hour in associated cost (worker's comp, social security,
21 etc.). Should an election supervisor be found at a wage less than \$15.00 per hour, the
22 Whatcom County Agriculture Preservation Committee's obligation would decrease
23 accordingly.

24 ²The \$10.00 per hour wage is what it would cost to hire employees from a temporary
25 employment services agency for this purpose. If employees are obtained at a cost lower
26 than that amount, the Whatcom County Agriculture Preservation Committee's obligation
27 will decrease accordingly.

- 1 5. Ballots will be printed locally by a printing company under the direction of the
2 election supervisor. The ballots and the voting process will follow these
3 guidelines:
- 4 A. Ballots will contain instructions indicating how joint ownership votes are
5 cast as well as a request to forward the ballot to the property owner if
6 different from the person who received it.
- 7 B. There will be two votes given for each five acres of property owned,
8 pursuant to RCW 87.03.051.
- 9 C. Ballots will contain a statement required to be signed by the person
10 submitting the ballot. This statement shall indicate that the person
11 submitting the ballot is at least 18 years of age, a citizen of the United
12 States of America, a Washington State resident, and that they hold title to
13 the land the ballots have been issued for. Additional language will be
14 included to address the rights of corporations and partnerships.
- 15 D. Voting will take place by mail. Ballots postmarked or delivered by the
16 election day will be counted toward the election.
- 17 E. The election will take place in accordance in all other respects as outlined
18 in RCW 87.03.
- 19 6. The ballot shall contain the following information:
- 20 A. The name and address of the elector, and the number of votes to which
21 that elector is entitled.
- 22 B. Voting instructions, including the following statements:

1 " Landowners at least 18 years of age, and who are Washington State
2 residents, and who are United States citizens, within the boundaries of the
3 proposed irrigation district are entitled to two (2) votes per five (5) acres for all
4 parcels five (5) acres or greater. The votes for the total of your parcels are listed
5 on the ballot. When the votes are counted your ballot will have the value of the
6 number listed below. Voters should mark their ballot by checking whether they
7 favor the formation of an irrigation district. This section of the ballot will be
8 counted first. If a two-thirds (2/3) majority favors the creation of the district the
9 bottom section of the ballot will be counted. The five candidates receiving the
10 highest vote totals will constitute the initial Board of Directors of the newly
11 created Whatcom Agricultural Water District. A majority of the board of
12 directors must be Whatcom County residents and electors of the district.

13 In the event of joint ownership of parcels within the district, the votes shall
14 be cast by common agreement among the property owners. In the event that the
15 land is owned by a corporation, a duly authorized agent shall exercise the vote on
16 behalf of the corporation and shall sign the statement on the enclosed envelope
17 indicating his/her authority to do so.

18 Please mark the ballot, detach it on the perforated lines and insert in the
19 small envelope. Sign the landowner portion of the statement on the small
20 envelope and have another qualified elector of the district sign as your witness.
21 Place this envelope in the envelope addressed to the Whatcom County Council
22 and mail or deliver to the County Council Office, County Courthouse, 311 Grand
23 Avenue, Bellingham WA 98225. All ballots must be postmarked or received by
24 November 17, 1994."

25 C. The voting portion of the ballot shall be put together along the following
26 lines:

27 " Whatcom Agricultural Water District (an Irrigation District)

28 Check yes or no: Irrigation District Yes ___ Irrigation District No ___

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

.....
Vote for five (5) candidates for Irrigation District Board of Directors.
Place an "X" behind the candidates of your choice.

CANDIDATE	_____	CANDIDATE	_____
CANDIDATE	_____	CANDIDATE	_____
CANDIDATE	_____	CANDIDATE	_____
CANDIDATE	_____	CANDIDATE	_____
CANDIDATE	_____	CANDIDATE	_____

(Write in)

TOTAL ACRES: _____ TOTAL VOTES ALLOWED: _____

Tear off ballot along the perforated lines and place in the blank envelope."

D. This language will appear on the return envelope:

"By voting in this election I certify that I am a land owner within the boundaries of the proposed district, a citizen of the United States of America, a Washington State resident, and 18 years or more of age, or that I am the duly authorized representative of a domestic corporation who has the authority to bind the same.

_____	_____
Landowner signature	Signature of witness who can attest to the above statement.

Print: _____	Print: _____
Landowner	Witness"

1 7. The duties of the election supervisor will include those listed herein, and the cost
2 estimates presented in this Exhibit are based on the following assumed tasks and
3 completion times:

4 A. Orientation. It is anticipated that two eight-hour days will be required for
5 the election supervisor to understand the procedure.

6 Task time: 16 hours.

7 Time frame: As soon as possible.

8 B. Throughout the process compile, for the public record, receipts, cost
9 estimates, and any and all other paperwork associated with the position
10 and the duties thereof. The election supervisor will be responsible for
11 hiring election workers, presenting bills for supplies and services to the
12 Clerk of the Council, for later reimbursement by the Whatcom County
13 Agricultural Preservation Committee. All business must be conducted in
14 accordance with standard County procedures and codes of ethics.

15 C. Review of petitions of nomination for district directors and certification
16 that the petitions are valid.

17 Task time: 2 hours.

18 Time frame: By October 7.

19 D. Oversee the publication of the election notice that must appear in the
20 *Bellingham Herald* and the *Daily Olympian*. Provide the Clerk of the
21 Council with affidavits of publication from both.

22 Task time: 1 hour.

23 Time frame: Three weeks prior to
24 the election.

1 E. Ensure that people and supplies are available for the sending of ballots.
2 Oversee the process of mailing the ballots. A crew of five election workers
3 may be able to accomplish this work in four eight-hour days. The
4 supervisor will need 8 hours to make arrangements and do follow-up
5 paperwork afterward.

6 Task time: 40 hours.

7 Time frame: Between two and four
8 weeks prior to the election.

9 F. Oversee the incoming ballots and ensure that there is a place for them to
10 be stored prior to counting.

11 Task time: Approx. 2 hours over about
12 a two week period.

13 Time frame: As ballots come in.

14 G. Ensure people and supplies are available for the counting of the ballots.
15 Oversee the actual counting. Develop tabulation chart for votes. A crew
16 of five election workers may be able to accomplish this work in four eight-
17 hour days. The supervisor will need an additional 8 hours to make
18 arrangements and do follow-up paperwork and tabulation chart.

19 Task time: 40 hours.

20 Time frame: The week following the
21 election.

22 H. Organize questionable ballots to present to the Council for canvassing.

23 Task time: 8 hours.

24 Time frame: The week following the
25 election.

26 I. Be present when the Council canvasses the ballots and be prepared to

1 answer any questions about the election.
2 Task time: 8 hours.
3 Time frame: The second Monday
4 following the election.

5 ...