

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. _____ 2009-185

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	STH	3/6/09	RECEIVED MAR 24 2009 WHATCOM COUNTY COUNCIL	3/31/09	Introduction
Division Head:				4/14/09	Hearing
Dept. Head:	STH	3/19/09		4/28/09	Introduced/ Hearing*
Prosecutor:	RJ.	3/10/09		5/12/09	Hearing
Purchasing/Budget:					
Executive:	PK	3-24-09			

TITLE OF DOCUMENT: ORDINANCE TO CLARIFY MINI-INITIATIVE LANGUAGE AND ENSURE CONSISTENCY BETWEEN THE WHATCOM COUNTY CHARTER AND THE WHATCOM COUNTY CODE (ELECTIONS)

ATTACHMENTS: Ordinance

SEPA review required? () Yes (x) NO
 SEPA review completed? () Yes () NO

Should Clerk schedule a hearing? (x) Yes () NO
 Requested Date: Next available after 13 days from introduction.

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

This is a proposed ordinance to amend the Whatcom County Code to clarify procedures for the "Mini-initiative" under WCC 1.08.170 and to change the language of WCC 1.08.090 "Petition - Required number of signatures" so that each conforms to language used in the County Charter.

COMMITTEE ACTION:

COUNCIL ACTION:

3/31/2009: Introduced
 4/14/2009: Council Adopted 7-0
 Ord. 2009-019 - "Not Adopted"
 4/28/2009: Council held for another public hearing on May 12, 2009 with substitute version
 4/28/2009: Introduced substitute version
 5/12/2009: Council Adopted 7-0
 Ord. 2009-029
 *4/28/2009: Second Hearing-Bellingham Herald did not run Public Notice on this item

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:
 Ord. 2009-029

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

ORDINANCE NO. 2009-029

**AMENDING WHATCOM COUNTY CODE 1.08.170 AND 1.08.090
TO CLARIFY MINI-INITIATIVE LANGUAGE**

WHEREAS, the Whatcom County Charter, Article 5, and specifically Section 5.41, is the enabling legislation for initiative procedures, including the "mini-initiative"; and

WHEREAS, the Whatcom County Code implements the mini-initiative in WCC Sections 1.08.160-1.08.190; and

WHEREAS, differences between the language of the Charter and the Code make the procedures for the mini-initiative somewhat difficult to understand; and

WHEREAS, the Whatcom County Auditor has recommended clarifying the language so that citizens can better understand the mini-initiative process; and

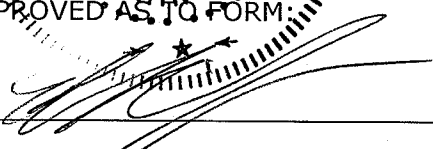
WHEREAS, Whatcom County Code section 1.08.090 calculates required initiative and referendum signatures based upon the last gubernatorial election in conflict with the more authoritative Whatcom County Charter Section 5.40, which requires signatures based upon the last general election.

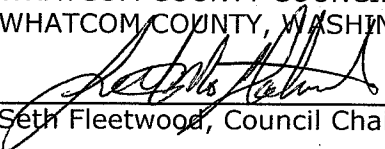
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Sections 1.08.170 and 1.08.090 are hereby amended as outlined in Exhibit A to this ordinance.

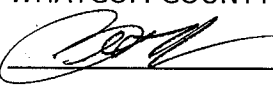
BE IT FURTHER ORDAINED that any mini-initiative proposal filed with the County Auditor prior to the effective date of this ordinance shall be processed under the mini-initiative requirements in place at the time the proposal was submitted.

ADOPTED this 12th day of May, 2009.


Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Seth Fleetwood, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Pete Kremen, County Executive

Approved () Denied

Date Signed: 5/14/09

EXHIBIT A

(ordinance amending mini initiative language)

1.08.170 Mini-initiative – Requirements.

A. Any legal voter or organization of legal voters of Whatcom County may file a mini-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 mini-initiative a number, which shall thereafter be the identifying number for the mini-initiative. The Auditor shall then transmit a copy of the proposal to the petitioner who has one hundred and twenty (120) days to collect the signatures of registered voters of the county equal in number to not less than three (3) percent of the number of votes cast in the county in the last gubernatorial election. The one hundred and twenty (120) day period shall begin upon receipt of official notification to petitioner(s) by the Auditor's Office either by certified mail or messenger.

B. The original proponent or his designee may turn in signatures at any time within the one hundred and twenty (120) day signature-gathering period. After the initial filing, the proponents can continue to turn in signatures for an additional thirty (30) days, but in no case shall additional petition signatures be submitted after the initial one hundred and twenty (120) day signature collection period. Upon receipt of petitions containing more than the required number of signatures for validation, the Auditor shall verify the sufficiency of the signatures within 60 days.

C. Initiative petitions must bear the signatures of qualified voters equal in number to not less than three percent of the number of votes cast in the county in the last gubernatorial election. (Ord. 80-22 § 5; Ord. 79-31 § 3.1).

1.08.090 Petition – Required number of signatures.

Following expiration of the 10-day period referred to in WCC 1.08.070, the petitioner shall have 120 days to collect signatures of the registered voters of the county equal in number to not less than 15 percent of the number of 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. (Ord. 79-31 § 2.6).