



Whatcom County

COUNTY COUNCIL

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MEMO TO: Shirley Forsolf, Elections
FROM: Donald G. Hansey, Chairman
DATE: July 28, 1986
SUBJECT: Proposed amendments to the Home Rule Charter

Council had received the proposed amendments to the Home Rule Charter from the Charter Review Commission on 7/24/86. A copy of the amendments are being forwarded to the Elections department for placement on the ballot (enclosed).

Thank you for your prompt attention to this matter. If you have any questions please call the Council office.

PROPOSED AMENDMENTS TO THE WHATCOM COUNTY HOME RULE CHARTER

Amendment 1 (Sec. 2.12 and 4.10)

Shall the Charter be amended to provide for partisan rather than non-partisan primaries and elections for the County Council and Executive?

These offices are legislative and/or policy-making in nature, prioritizing use of County funds. The Commission believes that the voters could discern philosophical differences more easily if candidates were labeled as to party or Independent. Competition would be increased, thus further informing the voters as to the qualifications and views of the candidates.

Amendment 2 (Sec. 4.10)

Shall the Charter be amended to provide for non-partisan, rather than partisan, primaries and elections for the Assessor, Auditor, Treasurer and Sheriff?

These offices are wholly administrative, and operate mostly under State law, and to a lesser extent, under the direction of the Executive and Council. The Commission believes that these offices would be better filled by candidates selected solely by their qualifications for the job rather than their political preferences.

Amendment 3 (Sec. 5.40)

Shall the Charter be amended to provide the number of signatures required for an initiative be changed from fifteen (15%) percent of the votes cast in the County in last gubernatorial election to ten (10%) percent of the number of voters registered in the County at the last general election?

In 1986, this would have lowered the number of signatures required from 7760 to 6193. The Commission expects the number to remain more constant from year to year than under the old system.

Amendment 4 (Sec. 5.60)

Shall the Charter be amended to provide that the number of signatures required for a referendum be reduced to six (6%) percent of the number of voters registered in the County at the last general election?

The present requirement is 15% of the votes cast in the last gubernatorial election. In 1986, the proposed change would have lowered the number of signatures required from 7760 to 3716. Signature requirements for referendums are less than those for initiatives for Washington State and other Charter counties.

Amendment 5 (Sec. 5.40)

Shall the Charter be amended to require that the Prosecuting Attorney consult with petitioners of initiative in the preparation of the ballot title?

The proponents of an initiative should have all possible input in the writing of a ballot title so that their intent and the legal implications of the initiative coincide.

Amendment 6 (Sec. 5.41)

Shall the Charter be amended to allow the Council to amend as well as accept or reject an ordinance proposed by mini-initiative?

If the Council wishes to amend and enact a proposed ordinance, they need not first reject the mini-initiative.

Amendment 7 (New Section)

Shall the Charter be amended to provide that a proposed initiative failing to obtain the required signatures, but with enough signatures to qualify as a mini-initiative, be treated as a mini-initiative at the request of the proponents?

This option is already available by ordinance, but the Commission thought the concept important enough to be given Charter status.

Amendment 8 (New Section)

Shall the Charter be amended to provide that the Auditor give a number to each initiative, referendum and mini-initiative using a separate sequential series for each, such numbers not to be reissued once used?

The Commission hopes to eliminate confusion between one year's Referendum 1 and Initiative 1 and the previous year's Referendum 1 and Initiative 1.

Amendment 9 (Sec. 8.11)

Shall the Charter be amended to provide that a formal review of the County Charter occur every ten years?

The words "at least" would be deleted to prevent election of a Charter Review Commission at intervals of less than ten years. The County and the public still have the right to petition to amend or repeal the Charter at any time.

Amendment 10 (Sec. 8.12)

Shall the Charter be amended to allow any vacancy which occurs on the Charter Review Commission be filled by the next highest recipient of votes from the district in which the vacancy occurred?

This is a change from a more complicated method by which the Commission itself would select a Commissioner. The Commission believes that the new method would be more responsive to the voters' wishes.

Amendment 11 (Sec. 8.12)

Shall the Charter be amended to provide that the unexcused absence of a Charter Review Commissioner from three consecutive meetings create a vacancy if approved by two-thirds vote of the Commissioners?

The Commission believes that a Commissioner who does not wish to serve fully should be replaced to give the voters of that district an active voice.

Amendment 12 (Sec. 4.30)

Shall the Charter be amended to provide that the County Council, Executive, Assessor Auditor, Treasurer, Sheriff and Prosecuting Attorney be barred from holding any other office or employment within County government?

The enumeration of these officials replaces the words "County elected officer." There has been some confusion about the proper definition, and the amendment makes absolutely clear the intent of the freeholders.

Amendment 13 (Sec. 1.10)

Shall the Charter be amended to provide that "The enumeration of this Charter of certain rights shall not be construed to deny others retained by the people"?

These words are taken from the United States and Washington State Constitutions, and are inserted as a response to public input.

Amendment 14 (New Section)

Shall the language of the Charter be amended to be free of references to gender?

This is to comply with general practice in the wording of public documents.

Submitted by the Whatcom County Charter Review Commission

Comments (in Italics) are those of the Commission and are not part of the ballot.

July 27, 1980

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Submitted by the Whatcom County Charter Review Commission

7/27/2016

PROPOSED AMENDMENTS TO THE WHATCOM COUNTY HOME RULE CHARTER

Section 1.10 - General Powers

The county shall have all powers possible that a home rule county may have under the Constitution and laws of the United States and the State of Washington. The enumeration of this charter of certain rights shall not be construed to deny others retained by the people.

Section 2.12 - Nominations

(a) Nominees by district.

There shall be two council positions in each of the three districts, designated position (A) and position (B), respectively. At the primary election, the qualified electors of each district shall select ~~two-(2)-candidates~~ one candidate from each political party or Independent for each position to be filled from their district.

(b) Nominee at large.

There shall be one council position designated council member at-large, which shall be nominated without regard to district. The two-candidates candidate of each political party or Independent receiving the largest number of votes county-wide shall be certified as candidates for the position of council member at-large.

Section 4.10 - Election Procedures

Except as provided in this Article, the nominating primaries and elections of the Assessor, Auditor, Treasurer and Sheriff shall be conducted in accordance with general law governing the election of non-partisan county officers.

Nominating primaries and elections of the County Council and Executive shall be conducted in accordance with general law governing the election of non-partisan county officers.

Section 4.30 - Conflict of Interest

~~No-county-elected-officer-shall-hold-any~~ The County Council, Executive, Assessor, Auditor, Sheriff and Prosecuting Attorney shall hold no other office or employment within county government.

Section 5.40 - Initiative - Procedures

Any legal voter or organization of legal voters of Whatcom County may file an 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 initiative a number, which shall thereafter be the identifying number for the measure. The Auditor shall then transmit a copy of the proposal to the Prosecuting Attorney, who within ten (10) days after receipt thereof, in consultation with the petitioner shall formulate a concise statement, posed as a positive question, not to exceed twenty (20) words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title. The petitioner then has one hundred and twenty

(120) days to collect the signatures of the registered voters in the county equal in number to not less than ~~fifteen-(15)-percent-of-the-votes-cast-in-the-county-in-the-last-general-election~~ ten (10) percent of the number of registered voters in the county at 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. The Auditor shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the proposal to the people at the next general election that is not less than one hundred and twenty (120) days after the registering of the petition, unless the County Council enacts the proposal without change or amendment. If the County Council does not adopt the proposed measure and adopts a substitute measure concerning the same subject matter, the substitute proposal shall be placed on the same ballot with the initiative proposal; and the voters shall be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other. If a majority of the voters voting on the first issue is for accepting either, then the measure receiving the majority of the votes cast on the second issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither measure shall be approved regardless of the vote on the second issue.

Section 5.41 - Mini-Initiative

Any ordinance or amendment to an existing ordinance may be proposed to the County Council by registering with the Auditor initiative petitions bearing the signatures of qualified voters equal in number to not less than three (3) percent of the number of votes cast in the county at the last gubernatorial election. Upon verifying the sufficiency of the signatures, the Auditor shall transmit the initiative petition to the Council which shall hold a public hearing on the proposed ordinance and enact, amend, or reject the ordinance within sixty (60) days.

Section 5.60 - Referendum - Procedures

Any legal voter, or organization of legal voters of Whatcom County may file a referendum proposal, against any enacted ordinance or portion thereof, with the County Auditor. The proposal shall be presented to the Auditor within forty-five (45) days after the ordinance is passed by the County Council.

Within five (5) days, excluding Saturday, Sunday and holidays, the Auditor shall confer with the petitioner to review the proposal as to form and style. The Auditor shall give the referendum proposal a number, which shall thereafter be the identifying number for the measure. The Auditor shall then transmit a copy of the proposal to the County Prosecuting Attorney, who within ten (10) days after receipt thereof, shall formulate a concise statement, posed as a question, not to exceed twenty (20) words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title.

The petitioner then has one hundred and twenty (120) days to collect the signatures of the registered voters of the county equal in number to not less than ~~fifteen-(15)-percent-of-the-number-of-votes-cast-in-the-county-in-the-last gubernatorial-election~~ six (6) percent of the registered voters in the county at the last general election. Each petition shall contain the full text of the measure being referred and the ballot title. The Auditor shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the measure to the people at the next general election that is not less than one hundred and twenty (120) days after the registering of the petition.

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 the 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. There shall be no filing fee nor shall there be a primary. The member of the Commission who receives the greatest number of votes shall convene the Commission. The term of office shall be one year. The Commission may meet at such times and in such places as it deems appropriate upon having given public notice.

Section 8.12 - Vacancy

Any vacancy on the Commission shall be filled ~~by the remaining members of the Commission within thirty (30) days; Provided, that~~ within fourteen days of the declaration of a vacancy, ~~notice shall be given to the residents of the district in which the vacancy occurs in such manner as the Commission in its discretion deems advisable;~~ by the next highest recipient of votes cast in the Charter Review Commissioner election from the district where the vacancy occurs. ~~Selection of the person to fill the vacancy shall be from those residing in the district in which there is a vacancy by a simple majority vote of the Commission.~~

If a Commissioner is absent from three (3) consecutive meetings without prior notice being given to the Chair, a vacancy in that position may be declared by a two-thirds vote of the Commissioners.

New Sections:

Section 5.42 - Initiatives - Insufficient Signatures

If the proponents of an initiative fail to obtain the required number of signatures in the designated time period, but have sufficient signatures to qualify the proposal as a mini-initiative, the proposal shall be treated as a mini-initiative at the request of the proponents.

Section 5.65 - Initiatives, Referendums and Mini-Initiatives - Numbering System

The Auditor, when assigning numbers to initiatives, referendums and mini-initiatives, shall use a separate sequential series for each category. No number shall be reissued once used.

Submitted by the Whatcom County Charter Review Commission

Gender-Neutral Corrections:

Section 2.22 - Organization

The County Council shall annually elect one of its members as the chairman and a vice-chairman who shall act in the absence of the chairman.

Section 3.21 - Elections, Terms of Office and Compensation

The County Executive shall be nominated and elected by the voters of the county and ~~his~~ the term of office shall be four years or until ~~his~~ a successor is elected and qualified.

Section 3.22 - Powers and Duties

(c) Present to the County Council an annual statement of the governmental affairs of the county and any other report which ~~he~~ the Executive may ~~deem~~ deem necessary.

Section 3.24 - Appointments by the Chief Officers

The chief officer of each administrative office and executive department shall appoint all officers and employees of ~~his~~ that office or department and shall comply with the rules of the personnel system when appointing officers and employees to positions covered by the personnel system.

Section 3.26 - Executive Pro Tempore

The Executive Pro Tempore shall hold office at the pleasure of the Council, and in the absence or temporary disability of the Executive, perform the duties of Executive ~~except he shall not have~~ with the exception of the power to appoint or remove any officer, or to veto any acts of the County Council.

Section 4.20 - Qualifications

Each county officer holding an elective office shall be, at the time of ~~his~~ appointment or election and at all times ~~while he holds~~ while holding office, a citizen of the United States and a resident and registered voter of Whatcom County and council members shall be residents of the districts which they represent. Any change in the boundaries of ~~the council member's~~ a district which shall cause ~~him~~ a council member to be no longer a resident of the district which ~~he~~ that council member represents shall not ~~disqualify him~~ be a disqualification from holding office for the remainder of the ~~term for which he was elected or appointed~~ elected or appointed term.

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