

**Whatcom County
Charter Review Commission
Meeting Minutes**

April 26, 1995

I. Call to Order

The meeting was called to order at 7:00 p.m. at the Courthouse Multi-Purpose Room, 311 Grand Avenue, Bellingham, by Chairperson Kathy Sutter.

II. Roll Call

Present:

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

Absent, but excused:

(None)

III. Approval of the Agenda

Beech moved to approve the agenda.

Goldsmith seconded the motion.

Motion carried unanimously.

IV. Reading and Approval of Minutes from the April 19, 1995 Meeting

Stender moved to approve the minutes.

Smith seconded the motion.

Motion carried unanimously.

V. Open Session - Public Comments (15 minutes)

The Chair opened the floor for open session.

Seeing no members of the public wishing to speak, the Chair closed open session.

VI. Discussion of Proposed Motions (See attached)

Ahrens moved to amend the Charter as follows:

{Clerk's note: see attached, #1}

Smith seconded the motion.

{Clerk's note: McLeod, Radke, Elenbaas, and Gardner arrived at this point in the meeting.}

McLeod moved to amend the motion to change 25% to 20%.

Stender seconded the motion.

Motion carried by a majority.

Main motion, as amended, failed 5 - 8, with Ahrens, Gardner, McLeod, Stender, and Unger in favor. Polinder and Sutter abstained due to a possible conflict of interest.

Polinder moved to amend the Charter as follows:

Section 1.50 Separation of Powers

There shall be separation of powers into two branches of government: legislative and executive. The judicial task of county government shall function in accordance to State Law (Section 3.55). Both branches are to dutifully fulfill their responsibilities and refrain from overextending their authority, as defined in this Charter.

Polinder asked to consider the following section (1.51) with Section 1.50 conceptually:

Section 1.51 Cooperation of Branches

Though powers are distributed to the respective branches, each branch shall strive to work

in partnership with the other branch for a unified government in order to advance public justice for the people of Whatcom County, which is the primary task of this government.

Polinder moved to amend the motion to consider them together.

Motion to amend carried by consent.

Smith seconded the main motion.

Stender moved to amend the motion to delete, "The judicial task of county government shall function in accordance to State Law (Section 3.55)."

Radke seconded the motion.

Motion to amend carried by a majority.

Main motion, as amended, carried 12 - 3, with Goldsmith, Radke, and Smith opposed.

{Clerk's note: for final motion, as amended, see attached, #2}

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

Radke 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. There shall be no filing fee nor shall there be a primary. Candidates' names shall appear on all ballots as drawn by lot. 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 shall meet at such times and in such places as it deems appropriate upon having given public notice. (Ord. 93-045; amended by Referendum 1986)

Unger seconded the motion.

Motion carried, 13 - 2, with McLeod and Scrimsher opposed.

Polinder 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. ~~The qualified voters of the respective districts shall vote only for candidates from their district at the general election.~~ 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 shall meet at such times and in such places as it deems appropriate upon having given public notice. (Ord. 93-045; amended by Referendum 1986)

Motion carried, 12 - 3, with Goldsmith, Hansey, and McLeod opposed.

{Clerk's note: for final version of Section 8.11, see attached, #3}

VII. Break

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

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

VIII. Other Business

The Commission discussed an ombudsman position.

The Commission discussed whether the position of Council Chair should be full time or part time.

The Commission discussed usage of the following terminology throughout the Charter: Executive, Administrative, Department, Offices, and Branch.

The Chair requested that Intern Martin Otterson be given as much advanced notice as possible of Commissioners' possible motions, so that he can do research on it.

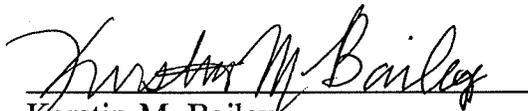
IX. Discussion of Next Agenda

Items to be included on the next agenda: call to order, roll call, approval of agenda, approval of minutes, open session, discussion of proposed motions, other business, discussion of next agenda, adjourn.

X. Adjourn

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,



Kerstin M. Bailey
Recording Secretary

WHATCOM COUNTY CHARTER REVIEW COMMISSION

Yvonne Goldsmith, Secretary

Kathy Sutter, Commission Chair

MOTIONS MADE BY CHARTER REVIEW COMMISSIONERS
APRIL 26, 1995

1. (Keith Ahrens) I move 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 any council member receive a salary in excess of ~~fifteen (15)~~ twenty-five (25) percent of that of the County Executive.

(Failed 5 - 8)

2. Polinder's first motion, as amended:

Section 1.50 Separation of Powers

There shall be separation of powers into two branches of government: legislative and executive. Both branches are to dutifully fulfill their responsibilities and refrain from overextending their authority, as defined in this Charter.

Section 1.51 Cooperation of Branches

Though powers are distributed to the respective branches, each branch shall strive to work in partnership with the other branch for a unified government in order to advance public justice for the people of Whatcom County, which is the primary task of this government.

(Passed, 12 - 3)

3. Section 8.11, as amended by Radke's motion (Passed, 13 - 2) and Polinder's motion (Passed 12 - 3).

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. The qualified voters of the respective districts shall vote only for candidates from their district at the general election. There shall be no filing fee nor shall there be a primary. Candidates' names shall appear on all ballots as drawn by lot. 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 shall meet at such times and in such places as it deems appropriate upon having given public notice. (Ord. 93-045; amended by Referendum 1986)

CHARTER REVIEW COMMISSION
SPEAKERS AT THE
APRIL 26, , MAY 3, MAY 10 AND MAY 17, 1995 MEETINGS

April 26, 1995

(No members of the public spoke at this meeting.)

May 3, 1995

William Griffith, P.O. Box 1189, Point Roberts

945-1346

(See also hand-out received at May 3, 1995 meeting.)

-I am here to give you concrete suggestions that would address the inequities that the citizens living in Point Roberts face. I am suggesting four additions to the Charter:

1. Under 1.40, add, "A branch office shall be established to serve any non-contiguous part of the County which shares a common boundary with Canada and which is surrounded on three sides by water."

-It is clear that the Council would still have the power to establish additional branches. Thus far, the Council has not chosen to establish one in Point Roberts. The reason we feel that this issue should be addressed in the Charter, rather than leaving it up to the Council, is because Point Roberts truly is a unique place, requiring special legislation, just as the State has acknowledged through its legislation.

2. Under Section 3, add "Section 3.23.1 - Regional Agent: The County Executive shall appoint a regional agent without Council confirmation who shall be responsible for representing the Executive Branch of County Government in any non-contiguous part of Whatcom County which shares a common boundary with Canada and which is surrounded on three sides by water. The Regional Agent shall maintain an office in the specific area to be served."

-This regional agent would be appointed by the Executive without Council approval, just as other positions are currently filled.

3. Also under Section 3, add "Section 3.30 - Administrative Offices: The administrative offices of Whatcom County shall consist of those agencies of the executive branch which primarily provide administrative services for the various agencies of county government in all contiguous areas of the County as well as in any non-contiguous parts which share a common boundary with Canada and are surrounded on three sides by water."

4. Also under Section 3, add "Section 3.52.1 - Regional Agent: The powers and duties of the Regional Agent shall be set by the County Executive for the purpose of ensuring effective communication between the citizens living in any non-contiguous part of Whatcom County which shares a common boundary with Canada and which is surrounded on three sides by water and the Executive Branch of Whatcom County Government."

-We hope that these changes will provide the optimal additional structure, so that individuals of good-will will find it easier to work together, and so that we can be ensured

that someone from the Executive's office will be able to communicate and will be well-informed concerning the situation in Point Roberts. We feel that the taxes that we have been paying into the County are more than adequate to cover the costs of these changes.

-In January, the population in Point Roberts is approximately 2,000; 950 are American citizens. However, 85% of the property is owned by Canadians, who do pay taxes to the County.

-When we have invited officials and department heads to Point Roberts, we have had good cooperation; however, practically no one comes to Point Roberts without an engraved invitation.

May 10, 1995

(No members of the public spoke at this meeting.)

May 17, 1995

1. Alvin Starkenburg, Council Member

676-6690

-I would like to strongly encourage you to consider placing the Planning Department under the Council. I think it would be the better format. First of all, the Council consists of seven elected officials who represent the diversity of the County. I think that land use ought to be represented in that way. The Executive is only one person elected to represent all. We would do better with seven members who know the issues. Also, I think it would make the entire operation move smoothly and quickly and be more in touch with what's going on. We wouldn't have to double up on some things, as I see happening now. It would be a significant move taking place. My only caution that is that when you lay it out, it should be clear that the Council should only be able to give direction to the director, not those under the director. Otherwise, it would create the problem of Council members going to individuals with their specific issues.

2. Barbara Brenner, Council Member

676-6690

-I support Don's amendment, but for different reasons than Alvin. I see planning as a pre-legislative condition, not administration. As legislators, we need that kind of interaction and working relationship before we legislate. When you're legislating and creating, you need your creative staff to help you. I never thought of this before; it's just a great idea.

-On the Point Roberts proposal, I think it's a neat idea, but I don't think it should come to the Council. I don't know if it should go to the voters either. I'm not sure if we're going to help Point Roberts that way, because I don't know if people are going to understand its significance. I'm afraid that it's going to get lost in the election.

-Point Roberts is one of the most controversial communities we've got. Conflict regarding Point Roberts occurs daily! It's really exciting. They deserve some of the services that the rest of the County gets; they are one of the biggest providers of revenue for as small as they are. I think it's a really good idea to give them somebody up there. It might be nice if that person answered to the Council, rather than the Executive, since they come to us with their problems all the time. Either way, they need more representation; I don't think this is asking for a lot.