

**Whatcom County
Charter Review Commission
Meeting Minutes**

March 15, 1995

I. Call to Order

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

II. Roll Call

Present:

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

Absent, but excused:

Danna Beech
Joe Elenbaas

III. Approval of the Agenda for Today's Meeting

Unger moved to approve the agenda.

McLeod seconded the motion.

Motion carried unanimously.

IV. Reading and Approval of Minutes from the March 8, 1995 Meeting

Unger moved to dispense with the minutes.

Goldsmith seconded the motion.

Motion carried unanimously.

V. Open Session - Public Comments

The Chair opened the floor for open session.

Speakers:

Lyle Merk, PO Box 207, Sumas

Marv Vanderpol, 1851 Kok Road, Lynden

[Clerk's note: Polinder and Hansey arrived at this point in the meeting.]

Matthew Blackwood, 2717 Yew Street, Bellingham

Randall J. Watts, Chief Civil Deputy Prosecuting Attorney

[Clerk's note: Smith arrived at this point in the meeting.]

Bob Woods, County Budget and Program Analyst

The Chair called for a ten minute break at 8:15 p.m.

The Chair reconvened the meeting at 8:25 p.m.

Additional Speakers:

Don Hansey, Former Council Member

Jeff Monsen, Director of Public Works

The Chair closed open session.

VI. Discussion of Article 2 - the Legislative Branch

The legislative branch was discussed in open session.

VII. Other Business

The Chair discussed the problem of the Courthouse Multi-Purpose Room not being available several weeks. Suggested options: Bellingham Library, Mayor's Board Room, Juvenile Court Room, or the Harbor Center.

The Chair asked for discussion about getting an intern.

Polinder moved to send out the draft letter advertising the intern position.

Unger seconded the motion.

Motion carried unanimously.

The Chair requested a list of Council committees and salary information for officials from County Budget and Program Analyst Bob Woods.

Goldsmith informed the Commission that the F1A forms must be filed by April 15. Otherwise the Commissioners will be subject to a \$50 fee.

VIII. Discussion of Next Agenda

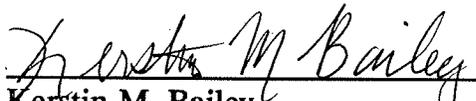
The next agenda will be similar to tonight's. The Chair requested that a break be scheduled in the agenda.

Items to be included on next agenda: call to order, roll call, approval of agenda, reading and approval of minutes, open session, break, discussion of legislative branch, other business, discussion of next agenda, and adjournment.

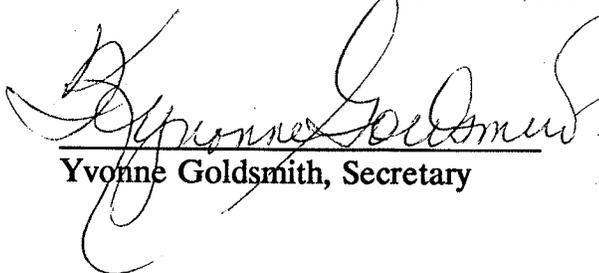
IX. Adjourn

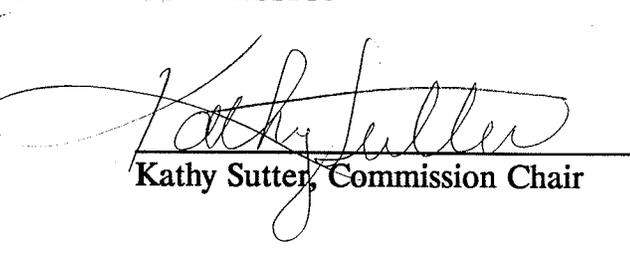
The meeting was adjourned at 9:25 p.m. by the Chair.

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 15, 1995 MEETING**

1. Lyle Merk, P.O. Box 207, Sumas 988-6123
-Elected officials' positions should stay just as they are now, because that gives the people the right to decide.

2. Marv Vanderpol, 1851 Kok Road, Lynden 354-3585
-The Executive should be an elected position, because it maintains a division of power between the two branches. The duties and purpose of the Council need to be spelled out more clearly and more in depth. The Council is like a board of directors, which shouldn't micro-manage. Many of the problems that occurred while I was on the Council were a direct result of Council Members not understanding what their position was. In their minds, they did understand it, and the Charter doesn't say much about what the boundaries are. I suggest that an ad hoc committee, maybe consisting of past Council Members and others, be formed to put together some suggestive writing. We need something to point to so that we can say, "Look, you're out of bounds here."
-People looking to the Council to get administrative issues dealt with is probably a carry-over from the Commissioner days. As their elected representatives, Council Members have to do what they can to look into these things. If we see fairness and that procedures are being followed, then all we can do is explain it. If the procedures are wrong, we can lobby for legislation to change things. There's no place for throwing our weight around or trying to get special favors. To the degree that that happens, we only amplify our problems. I never had any departments shut their doors to me in all of my follow-through questions for my constituents. Depending on the situation, I went to our attorney, the Executive, or directly to the department head. However, if Council Members overstep their bounds, they are going to be ignored; communication breaks down. Many problems are created by Council Members' inappropriate behavior and personality clashes.
-Council Members are getting fair compensation. Some Council Members make it a full job, but I don't think it should be. If you're looking for a board of directors, it's not full time. If you're looking for micro-managers, then they need a 60 to 80 hour week and a personal secretary. But if you get seven micro-managers, then you have a pocket full of problems. I averaged 15 - 20 hours per week. When Bob Woods came on, we could immediately feel the work load lifted, because he did a lot of research. You can make any part time job full time. If the committee assignments are spread out, everyone can stay part time. For full time, you add on medical, retirement, personal secretaries, and the list goes on.
-The state-wide organization for Commissioners and Council Members consists primarily of Commissioners. They don't like us down there. Also, we can't expect part time people to travel to Olympia on a regular basis.
-Seven Council Members are fine for part time, but if you're thinking full time, then you should cut it down to at least five.
-We have a good system of government; it just needs tuning.

3. Matthew Blackwood, 2717 Yew Street, Bellingham 734-8261
-The legislative duties should be spelled out in the Charter, so that they are kept separate from the administrative jobs.
-The Executive and the Council should be elected. The Council should be part time.
-There's too many rules and regulations for the Council to read through; they should be limited. That way, it won't be made into a full time job, because of all the red tape they have to go through.
-With a 2/3 majority, the Council should be able to override the Executive's veto.
-Seven is a good number of Council Members.
4. Randall J. Watts, Chief Civil Deputy Prosecuting Attorney
-The Charter did not make Council Members part time by mistake. It is supposed to delineate a separation of powers and place them into a policy position, rather than an administrative one.
-The State organization tends to confuse the civics, because our Council goes down and rubs elbows with Commissioners. They are two very distinct animals. Council Members' duties should be clarified in the Charter. Only Council Members are identified by district, so, of course, people are going to come to them with problems. Naturally, that's going to get them involved in micro-management. The ombudsman idea may help separate the two jobs. It would allow the Council to turn public concerns over and get results back, without getting themselves involved in the administration.
-I am not opposed to the Executive being able to get its own legal counsel. However, it could lead to some awkward situations, especially when the Council and the Executive are at odds. Furthermore, state law says that the prosecutor is the one that represents the County. Any taxpayer could object.
-Items are approved as to form, not content, because the attorney is not involved to that degree of negotiation. I don't have a clue what grade of oil is required for a pavement overlay. An engineer reviews that. You don't want me telling you what you have to do in those cases.
(Polinder requested that Mr. Watts, as a citizen, come up with some language for the Charter.)
5. Bob Woods, County Budget and Program Analyst
-You bet that micro-management has occurred! But you have to ask what exactly is micro-management. What is the difference between an interference in operation and a legitimate legislative attempt to gain information or to define and develop policy? But if you have seven different Council Members trying to develop different policies with a department, the department can get into a squeeze trying to determine which way it's going to go. On the other hand, if they can't go to the departments, how do they develop adequate legislation?
-Conflict between the two branches is inevitable. Each branch is supposed to prevent the other from overstepping its bounds. But, if the legislative branch feels that something is seriously wrong, should they or should they not take action? And if they should, what methods and procedures are available to them to effect change.

-An ombudsman could be helpful if that person has power. Where will that power come from, the executive branch, the legislative branch, or both? If you want someone to implement change, they have to be able to say, "Do it." You need to be concerned with what amount and kind of power would be necessary to make an ombudsman effective.

-If we elected Council Members by district in the primary and the general election, it would accentuate the feeling that the Council Member of your district is the one to go to when you have a problem with the County.

-Sometimes both sides don't like what the prosecutor says, because he's trying to referee both sides.

-The attorney has very narrow bounds in which to disagree or counsel against. With the Council, a political decision is being made, and whether or not it's legal may have very little to do with it. It's very difficult for the attorney to say, "No, I'm not going to sign this thing."

-Usually, the Council is reacting to legislation that has come from the administration. Little is actually drawn up in the Council Office.

-The number of meetings has gone up significantly since the last Council. It's too soon to be able to tell exactly why. It's not uncommon for their packet to be several hundred pages long. They can't read everything that comes through the office, so they have to pick what they'll study up on. They've been meeting two nights per week as a general rule for the past several months.

-One rationale for making Council Members full time is so that the rate of pay is such that people don't have to be independently wealthy or have a business that can run by itself in order to participate. On the other hand, some Council Members would argue that they're only doing part time and they're doing just as good a job as those putting in full time. If you go to full time, you will inevitably increase staff and cost. They probably wouldn't need a personal secretary, but it would probably end up that way.

-The Council operates on a weak committee system. The full Council deals with issues concurrently.

6. Don Hansey, Former Council Member

-Our two main questions are: Part or full time Council Members, and appointed or elected executive. Everything else is just housekeeping.

1. The work load definitely has increased since I was a Council Member. With the amount of obligations that are coming down from the State and other significant, time-consuming issues, I think that we should seriously consider making it full time.

2. With an appointed executive, the Council can get the best possible person for a county that has a hundred million dollar budget and 800 employees, rather than someone who can just get elected. Yet, most people want to be able to choose the person who runs the County. An appointed executive may be the better way to go.

-The transition to an appointed executive would be difficult, but I don't think that this should prevent us from seriously considering it.

-As a part time job, the Council can be done in addition to another full time job. Three-quarters' time would prevent a full time job without giving the pay to replace it. Some time I think it will go to full time, but I don't know if now is the right time.

-When I first got on, the Council packet was 20 pages. When I left, they were often 150 pages. Now, I guess they're up to 200 pages. About 90% comes from the administration. Sometimes the administration won't send as much information, then the Council will ask for all the details for next time, so items get backed up.

-There's nothing sacred about the districts. When the Charter was written, there were three commissioner districts. This body can suggest changes, but the city is part of the county. It will have influence no matter what you do.

-The problem is the relationship between a given Council with a given Executive at a given time, and that will change over. The one part of the Charter that I strongly believe in is the part that says that no County Council Member shall interfere with the administration. That was put in there specifically so that you wouldn't have the Council dictating the administration's staff. Clarification of the bottom line authorities of the two branches would help.

-Planning is a policy-making decision that is made by the Council. We should consider making the Planning Dept. part of the County Council, like the Hearing Examiner. Buildings and Code is administrative, but planning is political. Planning is too much of a long, drawn-out process for decisions to be flip-flopped very much.

7. Jeff Monsen, Director of Public Works

-As a department head, I encourage both the Executive and the Council to talk to me or to my senior staff. I think that it is primarily educational and makes the decision-making process more efficient. However, I get worried if they by-pass me and go to a lower level person. I can guarantee that they get the big picture; if they don't, it can cause major problems. Interference comes when they're demanding action, trying to change priorities, or stating opinions, instead of asking questions. Or if they're asking the same question with enough frequency, so that it effects priorities. I'll take suggestions from anybody in the County. I only take direction on policy from four Council Members, not an individual or even a committee. In my experience, most contacts with Council Members have been information gathering.

-I try to put something together that is reasonably close to what the decision is going to be, so that it doesn't go back to a committee repetitively. One reason that the packet is getting thicker is that we didn't get the right information the first time, so it gets tacked on the second time. Sometimes I put more into the packet, trying to guess what information the Council is going to want in order to facilitate a decision.

-Interference also comes in the budget process. One month into the next year, priorities are already changing. It is very difficult to implement a moving target.

-It's difficult to have good communication in the administration because of the expansion in numbers. I know someone is working on it, but I don't necessarily know who.