

**Whatcom County
Charter Review Commission
Meeting Minutes**

May 17, 1995

I. Call to Order

The meeting was called to order at 7:05 p.m. at the Courthouse, fifth floor Juvenile Courtroom, 311 Grand Avenue, Bellingham, by Chairperson Kathy Sutter.

II. Roll Call

Present:

Keith Ahrens
Danna Beech
Joe Elenbaas (arrived late)
Karen Frederick
Yvonne Goldsmith
Don Hansey
Mary Scrimsher
Orphalee Smith
Mary Stender
Kathy Sutter
Terry Unger

Absent, but excused:

Georgia Gardner
Darlene McLeod
Ron Polinder
Ray Radke

III. Approval of the Agenda

Smith moved to approve the agenda.

Goldsmith seconded the motion.

Motion carried unanimously.

IV. Reading and Approval of Minutes from the May 10, 1995 Meeting

Smith moved to approve the minutes.

Goldsmith seconded the motion.

Motion carried unanimously.

Elenbaas seconded the motion.

Motion carried, 10 - 1, with Scrimsher opposed.

VII. Break

The Chair called for a break at 8:10 p.m.

The Chair reconvened the meeting at 8:20 p.m.

VIII. Other Business

Hansey discussed miscellaneous changes that have been discussed or mentioned to the Commission and referred to a handout.

Secretary Bailey noted that the book referred to in Dan Warner's letter is on file at the Council Office. Also, next week's meeting will be back in the Courthouse Multi-Purpose Room.

The Commission discussed how to bring up past issues, particularly: vote by district, partisan elections, Commission vs. Council, and appointed Executive.

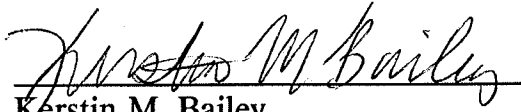
IX. Discussion of Next Agenda

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

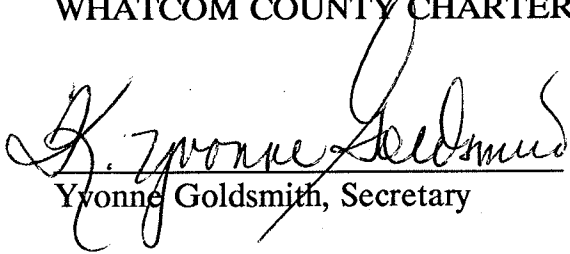
The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

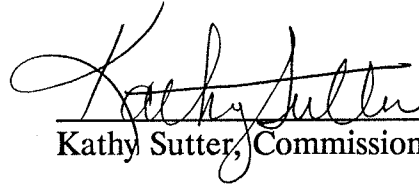


Kerstin M. Bailey
Recording Secretary

WHATCOM COUNTY CHARTER REVIEW COMMISSION



Yvonne Goldsmith, Secretary



Kathy Sutter, Commission Chair

3. (Hansey) I move to amend the Charter by adding a new Article 8, as follows:

ARTICLE 8 PLANNING AND ZONING

Section 8.10 Purpose

The County Council shall, by ordinance, create and maintain a system of establishing comprehensive plans, zoning regulations, and other land use regulations including capital improvement and economic development plans, for the present and future development of the County.

Section 8.20 ~~Long-Range Planning Department Office~~

The County Council shall, by ordinance, create an office within the legislative branch to assist the County Council in carrying out the purposes set forth in Section 8.10. The implementation of those plans and regulations shall be administered by the Executive branch.

Section 8.30 Planning Commission

The County Council shall, by ordinance, create a Planning Commission to advise the ~~Planning Department and the~~ County Council in carrying out the purposes set forth in Section 8.10. Appointment of the Planning Commission shall be made by the County Council.

and to amend Section 3.22 (e) as follows:

Section 3.22 Powers and Duties.

As Chief Executive Officer, the County Executive shall have all the executive powers of the county which are not expressly vested in other specific elective officers by this Charter. The County Executive shall have the power to:

(a) Supervise all administrative offices and executive departments established by this Charter or created by the County Council.

{etc.}

(e) Prepare and present to the County Council ~~comprehensive plans including~~ capital improvement plans for the present and future development of the county.

{Note: The current Article 8 will become Article 9; other sections will be renumbered appropriately.}

g:\charter\samend.517

**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 Starckenburg, 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.

-You were elected because people felt that you would listen to them. My personal opinion is that you were not voted to promote whatever you believe or only what input you receive in here. Rather, you should give the voters as many choices as possible. Don't just ask if we want peanut butter or mayonnaise; ask if we want the bread at all. I think there's some basic choices that the public needs to decide on. Part of the reason for the succession movement is that people feel that they are not being listened to. I believe that if you put the choice of Commission versus Charter on the ballot, most likely people will support the Charter. But if you don't put it on the ballot, you're going to further polarize the County. I'd hate to see that happen. Elected versus appointed Executive should also be on the ballot. There should be as many choices as possible. Without them, you're going to lose a lot of the public's confidence. Thank you.

3. Fred D. Chesterley, 4178 West Road, Blaine

332-8579

-There's a great deal of difference between theory and practice. Perhaps the theory of a the Planning Department doesn't hold out in practice. To me, the Planning Department should be outlawed. It's undemocratic. Let's look at the process. The Council regards the Planning Department without bias, no axe to grind. However, before the public even knows about possible changes, the Planning Department will already support it. Once the Planning Department takes a position, they have an axe to grind. We elected Council Members to write the Critical Areas Ordinance, not the Planning Department.

-Rather than a Planning Department, the County should have a Research Department to give the Council Members the facts and nothing but the facts. If they don't give the facts or the whole truth, they're fired. Then, the Council can make a decision upon the facts - not on what I think, or on what somebody else thinks, or on what the Planning Department has been brainwashing them to think, but on the facts.

4. Harry Orr, 3678 Waldron Drive, Ferndale

384-6209

-This is on the subject of getting control of the Planning Department and Buildings and Code. I suggest that we elect the Director of Buildings and Code and Planning. We already elect the Assessor, Treasurer, and Auditor. If you go to these departments, you'll find them very friendly and willing to serve you. They always treat you nicely. Whereas, if you go to Buildings and Code, you just interfere with their work. They're really not very pleasant to deal with. It's the arrogance of the department.

-Don Hansey's suggestion is a good one too. The end result is that we want is to get control of Buildings and Code and the Planning Department. We don't want them legislating, because they are NOT a legislative body! The Council is a legislative body. That's why we want control.

5. Bill Guyer, 1008 16th St, Bellingham

733-1824

-I have 20 years professional practice as a planner. Giving the voters this choice will create a very lively and needed debate, which will assist the community in figuring out what services it wants. I think that there is a definite crisis in Whatcom County over the planning services being provided. I hope that you won't take the drastic step of changing the Charter

in order to address issues of incompetence and unprofessional performance. I think the quality of what we've seen in Whatcom County over the past several years pales in comparison to generally accepted professional standards. I hope that you would not adopt this change.

-In order to attain good service, you need three things: good, distinct policy direction from the Council; professionally accredited management staff with the appropriate expertise and knowledge; and good line staff who understand research and provide alternatives, rather than making decisions. This is where our Planning service has fallen drastically; the Planning staff has chosen to narrow the alternatives and the research. They provide the decision wholesale, already made for the Council, leaving the Council with only one choice.

-I would encourage you to treat this as you have other issues, by heavily reinvesting in the requirements for quarterly reports, analysis, and monitoring of the quality of services delivered to the Council. That way, if the Council disagrees with what Planning provides, they can simply say, "No, the information is incomplete, and it's not professionally prepared. We don't accept it."

-Another reason why I am opposed to placing Planning under the Council's control is that it would put one planner under seven bosses. In that situation, that individual could manipulate the seven individuals, playing them off of one another, so that they never could agree to terminate the planner. If you have the Executive in control, you have very clear personnel policies and procedures. The Council Members can hold the Executive accountable to correct the situation, if necessary.

6. Marilou Orr, 3678 Waldron Drive, Ferndale

384-6209

-There is so much conflict between the citizenry and that department, that I think it is essential to get it responsive to the people. I see two ways of doing it. One would be putting the Planning Department under the Council. The other would be to have an elected position. Either way, something has to be done to make that department more responsive to the people. Thank you.

7. Tom Brown, 7024 Mount Baker Highway, Deming

599-2827

-Controversy abounds in our County over county government and the officials' responses to the people. Many of our citizens feel that their wishes and desires are not yet heard. A statement from a Council Member was the kindling that fueled the movement to create new counties today. The statement was, "This is too important an issue to let the voters decide." This implies that the voters are unfit to make intelligent decisions. Many of us don't think that that is true. By putting issues of great concern before the citizens, you get the true debate needed to get all of the concerns aired and to decide an issue. After the debate, those citizens wanting to voice their opinion, do so at the ballot box. Therefore, it would be appropriate for this Commission to allow the voters to decide some of the major controversial issues that have been presented to you. I ask you not to bear the total burden of deciding the issues for the electorate. The few minutes of discussion allotted in these meetings do not even begin to compare to what takes place if an issue is allowed to reach

the ballot. Please reconsider the issues you've already voted on. Are they really too difficult for the citizens to have the final word on it?

8. Art Anderson, 5326 Williams Road, Everson 592-5160

-I am the Director of UPC of Washington, a commercial construction and trade association. I would like to talk about the issue of contracting out. Last fall, we had a series of meetings and subsequent meetings with Jeff Monsen, Public Works Director. One of the outcries that we heard was the lack of direction with regards to the contracting out issue. I would challenge this group to take a serious look at the current policies of contracting out. Your job is to look at issues like that; that's why you were voted in. The Association and its members are willing and able to assist in a partnership-type concept to assist the County, with workshops, etc. We, as taxpayers, want to be assured that our County is getting the full value that it can. We don't want to be in an adversarial role; we'd much rather have a partnership to assist the County.

9. Roger Almskaar, 1401 Astor Road, Bellingham 671-1146

-I have worked in the Planning Department under both the Commissioner form of government and the Council. I think that this is an extremely important issue that is symptomatic of the vacuum of leadership in the County Executive's office, that we've all been suffering from for the last four years. I think that our government should be a strong Council type of government. It isn't a profit-driven corporation; it's a public service corporation. I really think that we'd be better off with a strong Council driving the government and the Executive branch just there to administer and carry out Council policy and direction.

-The mission of the long-range planning department is analyzing alternatives and bringing information forward to the decision-makers, helping them to make good decisions. I would like to draw a distinction between long-range planning and the day-to-day permit work. I support Mr. Hansey's proposal 100% as long as it's strictly long-range planning. I think that dealing with permits should be handled under the administrative branch. When I left the County in 1981, they were just switching over to a distinction between long-range planning and day-to-day administration. That was a little controversial at the time, but, looking back, I think it was a really good idea that a lot of other places could benefit from.

-I will agree with Bill Guyer in that we really do need a public debate on this issue.

-If you look at the Planning Department's mission, you will see that it is unique among county departments; no other departments have the job to provide information and lay out alternatives that cover a huge range of topics under the general label of comprehensive planning. It isn't just land use; it's also transportation, economics, critical areas, etc. The county-wide long-range planning really needs to be done under one organization. I would like to see the Council hire the person to run that department; that person would then hire staff. The only person the Council should be able to fire is the one person at the top.

-I also support Mr. Hansey's proposal on legal counsel for the Council. I've seen a lot of advice given to the Council, some good, some pretty disappointing over the years. The quality of advice they get from this other elected official's office, the County Prosecutor, is

extremely variable. If I even had a traffic ticket, I would like to be able to choose my own lawyer and not have the choice made by another elected official.

10. Richard Gilda, 2727 Jensen Road, Bellingham 676-0885

-The reason for the problem isn't necessarily the head of any department; it's us. Us citizens have been convinced by some of the previous Council Members and people in the County that we're really not important and we can't think for ourselves, so we should let them think for us. That was a mistake, and now it's coming back to haunt us. Like Barbara Brenner said, we need to listen. I think there's been a lot more listening in the past few years, but the question is, are you hearing what's being said. I think the Councils are listening better. But it's only going to be through people speaking up.

-"Research Department" has a nice ring to it, but it sounds to me like we're going to have to hire more expensive people, researchers.

-A lot of the problems are just personalities, not just with the public, but with people with in the department. Even there, people are afraid to speak up.

11. Skip Richards, P.O. Box 4150, Bellingham 738-9544

-I've been disappointed with the activities of this group, because I felt that the proper role of the Charter Review Commission was to propose to voters as many options as possible, especially those that have been talked about in the last few years. Like Barbara Brenner said, give the voters as many choices as possible, and let them decide, rather than deciding what you guys think is best. The three that strike me as most important in this regard are: voting for Council Members by district in the general election, the Commissioner form of government, and the appointed Executive. I realize that the appointed Executive failed last time by three to one. But you have to keep in mind that it failed last time because the majority that voted against it were afraid that the old Council would be making that appointment. The idea for the appointed Executive was proposed by the old Council, so that was the concern. That's why I voted against it; we just didn't have enough faith in the democratic process. I think you're doing the citizens of this County a disservice by not presenting those three issues. Even if the majority rejects all of them again, it will give us the opportunity to have the debate we need.

-On contracting out, we need to reform welfare for bureaucrats by getting rid of it. The only way we can to that is by privatizing government services. It is desperately needed.

-Finally, we've heard good arguments both for and against putting the Planning Department under Council control. That, to me, is good enough reason to let the voters decide.

12. Dan Taylor, Planning Manager 676-6756

-You've all received the memo from Nate Brown. He and I generally agree on most things, and the bottom line is that this would create more problems than advantages. I do see some advantages to what you're trying to do, but it strikes me that the disadvantages overwhelm them. One of the current problems that I see is long-range planning being under the Executive; that is a conflict, because the work has two masters. But I don't think you're solving it this way. I don't think this works.

-Just recently, we were reorganized in order to bring long-range planning and current planning together. Now, you're pulling them apart again.

-If you do this, you're building a big staff under the Council, in addition to the staffs under the other elected officials. It creates many structural problems.

-On our 1995-1996 estimated work program, I've assigned a percentage of time to what I estimated were legislative elements. As I've sliced it, it's approximately 42%. The point is, even by just moving the long-range planning, you would be bifurcating what we have now in the Planning Division. Somebody thought that it was very important to merge, and I'm just saying that now you're splitting it back up. It would go back to the way it was before. It worked before; it'll work again.

-A lot of what we do is administrative. Sometimes the same person does legislative and administrative work at various times. I'm not saying it's right or wrong; I'm just saying that it's difficult. We get better communication internally by being in the same department, which is an advantage.

-The RCW 36.70, which is the enabling legislation that creates this, sets up two ways to have a planning functions. One is that you have a planning commission who hires staff; they all report to the legislative body. The other is that you have a department with the planning commission attached to the department, which is what we have. It uses the words, "department organized and functioning as any other department in any county government". By moving Planning under the legislative branch, I'm not sure that it's the same. I just think that it's something that you should check out.

-I definitely think that the Council should appoint the Planning Commission, and you should clarify that in the Charter.

-I don't think we're short of staff, and I think we are responsive to the Council; I'd like an example of how we're not.

13. Gayle Pattenaude, 5809 Aldrich Road, Bellingham 398-1070

-When I heard about Mr. Hansey's plan, I said, "Thank goodness!" The public is fed up with Planning. The corner of Northwest and Smith roads is an egalitarian place. When people go in there, they are treated shabbily; they're not listened to. People want a way to have some control; we've lost control. We don't have the right to our land anymore, unless Mr. Brown and Mr. Taylor deem it right. We want something to vote on so that they will have to answer to more than just one person. It's just not fair to the taxpayers of this County. Personally, I'd like to see the building closed. We're really are getting tired of what's going on. I'm tired of going to meetings after work.

-I also think that we should be able to vote on the full-time commissioner form of government. Thank you.

14. Bob Wiesen, 3314 Douglas Road, Ferndale

-I support the idea that we should have several choices put on the ballot. If you don't, it'll lead the public to believe that we've got another Critical Areas Ordinance coming. There, we had all these meetings where various interests made their positions known. But when the ordinance came out, it appeared that interests of only certain segments were shown.