WHATCOM COUNTY COUNCIL

AGENDA REVISION NOTICE
FOR JULY 7, 2015
(DISTRIBUTED AT 3:30 P.M. ON JULY 7, 2015):

THE FOLLOWING ITEMS HAVE BEEN ADDED TO THE EVENING COUNCIL MEETING AGENDA:

MINUTES CONSENT

6. Committee of the Whole for May 12, 2015
   Paperwork Attached Below

INTRODUCTION

2. Ordinance proposing an amendment to the Whatcom County Charter to require a supermajority of either the entire Charter Review Commission or the County Council to propose Charter amendments (AB2015-216) (proposed schedule – July 21 public hearing)
   Paperwork Attached Below

3. Ordinance proposing an amendment to the Whatcom County Charter to ensure that seven Whatcom County Council members, including Council members in each voter’s own district, will be elected by majority vote of the registered voters of Whatcom County (AB2015-217) (proposed schedule – July 21 public hearing)
   Paperwork Attached Below

4. Ordinance establishing Whatcom County Code Section 5.20.105, Fireworks – Special Circumstances, to allow the County to prohibit the discharge of private fireworks during emergency conditions (AB2015-218) (proposed schedule – July 21 Public Works, Health, and Safety Committee)
   Paperwork Attached Below
WHATCOM COUNTY COUNCIL
Committee Of The Whole

May 12, 2015

CALL TO ORDER
Council Chair Carl Weimer called the meeting to order at 6:15 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL
Present: Barbara Brenner, Satpal Sidhu, Rud Browne, Barry Buchanan, Ken Mann, Pete Kremen and Carl Weimer
Absent: None

COMMITTEE DISCUSSION
Agenda Revision Item: STRATEGY PLANNING DISCUSSION AND POSITIONS TO BE TAKEN REGARDING COLLECTIVE BARGAINING (AB2015-018)
No Attorney Present

1. UPDATE ON LAKE WHATCOM TMDL (TOTAL MAXIMUM DAILY LOAD) DISPUTE RESOLUTION (AB2015-018)
   Attorney Present: Daniel Gibson

2. DISCUSSION REGARDING QUALIFICATIONS OF APPLICANTS – LEGISLATIVE ANALYST POSITION (AB2015-018)
   Attorney Present: None

   Attorney Present: Karen Frakes

4. CONSIDERATION OF AN APPEAL OF THE HEARING EXAMINER’S DECISION ON FILE # CUP2009-0021 & LSS2010-0002, FILED BY JULIE CARNEY AND MICHAEL REID REGARDING THE LINCOLN PARK RETIREMENT HOME CENTER (AB2014-070)
   Attorney Present: Karen Frakes

Weimer stated that discussion of the agenda revision item may take place in executive session pursuant to RCW 42.30.140(4)(a). Agenda items one, three, and four may take place in executive session pursuant to RCW42.30.110 (1)(i) and discussion of agenda item two may take place in executive session pursuant to RCW42.30.110 (1)(g).
Executive session will conclude no later than 7:00 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

**Browne moved** to go into executive session until no later than 7:00 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair.

The motion carried by the following vote:

**Ayes:** Sidhu, Brenner, Browne, Buchanan, Mann, Kremen and Weimer (7)

**Nays:** None (0)

**OTHER BUSINESS**

**ADJOURN**

The meeting adjourned at approximately 7:00 p.m.

The Council approved these minutes on _______ 2015.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Carl Weimer, Council Chair

Jill Nixon, Minutes Transcription
### TITLE OF DOCUMENT:
Ordinance - amend Charter to require supermajority to propose Charter amendments

### ATTACHMENTS:

<table>
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<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
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<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( ) NO</td>
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</table>

| Should Clerk schedule a hearing? | ( ) Yes | ( ) NO |

Requested Date: 7/21/2015

### 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.)

Ordinance proposing an amendment to the Whatcom County Charter to require a supermajority of either the entire Charter Review Commission or the County Council to propose Charter amendments

### COMMITTEE ACTION:

### COUNCIL ACTION:

### Related County Contract #:

### Related File Numbers:

### Ordinance or Resolution Number:

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.______

PROPOSING AN AMENDMENT TO THE WHATCOM COUNTY CHARTER TO REQUIRE A SUPERMAJORITY OF EITHER THE ENTIRE CHARTER REVIEW COMMISSION OR THE COUNTY COUNCIL TO PROPOSE CHARTER AMENDMENTS

WHEREAS, the Whatcom County Charter requires the Whatcom County Council to have five affirmative votes in order to propose a Charter amendment to the voters; and

WHEREAS, the Whatcom County Charter Review Commission has been granted the authority in the Whatcom County Charter to propose Charter amendments to the voters by filing their proposed amendments with the County Council and having the County Council submit amendments to the voters; and

WHEREAS, the Whatcom County Council and the Whatcom Charter Review Commission should be held to the same standards in public participation and in submitting Charter amendments to the voters; and

WHEREAS, achieving a supermajority agreement on proposing Charter amendments requires a greater effort to set aside partisan agendas and achieve bipartisan consensus than a simple majority vote; and

WHEREAS, reaching a supermajority agreement means more diverse opinions are heard, included, and considered; and

WHEREAS, Charter Review Commission amendments have been proposed with limited or no opportunity for public comment and without broad support, achieving only a simple majority vote; and

WHEREAS, elected officials should work together for the good of all the people of Whatcom County.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the County Auditor place on the November 2015 general election ballot a Charter amendment, as outlined in Exhibit A to this ordinance, requiring a supermajority vote of two-thirds of the entire membership of either the Charter Review Commission or the Whatcom County Council to submit or propose a charter amendment to the voters; and
BE IT FURTHER ORDAINED that both the Charter Review Commission and the Whatcom County Council shall be held to the same high percentage of votes required in order to propose Charter amendments to the voters and neither body shall be required to achieve a higher or lower threshold than the other for proposing any Charter amendment to the voters.

ADOPTED this ___ day of __________, 2015.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed: ____________________
Whatcom County Council Charter Amendment #

As adopted by the Whatcom County Council: Shall all Charter amendments proposed by either the Charter Review Commission or the County Council be required to receive a supermajority vote of the entire membership of the Commission or Council in order to be placed on the ballot for voters to consider, with no requirement for a higher number?

Ballot Title:

REDUCING PARTISAN AMENDMENTS THROUGH SUPERMAJORITY AGREEMENT

The Whatcom County Council has proposed an amendment to the Whatcom County Charter concerning equal standards to submit Charter amendments. This measure would amend 8.21 and 8.23 of the Whatcom County Charter to require any amendment proposed by the County Council or the Charter Review Commission to have a supermajority vote of the of the Commission or Council, with no requirement for a higher number. Should this proposal be:

APPROVED  REJECTED

Amended Charter Language

Section 8.21 Amendments by the Charter Review Commission.
The Commission may propose amendments to the Charter by filing such proposed amendments with the County Council who shall submit the amendment to the voters at the next November general election at least ninety (90) days after the filing and registration of the amendments. A supermajority (ten of fifteen) of affirmative votes of the entire membership shall be required to file a proposed amendment with the County Council and no amendment shall require a higher number.

Section 8.23 Amendments by the County Council.
The County Council may propose amendments to the Charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least ninety (90) days after enactment. A supermajority (five of seven) of affirmative votes of the entire membership shall be required to enact such an ordinance and no amendment shall require a higher number. An ordinance proposing an amendment to the Charter shall not be subject to the veto power of the County Executive.

The County Council by unanimous vote of the entire Council may effect amendments to the language of the Charter where the passage of time has rendered language moot or obsolete. Such changes shall be made by ordinance, and have a public hearing. (Amended by referendum 1995)
**Title of Document:**
Ordinance - Charter proposal to keep countywide voting for Council members

**Attachments:**

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<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
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<td>( ) Yes</td>
<td>( ) NO</td>
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**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.)

Ordinance proposing an amendment to the Whatcom County Charter to ensure that seven Whatcom County Council members, including Council members in each voter's own district, will be elected by majority vote of the registered voters of Whatcom County.

**Committee Action:**

**Council Action:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**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. __________

PROPOSING AN AMENDMENT TO THE WHATCOM COUNTY CHARTER TO ENSURE THAT SEVEN WHATCOM COUNTY COUNCIL MEMBERS, INCLUDING COUNCIL MEMBERS IN EACH VOTER'S OWN DISTRICT, WILL BE ELECTED BY MAJORITY VOTE OF THE REGISTERED VOTERS OF WHATCOM COUNTY

WHEREAS, both the Washington State Constitution and the Whatcom County Charter allow the County Council to propose charter amendments to the voters; and

WHEREAS, many Whatcom County issues considered and determined by the County Council impact all of Whatcom County's residents; and

WHEREAS, this amendment ensures that Whatcom County residents have direct access to all County Council members, including council members in their own district, who determine county residents' laws and taxes; and

WHEREAS, other types of voting for County Council members may limit/restrict individual Whatcom County voters in such a manner that would result in those voters only being able to elect a minority of the seven County Council members, although it is a majority of County Council members who make decisions that can directly impact voters' lives; and

WHEREAS, each Whatcom County district ensures candidates for county council in the general election already reside in the district and are the top two candidates from each individual district; and

WHEREAS, other types of voting may reduce the desire/need of the council majority to listen to all County residents. Every council decision is made by council majority, but voters would no longer be able to vote for the majority, if a different type of Charter amendment is adopted that disallows voters from voting for the majority of council members. This could cause a majority of council members to ignore them; and

WHEREAS, Whatcom County voters experienced a different type of voting in the past and many voters were upset by their inability to vote for a majority of County Council members, although it takes a majority of council members to make decisions that directly impact voters' lives; and

WHEREAS, the Whatcom County Charter allows a super majority of the Whatcom County Council to place charter amendment measures as general election ballot questions to be voted on by all qualified registered voters of Whatcom County.
NOW THEREFORE BE IT ORDAINED by the Whatcom County Council that the County Auditor shall place on the November 2015 general election ballot a Charter proposal to provide that seven County Council members, including Council members in each voter's own district, shall continue to be elected by the majority of registered voters of Whatcom County, as outlined in Exhibit A to this ordinance.

ADOPTED this ______ day of ________________, 2015.

ATTEST:

Dana Brown-Davis, Council Clerk

Carl Welmer, Council Chair

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Civil Deputy Prosecutor

Jack Louws, County Executive

Date:________________________
EXHIBIT A
(CHARTER AMENDMENT – COUNCIL MEMBER COUNTYWIDE ELECTION)

Whatcom County Charter Amendment No.

As adopted by the Whatcom County Council: Shall Section 2.13 of the Whatcom County Charter provide that seven County Council members, including Council members in each voter's own district, continue to be elected by the majority of registered voters of Whatcom County?

Ballot Title

PROPOSITION NO.

ELECTION OF COUNTY COUNCIL MEMBERS BY COUNTYWIDE VOTE

The Whatcom County Council proposes to retain the current method for electing Whatcom County Council members, outlined in Whatcom County Charter Section 2.13, which allows for registered voters of Whatcom County to vote upon each council member position, including the council member position in each voter's own district, at the November general election. The candidate receiving the highest number of votes for each position shall be elected. Should this proposal be:

APPROVED _________
REJECTED _________

CHARTER LANGUAGE WOULD REMAIN IN ITS CURRENT FORM, WHICH IS AS FOLLOWS:

Section 2.13 – Election Countywide

The registered voters of Whatcom County shall vote upon each council member position, including the council member position in each voter's own district, at the November general election. The candidate receiving the highest number of votes for each position shall be elected.
### WHATCOM COUNTY COUNCIL AGENDA BILL

**NO.** 2015 - 218

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**TITLE OF DOCUMENT:**

Ordinance establishing WCC 5.20.105, Fireworks-Special Circumstances

**ATTACHMENTS:**

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

**Should Clerk schedule a hearing?** ( ) Yes ( ) NO  
**Requested Date:**

**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.)

Ordinance establishing Whatcom County Code Section 5.20.105, Fireworks – Special Circumstances, to allow the County to prohibit the discharge of private fireworks during emergency conditions

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**  
**Related File Numbers:**  
**Ordinance or Resolution Number:**

**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. _______

ESTABLISHING WHATCOM COUNTY CODE SECTION 5.20.105, FIREWORKS – SPECIAL CIRCUMSTANCES, TO ALLOW THE COUNTY TO PROHIBIT THE DISCHARGE OF PRIVATE FIREWORKS DURING EMERGENCY CONDITIONS

WHEREAS, heat, dry weather, and drought-like conditions can rapidly increase fire danger; and

WHEREAS, when conditions are extremely dry, Whatcom County government may find it necessary to issue a burn ban; and

WHEREAS, in 2015, while burn bans were in effect, numerous fires were started by fireworks in Washington State and lower British Columbia; and

WHEREAS, the Council finds it to be in the best interest of public health and safety to allow Whatcom County to issue a ban on the discharge of private fireworks when a burn ban is in effect and extenuating emergency conditions exist.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 5.20.105, Fireworks – Special Circumstances, is hereby established as outlined in Exhibit A to this ordinance.

BE IT FURTHER ORDAINED that this new Code section gives the County Executive, in coordination with the County Fire Marshal and the County Sheriff, the authority to place a ban on the discharge of private fireworks when warranted.

BE IT FINALLY ORDAINED that the effective date of this ordinance shall be August 15, 2016.

ADOPTED this ____ day of _______, 2015.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

APPROVED AS TO FORM: WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

Jack Louws, County Executive

(  ) Approved   (  ) Denied

Date Signed: ____________________
EXHIBIT A
(WCC 5.20.105, FIREWORKS-SPECIAL CIRCUMSTANCES)

WHATCOM COUNTY CODE CHAPTER 5.20, FIREWORKS

5.20.105 Special Circumstances.

If/when Whatcom County issues a ban on outdoor burning or if/when other extenuating emergency conditions exist, all discharge of private fireworks may be prohibited until the ban is lifted or the emergency condition(s) are mitigated or cease to exist, at the discretion of and by order of the County Executive, in coordination with the County Fire Marshal and the County Sheriff.