

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 676-6690



COUNCILMEMBERS
Barbara Brenner
Rud Browne
Barry Buchanan
Todd Donovan
Ken Mann
Satpal Sidhu
Carl Weimer

WHATCOM COUNTY COUNCIL

AGENDA REVISION NOTICE FOR NOVEMBER 21, 2017 (DISTRIBUTED AT 1 P.M. ON NOVEMBER 20, 2017)

THE FOLLOWING MEETING IS ADDED TO THE COUNCIL'S SCHEDULE:

COMMITTEE OF THE WHOLE

1:15 p.m. Tuesday, November 21, 2017

Council Conference Room, 311 Grand Avenue

Committee Discussion

1. Update on negotiations and strategy planning discussion regarding collective bargaining (AB2017-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.140 (4)(a)]
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THE FOLLOWING ITEMS ARE ADDED TO THE COUNCIL MEETING AGENDA:

Introduction Items

10. Ordinance forwarding Charter Amendment 1 to the County Auditor, for inclusion on the 2018 General Election ballot, to require a supermajority of the County Council to propose any Charter amendment pertaining to the method of nominating and electing Council members (AB2017-356) (proposed ordinance attached)
11. Ordinance forwarding Charter Amendment 2 to the County Auditor, for inclusion on the 2018 General Election ballot, to provide that each member of the Whatcom County Council be elected by majority vote of the registered voters of Whatcom County at general elections (AB2017-357) (proposed ordinance attached)

WHATCOM COUNTY COUNCIL AGENDA BILLNO. 2017 - 356

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	Browne/Do	11/20/2017		11/21/2017	Introduction
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Ord Re Charter Amend #1 for 2018 General Election - Nominating/Electing Method

ATTACHMENTS:

SEPA review required?	() Yes	() NO	Should Clerk schedule a hearing ?	(<input checked="" type="checkbox"/>) Yes	() NO
SEPA review completed?	() Yes	() NO	Requested Date:	12/5/2017	

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.)

Forwarding Charter Amendment 1 to the County Auditor for inclusion on the 2018 General Election ballot, to require a supermajority of the county Council to propose any Charter Amentment pertaining to the method of nominating and electing council members.

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. _____

**FORWARDING CHARTER AMENDMENT 1 TO THE COUNTY AUDITOR, FOR
INCLUSION ON THE 2018 GENERAL ELECTION BALLOT, TO REQUIRE A
SUPERMAJORITY OF THE COUNTY COUNCIL TO PROPOSE ANY CHARTER
AMENDMENT PERTAINING TO THE METHOD OF NOMINATING AND ELECTING
COUNCIL MEMBERS**

WHEREAS, several types of decisions in government are considered too important to allow a legislative body to decide them with a simple majority (50% plus 1) and, therefore, such decisions typically require a super majority (two-thirds) vote; and

WHEREAS, in order for the US Congress to propose an amendment to the United States Constitution a super majority (two-thirds) vote is required in the House of Representatives and the Senate; and

WHEREAS, in order for Washington State Legislature to propose an amendment to United States Constitution a super majority (two-thirds) vote is required in the House of Representatives and the Senate; and

WHEREAS, in 2015 the voters of Whatcom County considered three amendments to the Whatcom County Charter concerning the number of votes required for placing charter amendments onto the ballot; and

WHEREAS, the explanatory statement for Charter Amendment No. 2 of the 2015 Voters stated: *"Currently the County Council may propose Charter amendments if five of seven councilmembers vote to adopt an ordinance presenting such proposal to the voters. This amendment proposed by the Charter Review Commission, if adopted, would alter that requirement where the voters had previously approved an amendment on a matter by at least a 2/3 majority. New proposals by the Council to further amend the Charter on that matter could only be presented to the voters if adopted by a unanimous vote of all councilmembers. A "yes" vote for this amendment is incompatible with a "yes" vote for Proposition No. 10."*; and

WHEREAS, the explanatory statement for Charter Amendment No. 3 of the 2015 Voters stated: *"Currently the County Council may propose Charter amendments if five of seven councilmembers vote to adopt an ordinance presenting such proposal to the voters. This amendment proposed by the Charter Review Commission, if adopted, would change that requirement when the Council is proposing amendments to Charter Sections 2.12 and 2.13 which address the election of councilmembers. A proposal to amend those particular sections could only be presented to the voters if the Council adopted such a proposal by a unanimous vote of all councilmembers. A "yes" vote for this amendment is incompatible with a "yes" vote for Proposition No. 10."*; and

WHEREAS, the explanatory statement for Charter Amendment No. 10 of the 2015 Voters stated: *"The current Whatcom County Charter requires that a simple majority of the Charter Review Commission vote for a proposed charter amendment to place it before the voters. By comparison, a supermajority of the County Council must vote for a proposed charter amendment to place it before the voters. If this amendment passes, the requirement of a supermajority would apply to both Commission and Council and a supermajority would be sufficient for either to place any proposed amendment before the voters. A "yes" vote for this amendment is incompatible with a "yes" vote for either Proposition 2 or 3."*; and

WHEREAS, Proposition 2, 3, and 10 were all approved by a majority of voters in 2015; and

WHEREAS, Proposition 10 appeared after 2 and 3 and voters were informed that a "yes" vote for Proposition 10 was incompatible with a "yes" vote for either Proposition 2 or 3; and

WHEREAS, while 29,636 (51.6%) voters favored Proposition 2, and 29,486 (51.58%) voters favored Proposition 3, and 29,584 (52.5%) voters favored Proposition 10, somehow the provisions of Proposition 3 that contradicted 10 were incorporated into the charter instead of the other way around, which clearly did not reflect the will of the people; and

WHEREAS, the County Charter as amended now has the effect of granting any one member of the County Council veto power over future Councils ability to forward certain Charter amendments to the ballot for the voters of County to be able to decide and this does not reflect the will of the people; and

WHEREAS, left uncorrected the County Charter as amended now sets a precedent whereby the Council may not be able to vote on important issues due to a vacancy, incapacity, or absence on the Council and this does not reflect the will of the people; and

WHEREAS, these restrictions on the power of the peoples elected representatives to propose changes to County Charter for the voters to decide disrespects the will of the voters who participated in the 2015 Whatcom County election along with the very principles and values behind the Constitution of the United States and the State of Washington that our County citizens hold so dear; and

NOW, THEREFORE, BE IT ORDAINED, that the Whatcom County Council, by a supermajority affirmative vote, approves that the County Auditor shall place on the November 2018 general election ballot Charter Amendment 1 as specified in Exhibits A to this ordinance.

ADOPTED this _____ day of _____, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

() Approved () Denied

Civil Deputy Prosecutor

Jack Louws, County Executive

Date:_____

EXHIBIT A

WHATCOM COUNTY CHARTER AMENDMENT NO. 1

BALLOT TITLE

SHALL SECTION 8.23 OF THE WHATCOM COUNTY CHARTER BE AMENDED TO REQUIRE THAT ANY AMENDMENT PROPOSED BY THE COUNTY COUNCIL NEEDS A SUPERMAJORITY VOTE IN ORDER TO BE PLACED ON THE BALLOT?

Proposition No. 1

AMENDMENTS PROPOSED TO THE VOTERS BY THE COUNTY COUNCIL

The Whatcom County Council has proposed an amendment to the Whatcom County Charter concerning voting thresholds to place charter amendments on the ballot. This measure would amend Charter Section 8.23 to require any amendment proposed by the County Council to have a supermajority vote of the Council in order to be placed before the voters on the ballot. Should this proposal be:

APPROVED _____
REJECTED _____

AMENDED CHARTER LANGUAGE

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, except that if a previous charter amendment was approved by a two-thirds majority of the voters, then no ordinance proposing to the voters further amendment of that matter shall be adopted except by a 7-0 affirmative vote of the Council. ~~No ordinance proposing amendment of any provision of Sections 2.12 or 2.13 of this Charter shall be adopted by the Council except by a 7-0 affirmative vote.~~ 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 Whatcom County Charter 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.

Section 8.23 Amendments by the County Council.

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The County Council by unanimous vote of the entire Council may effect amendments to the Whatcom County Charter 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.

WHATCOM COUNTY COUNCIL AGENDA BILLNO. **2017 -- 357**

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	Browne	11/20/2017		11/21/2017	Introduction
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Ordinance Re Charter Amend #2 for 2018 General Election - Countywide Voting

ATTACHMENTS:

SEPA review required? () Yes () NO	Should Clerk schedule a hearing ? (X) Yes () NO
SEPA review completed? () Yes () NO	Requested Date: 12/5/2017

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 forwarding Charter Amendment #2 to the County Auditor for inclusion on the 2018 General Election Ballot, to provide the each member of the Whatcom County Council be elected by majority vote of the registered voters of Whatcom County at General Elections

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

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PROPOSED BY: BROWNE
INTRODUCTION DATE: NOVEMBER 21, 2017

ORDINANCE NO. _____

**FORWARDING CHARTER AMENDMENT 2 TO THE COUNTY AUDITOR, FOR
INCLUSION ON THE 2018 GENERAL ELECTION BALLOT, TO PROVIDE THAT EACH
MEMBER OF THE WHATCOM COUNTY COUNCIL BE ELECTED BY MAJORITY VOTE OF
THE REGISTERED VOTERS OF WHATCOM COUNTY AT GENERAL ELECTIONS**

WHEREAS, Whatcom County is the most local form of government for over half the population of our county; and

WHEREAS, many of the Whatcom County issues determined by the County Council affect all of Whatcom County's population; and

WHEREAS, each Whatcom County district ensures candidates for county council in the general election have already met district standards by residing in the district and being forwarded from the district as the top two candidates after the primary election; and

WHEREAS, the most recent election cycle has passed in which Whatcom County voters had the experience of district only voting under the new five district system in the general election for county council members; and

WHEREAS, during the 2017 election cycle many candidates either were not invited or did not attend many of the candidate forums because the citizens in those districts have lost the right to vote for them; and

WHEREAS, that council members elected on a district only basis will only be accountable to the approximately 20% of the County voters that reside within their district; and

WHEREAS, the County Government is required to provide services and allocate resources on a fair and equal basis as needed across the entire County but council members elected on a district only basis may feel less obligation to listen to or consider the needs of the approximately 80% of voters that reside outside their districts; and

WHEREAS, a council member elected on a district-only basis is now only accountable to approximately 20% of the County voters that reside within their district but retains the ability to vote to impose taxes on 100% of the County residents, which has created a form of "taxation without representation" that did not exist in prior elections when council members were elected on a Countywide basis; and

WHEREAS, district-only general election voting limits individual Whatcom County voters to only being able to elect a minority of council members who make decisions that may directly affect their lives; and

WHEREAS, many Whatcom County voters were upset by their inability to vote for all councilmembers who directly affect their lives and were in the last general election; and

WHEREAS, the ballot title of the measure that changed Whatcom County's voting process last year may have been confusing to some voters because there was a Proposition No. 2015-1 related to the jail facilities and use tax and also Proposition No. 1 which related to the Method of Electing Council Members; and

WHEREAS, Section 8.23 of the County Charter states 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; and

NOW, THEREFORE, BE IT ORDAINED, that the Whatcom County Council approves that the County Auditor shall place on the November 2018 general election ballot Charter Amendment 2 as specified in Exhibit A to this ordinance.

ADOPTED this _____ day of _____, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

() Approved () Denied

Civil Deputy Prosecutor

Jack Louws, County Executive

Date: _____

EXHIBIT A

WHATCOM COUNTY CHARTER AMENDMENT NO. 2

BALLOT TITLE

SHALL SECTION 2.13 OF THE WHATCOM COUNTY CHARTER BE AMENDED TO PROVIDE THAT, FOLLOWING THE PRIMARY ELECTION, THE TOP TWO CANDIDATES FROM EACH COUNCIL DISTRICT SHALL BE FORWARDED TO THE GENERAL ELECTION BALLOT TO BE ELECTED BY MAJORITY VOTE OF THE REGISTERED VOTERS OF WHATCOM COUNTY.

Proposition No. 2
ELECTING COUNCIL MEMBERS

The Whatcom County Council has proposed an amendment to the Whatcom County Charter concerning the method of electing County Council members. This measure would amend Charter Section 2.13 to provide for election of County Council members by voters from the entire county.

Should this proposal be:

APPROVED _____

REJECTED _____

AMENDED CHARTER LANGUAGE

~~Section 2.13 Election by Council District:~~

~~The registered voters of each Council District shall vote upon each Council member position to be filled from their district at the November general election. The candidate receiving the highest number of votes for each position shall be elected.~~

Section 2.13 - Election Countywide

The registered voters of Whatcom County shall vote upon each Council member position at the November general election. The candidate receiving the highest number of votes for each position shall be elected.