

SPONSERED BY: CONSENT
PROPOSED BY: CONSENT
INTRODUCTION DATE: JUNE 23, 2015

ORDINANCE NO. 2015-029

**PROPOSING AN AMENDMENT TO THE WHATCOM COUNTY CHARTER
TO RESPECT COMMUNITIES AND PROVIDE FOR FAIR
ELECTIONS IN FIVE EQUAL COUNCIL DISTRICTS**

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

WHEREAS, county citizens have testified at the 2015 Charter Review Commission meetings and expressed concerns regarding diversity and representation on the County Council; and

WHEREAS, RCW 29A.76.010 states that:

(a) Each district shall be as compact as possible.

(b) Each district shall consist of geographically contiguous area.

(c) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(d) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest; and

WHEREAS, both rural areas and the City of Bellingham are in each of the three districts and both are communities of interest that, to the extent possible, should not be divided yet are divided under our current three district system; and

WHEREAS, five districts would minimize municipal division and enable communities of interest to remain whole; and

WHEREAS, moving from three districts to five districts will ensure rural and urban geographic areas are represented by a person who resides within their district; and

WHEREAS, five districts as proposed would more closely comply with RCW 29A.76.010 than our three current districts which may be in conflict with existing state law.

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 amendment changing the current system of electing members of the Whatcom County Council from three districts with one at-large council member to a system of five districts in which five of the seven county council members represent her or his district plus two at-large council members.

BE IT FURTHER ORDAINED that the five districts shall have a population as nearly equal as is practicable based on the population reported in the federal decennial census, shall be as compact as possible, shall consist of geographically contiguous area, shall not be drawn purposely to favor or discriminate against any political party or group, and shall, to the extent possible, preserve existing communities of related and mutual interest.

BE IT FURTHER ORDAINED that the initial districts shall be as equal as possible and that District 5 shall contain Ferndale, Lummi Reservation, Lummi Island, Birch Bay, Blaine and Point Roberts; District 4 shall contain Lynden, Sumas, Everson, Nooksack and the surrounding farmland; District 3 shall contain Deming, Welcome, Kendall, Maple Falls, Acme, Sudden Valley, Lake Whatcom, Lake Samish and Chuckanut; District 2 shall be north Bellingham; District 1 shall be south Bellingham.

BE IT FURTHER ORDAINED that the transition shall take place as follows: Districts 1, 2, 3, and At-Large Position A to be elected in 2017, Districts 4, 5, and At-Large Position B to be elected in 2019.

BE IT FINALLY ORDAINED by the Whatcom County Council that the County Auditor shall place on the November 2015 general election ballot a Charter amendment as specified in Exhibits A to this ordinance.

ADOPTED this 7th day of July, 2015.

ATTEST:


Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Carl Weimer, Council Chair

APPROVED AS TO FORM:


Civil Deputy Prosecutor

Approved Denied


Jack Louws, County Executive

Date: 7/1/15

*** 7/9/2015: The County Executive declined to sign.

EXHIBIT A

(CHARTER AMENDMENT – FIVE COUNCIL DISTRICTS)

Whatcom County Council Charter Amendment #1

As adopted by the Whatcom County Council: Shall the Charter be amended to create five equal districts that preserve communities of interest and are as compact as possible? There shall be one council position in each of the five districts plus two at-large who shall be nominated without regard to district.

Ballot Title:

Proposition No. 1

FIVE EQUAL COUNCIL DISTRICTS

The Whatcom County Council has proposed an amendment to the Whatcom County Charter concerning the number of council districts. This measure would amend Charter Section 2.11 and 2.12 to create five equal districts that preserve communities of interest and are as compact as possible. There shall be one council position in each of the five districts plus two at-large who shall be nominated without regard to district. Should this proposal be:

APPROVED _____
REJECTED _____

Amended Charter Language:

Section 2.11 Five ~~Three~~ Districts.

The County Council shall consist of seven (7) members, selected as follows: For purpose of nomination of members of the Council, the county shall divide into five ~~three~~ districts so that each district shall comprise as nearly as possible one-fifth ~~third~~ of the population of the county.

Section 2.12 Nominations.

(a) Nominees by district.

There shall be one ~~two~~ Council positions in each of the five ~~three~~ districts, ~~designated position (A) and position (B), respectively.~~ At the primary election, the qualified electors of each district shall select two (2) candidates for each position to be filled from their district.

(b) Nominee at large.

There shall be one ~~two~~ Council positions designated councilmember at-large, which shall be nominated in different years without regard to district, designated position (A) and position (B), respectively. The two candidates receiving the largest number of votes county-wide at the primary election shall be certified as candidates for the position of councilmember at-large.

Transition language:

A Districting Committee shall be appointed by January 31 of 2016, as per Sections 4.40, 4.41, and 4.42 of the County Charter. The Committee shall draw a districting plan for five Council Districts. The approximate geographic areas covered by each district are anticipated to be:

District 1 – Central and South Bellingham

District 2 – North Bellingham

District 3 – Deming, Kendall, Acme, Sudden Valley, Lake Whatcom, Lake Samish and Chuckanut

District 4 – Lynden, Sumas, Everson and surrounding farmland

District 5 – Lummi Reservation, Lummi Island, Ferndale, Birch Bay, Blaine and Point Roberts.

Council positions 1A, 2A, 3A and the At-large Position shall become Council positions District 1, District 2, District 3 and At-large Position A, respectively. These positions will be elected commencing in 2017.

Council position 1B, 2B and 3B shall become At-large Position B, District 4 and District 5, respectively. These positions shall be elected commencing in 2019.