

WHATCOM COUNTY COUNCIL AGENDA BILLNO. **2005 - 365**

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	M. Blakely	9/8/2005		9/27/2005	Introduction
Division Head:				10/11/2005	Council/Finance
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Ordinance amending WCC Home Rule Charter to correct scrivener's errors

ATTACHMENTS:

SEPA review required? () Yes () NO	Should Clerk schedule a hearing ? () Yes () NO Requested Date:
SEPA review completed? () Yes () NO	

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 amending the Whatcom County Home Rule Charter to correct scrivener's errors and clarify the effective date of adopted ordinances.

COMMITTEE ACTION:

10/11/2005: Committee recommends approval

COUNCIL ACTION:

9/27/2005: Introduced

10/11/2005: Adopted 7-0, Ord. #2005-075

Related County Contract #:**Related File Numbers:****Ordinance or Resolution****Number:** Ord. #2005-075**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.

SPONSORED BY: Consent
PROPOSED BY: Consent
INTRODUCTION DATE: 9/27/2005

ORDINANCE NO. 2005-075

**AMENDING THE WHATCOM COUNTY HOME RULE CHARTER TO CORRECT
SCRIVENER'S ERRORS AND CLARIFY THE EFFECTIVE DATE OF ADOPTED
ORDINANCES**

WHEREAS, the 2005 Whatcom County Charter Review Commission convened to review the Whatcom County Home Rule Charter; and

WHEREAS, it was noted that the Charter has numerous scrivener's errors in punctuation and capitalization; and

WHEREAS, the Whatcom County Council operating procedures adhere to a style guide for business communication that renders the current punctuation and capitalization inconsistencies obsolete;

WHEREAS, Whatcom County Home Rule Charter Section 2.30 - Ordinances, specifies that ordinances shall take effect ten (10) days after the date they are signed by the County Executive or otherwise enacted; and

WHEREAS, in practice, Whatcom County ordinances go into effect ten (10) calendar days after the date they are signed by the County Executive or otherwise enacted, as specified in Charter Section 2.30; and

WHEREAS, Whatcom County Home Rule Charter Section 8.23 - Amendments by the County Council, allows the entire Council, by unanimous vote, to effect amendments to the language of the Charter where the passage of time has rendered language moot or obsolete; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Whatcom County Home Rule Charter be amended as shown in the attached Exhibit A.

_____ day of October, 2005.



Attest:
Dana Brown, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

L. Caskey-Schreiber
Laurie Caskey-Schreiber, Council Chair

APPROVED AS TO FORM:

Karen H. Fisher
Civil Deputy Prosecutor

(☒) Approved (☐) Denied

Pete Kremen
Pete Kremen, County Executive

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CHARTER

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(Repealed Dec. 31, 1981)

Article 1 Powers of the County

Section 1.10 General Powers.

The eCounty shall have all powers possible that a home rule county may have under the Constitution and laws of the United States and the State of Washington. The enumeration of this eCharter of certain rights shall not be construed to deny others retained by the people. *(Amended by referendum 1986)*

Section 1.20 Intergovernmental Relations.

The County may exercise any of its powers or perform any of its duties, functions, projects, or activities jointly or in cooperation with any one or more governments, governmental agencies, municipal corporations, or any private agency or corporation, in any manner permitted by law and participate in the financing thereof.

It shall be the policy of the eCounty to enhance, in every way possible, intergovernmental cooperation.

Section 1.30 Construction.

The power of the County shall be liberally construed; it is intended that this Charter confer the greatest power of local self-government consistent with the Constitution of the State. Specific mention of a particular power or authority shall not be construed as a limitation on general power of the eCounty, but shall be considered as an addition to and supplementary to or explanatory of the powers conferred in general terms by this eCharter.

References to adoption of ordinances by the County Council shall not be construed as impairing the right of the people to initiate or refer ordinances. The word "law" shall

Exhibit A

mean the Constitution and laws of the State of Washington unless context indicates otherwise.

Section 1.40 Name, Boundaries, County Seat, and Classification.

The corporate name of this eCounty shall remain Whatcom County, and it shall have those boundaries provided by the legislature.

The County seat shall be Bellingham, Washington. Branch offices of the eCounty are authorized, and branches hereafter established shall be by ordinance.

Wherever "classification" is significant, this eCounty shall be considered equivalent to a classified county of the class having the population of this county at the time of the last official census.

Article 2 The Legislative Branch

Section 2.10 Composition.

The legislative power of the eCounty not reserved to the people or to the County Executive shall be vested in a County Council.

Section 2.11 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 three districts so that each district shall comprise as nearly as possible one-third of the population of the county. On adoption of the eCharter, the existing commissioner districts shall constitute the three districts for the purpose of nomination of candidates to the County Council.

Section 2.12 Nominations.

(a) Nominees by district.

There shall be two eCouncil positions in each of the 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 eCouncil position designated ~~council member~~ councilmember at-large, which shall be nominated without regard to district. The two candidates receiving the largest number of votes county-wide shall be certified as candidates for the position of ~~council member~~ councilmember at-large.

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Section 2.13 Election Countywide.

The qualified voters of the entire county shall vote upon each ~~council member~~ councilmember position at the November general election. The candidate receiving the highest number of votes for each position shall be elected.

Section 2.14 Terms of Council Members.

The term of office of each elected ~~council member~~ councilmember shall be four (4) years commencing with the second Monday in January following election, and until a successor has been elected and has qualified.

Section 2.20 Powers

The County Council shall exercise its legislative power by adoption and enactment of ordinances or resolutions. It shall have the power:

- (a) To levy taxes, appropriate revenue and adopt budgets for the eCounty.
- (b) To establish the compensation to be paid to all eCounty officers and employees and to provide for the reimbursement of expenses, except that no ~~council member~~ councilmember may receive a salary increase for the term of office during which the ordinance is adopted, nor shall any ~~council member~~ councilmember receive a salary in excess of fifteen (15) percent of that of the County Executive.
- (c) Except as otherwise provided for herein, to establish, abolish, combine and divide by ordinance, non-elective administrative offices and executive departments and to establish their powers and responsibilities.
- (d) To adopt by ordinance comprehensive plans, including improvement plans for the present and future development of the county.

The enumeration of particular legislative powers shall not be construed as limiting the legislative powers of the County Council.

Section 2.21 Council Subpoena Powers.

The County Council may, in connection with the legislative process, make investigations into the affairs of the eCounty and the conduct of any eCounty department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence, and may invoke the aid of any court of competent jurisdiction to carry out such powers, provided that any witness shall have the right to be represented by counsel. The Council, as a whole or by committee, may conduct public hearings on matters of public concern.

Section 2.23 Rules of Procedure.

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1
2 The County Council shall enact by ordinance rules of procedure governing the time,
3 place and conduct of its meetings and hearings and the introduction, publication,
4 consideration and adoption of ordinances, ~~Provided, That~~ provided that the Council
5 shall meet regularly at least semi-monthly. All meetings shall be open to the public
6 except to the extent that executive sessions are authorized by law and a verbatim
7 public record shall be kept of each meeting by electronic or mechanical means for a
8 reasonable period of time as provided by state law and, in addition, written minutes
9 shall be promptly recorded, said minutes to include a summation of the actions and
10 discussions forthcoming from each council meeting, as well as a record of the vote of
11 each ~~council member~~ councilmember.
12

13 Section 2.24 Relationship with Other Branches.

14
15 Except in the exercise of its legislative powers under this Charter, as defined in
16 Section 2.20, the County Council, its staff, and individual ~~council member~~
17 councilmember shall not interfere in the administration of the executive branch. They
18 shall not give orders to or direct, either publicly or privately, any officer, or employee
19 subject to the direction and supervision of the County Executive, executive branch, or
20 other elected official.
21

22 Interaction between the County Council, its staff and individual ~~Council Member~~
23 councilmember, and those officers and employees within the executive branch shall
24 follow procedures agreed to by the County Executive and the County Council.
25 *(Amended by referendum 1995)*
26

27 Section 2.30 Ordinances.

28
29 Every legislative act shall be by ordinance.
30

31 The subject of every ordinance shall be clearly stated in the title, and no ordinance
32 shall contain more than one subject. Ordinances or summaries of them, the places
33 where copies are filed, and the times when they are available for inspection, shall be
34 published when the ordinances are proposed and again upon enactment.
35

36 No ordinance shall be amended unless the new ordinance sets forth each amended
37 section or subsection at full length.
38

39 Ordinances may, by reference, adopt Washington State statutes, or any recognized,
40 printed codes or compilations in whole or in part.
41

42 At least thirteen (13) days shall pass between the introduction and the final passage
43 of every ordinance except emergency ordinances. Every ordinance shall be introduced
44 in its entirety in writing.
45

46 Every ordinance which passes the County Council must be presented to the County
47 Executive. If approved by the Executive, the ordinance shall be signed by the
48 Executive and become law as provided in this section. If not approved by the
49 Executive, the entire ordinance shall be vetoed and returned with the Executive's

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1 written objections, which shall be entered in the journal of eCouncil proceedings. If,
2 within thirty (30) days after being returned to the Council, the ordinance receives the
3 affirmative vote of two-thirds of the entire Council, it shall become law. If the
4 Executive does not either sign or veto an ordinance within ten (10) days, Saturdays,
5 Sundays and holidays excepted, after presentation of the ordinance by the Council, it
6 shall become law without the Executive's signature.

7
8 Except as otherwise provided in this Charter, all ordinances shall take effect ten (10)
9 calendar days after the date they are signed by the County Executive or otherwise
10 enacted or at a later date if stated in the ordinance.

11 12 **Section 2.40 Emergency Ordinances.**

13
14 An ordinance necessary for the immediate preservation of the public peace, health,
15 or safety or support of the eCounty government and its existing institutions may be
16 passed by a two-thirds vote of the County Council, which shall be effective
17 immediately when approved by the County Executive. No emergency ordinances may
18 levy taxes, grant, renew or extend a franchise, regulate the rate charged by any utility
19 or authorize the borrowing of money for more than one hundred and twenty (120)
20 days. An emergency ordinance shall be introduced and passed in the manner
21 prescribed for emergency ordinances generally, except that the emergency and the
22 facts creating it shall be stated in a separate section of the emergency ordinance. The
23 provisions of every ordinance, except one making appropriations from an emergency
24 reserve of borrowing money for one hundred and twenty (120) days or less, shall
25 expire as of the sixty-first (61st) day following the date on which the ordinance
26 became law.

27 28 **Section 2.50 Resolutions.**

29
30 The County Council shall confirm or reject appointments by the County Executive
31 within thirty (30) days of the date the name or names are submitted to it; may pass
32 resolutions to organize and administer the legislative branch; may pass resolutions to
33 make declarations of policy which do not have the force of law and to request
34 information from any other agency of eCounty government. Resolutions shall not be
35 subject to the veto power of the Executive, and the Council in passing resolutions need
36 not comply with the procedural requirements for the introduction, consideration and
37 adoption of ordinances.

38 39 **Section 2.60 Codification of Ordinances.**

40
41 All ordinances of the eCounty which are of a general and permanent nature or
42 impose any fine, penalty, or forfeiture shall be codified in a code which shall be
43 adopted by ordinance and shall be known as the Whatcom County Code. The code shall
44 be kept current to reflect newly adopted, amended or repealed ordinances. A current
45 copy shall be placed in the main regional library and in such other places as the County
46 Council deems appropriate.

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Article 3 The Executive Branch

Section 3.10 Composition and Powers.

The executive branch shall be composed of the County Executive, the County Assessor, the County Auditor, the County Treasurer, the County Sheriff, the officers and employees of administrative offices and executive departments established by this eCharter or created by the County Council and the members of boards and commissions, except boards which have quasi-judicial powers. The executive branch shall have all executive powers of the eCounty under this Charter.

Section 3.22 Powers and Duties.

As Chief Executive Officer, the County Executive shall have all the executive powers of the eCounty 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.
- (b) Execute and enforce all ordinances and state statutes within the county.
- (c) Present to the County Council an annual statement of the governmental affairs of the eCounty and any other report which may be deemed necessary.
- (d) Prepare and present to the County Council budgets and a budget message setting forth proposals for the eCounty during the next fiscal year.
- (e) Prepare and present to the County Council comprehensive plans including capital improvement plans for the present and future development of the county.
- (f) Veto any ordinance adopted by the County Council except as otherwise provided in this Charter.
- (g) Assign duties to administrative offices and executive departments which are not specifically assigned by this Charter or by ordinance.
- (h) Sign or cause to be signed, on behalf of the eCounty, all claims, deeds, contracts and other instruments.

The specific statement of particular executive powers shall not be construed as limiting the executive powers of the County Executive. *(Amended by referendum 1986)*

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 eCounty government.

Section 3.51 Election, Term of Office and Compensation.

There is hereby created by the adoption of this Charter the office of County Assessor, County Auditor, County Treasurer and County Sheriff. These elected officers shall be nominated and elected by the voters of the county, and their terms of office shall be four years and until their successors are elected and qualified. The Assessor, Auditor, Treasurer and Sheriff shall receive compensation as determined by the County

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Council, ~~+-Provided, That~~ provided that compensation shall not be less than the compensation received for these offices at the time of the adoption of the Charter.

Section 3.52 Powers and Duties.

The County Assessor and Sheriff created by adoption of this eCharter shall have the powers and duties of their respective offices as provided by general law, ~~+-Provided~~ provided that these offices and those of the Auditor and Treasurer shall be subject to the personnel, budgeting and any other policies set by the County Council.

The County Auditor shall be the recorder of deeds and other instruments which are required by law to be filed and recorded in the eCounty; shall issue licenses and other records, as specified in eCounty law and as an agent of the state; shall certify and administer all elections within the county and maintain voter rolls and records; shall audit eCounty financial systems, records, and management procedures for compliance with recognized accounting principles and conformance to federal, state, and eCounty laws, policies, and procedures; shall insure the adequacy and standing of eCounty finances through certification of an annual financial report; and shall perform other duties as specified by eCounty law.

The County Treasurer shall be the official responsible for tax and assessment billing and receipt of money due the eCounty; shall disburse funds for the eCounty; shall be responsible for banking relationships, cash and debt management, and investment of funds; shall maintain necessary records and submit regular reports on treasury activities; and shall perform other duties as specified by eCounty law. (Ord. 93-043)

Article 4 Elections

Section 4.10 Election Procedures.

Except as provided in this Article, the nominating primaries and elections of the Assessor, Auditor, Treasurer and Sheriff shall be conducted in accordance with general law governing the election of non-partisan eCounty officers.

Nominating primaries and elections of the County Council and Executive shall be conducted in accordance with general law governing the election of non-partisan eCounty offices. (Amended by referendum 1986)

Section 4.20 Qualifications.

Each eCounty officer holding an elective office shall be, at the time of his appointment or election and at all times while holding office, a citizen of the United States and a resident and registered voter of Whatcom County and ~~council member~~ councilmember shall be residents of the districts which they represent. Any change in the boundaries of the ~~council member~~ councilmember's district which shall cause that member to be no longer a resident of the district which that ~~council member~~ councilmember represents shall not disqualify that ~~council member~~ councilmember

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1 from holding office during the remainder of the term for which that ~~council member~~
2 councilmember was elected or appointed. (*Amended by referendum 1986*)

Section 4.50 Vacancies.

6 An elective office shall become vacant on the death, resignation, recall of the officer;
7 a ~~council member~~ councilmember's absence from three (3) consecutive regular
8 meetings of the County Council, without being excused by the Council; any elected
9 official's absence from the eCounty for thirty (30) days without being excused by the
10 Council, or for other causes. The vacancy shall be filled by the Council as it deems
11 appropriate.

13 Vacancies in elective office shall be filled at the next November general election,
14 unless the vacancy occurs after the day for filing declarations of candidacy, in which
15 case the vacancy shall be filled at the next succeeding November general election. The
16 person elected shall take office upon certification of the results of the election and shall
17 serve the unexpired term of the vacated office. Until a successor has been elected and
18 certified, a majority of the Council shall fill the vacancy by appointment. All persons
19 appointed to fill vacancies shall meet the qualifications of Section 4.20. (*Amended by*
20 *referendum 1986*)

Section 4.60 Commencement of Terms of Office.

23 The election of eCounty officers provided for in this eCharter shall be held on odd-
24 numbered years as provided by general law and the provisions of this Charter. The
25 term of office of elected eCounty officers shall commence on the second Monday of the
26 next January immediately following the November general election.

Article 5 The Public Interest

Section 5.50 The Referendum.

33 The second power reserved by the people is the referendum. It may be ordered on
34 any act, or bill, or ordinance, or any part thereof passed by the County Council except
35 such ordinances as may be necessary for the immediate preservation of the public
36 peace, health or safety or support of the eCounty government and its existing public
37 institutions. Upon registration and validation of a referendum petition, the measure will
38 be ineffective pending the outcome of the referendum procedure. The registering of a
39 referendum petition against one or more items, sections or parts of any act, bill or
40 ordinance will not delay the remainder of the measure from taking effect.

Article 6 Financial Administration

Section 6.20 Budget Information.

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1 At least one hundred thirty-five (135) days prior to the end of the budget cycle, all
2 agencies of eCounty government shall submit to the County Executive information
3 necessary to prepare the budget. (*Ord. 97-042, 1997*).
4

5 **Section 6.40 Budget Message.**

6
7 The budget message shall explain the budget in fiscal terms and in terms of the
8 goals to be accomplished and shall relate the requested appropriations to the
9 comprehensive plans of the eCounty.
10

11 **Section 6.50 Copies of the Budget.**

12
13 Copies of the budget and budget message shall be delivered to the County Auditor
14 and each ~~council member~~ councilmember. The budget message and supporting tables
15 shall be furnished to any interested person upon request for a reasonable fee as
16 established by ordinance and shall be available for public inspection from the time the
17 budget message is delivered.
18

19 **Section 6.60 Consideration and Adoption of the Budget.**

20
21 Prior to the adoption of any appropriation ordinances for the next budget cycle, the
22 County Council shall hold a public hearing to consider the budget presented by the
23 County Executive and shall hold any other public hearings on the budget or any part
24 thereof that it deems advisable. The Council in considering the appropriation
25 ordinances by the Executive, may delete or add items, may reduce or increase the
26 proposed appropriations and may add provisions restricting the expenditure of certain
27 appropriations; but it shall not change the form of the proposed appropriation
28 ordinances submitted by the Executive. The appropriation ordinances adopted by the
29 County Council shall not exceed the estimated revenues of the eCounty for the next
30 budget cycle for each fund including surpluses and reserves, but the Council may
31 increase the amount of the estimated revenues contained in the budget presented by
32 the Executive by reestimating the amount by motion passed by a minimum of five (5)
33 affirmative votes or by creating additional sources of revenue which were not included
34 in the proposed tax and revenue ordinances presented by the Executive. (*Ord. 97-042,*
35 *1997*).
36

37 **Section 6.90 Illegal Contracts.**

38
39 Except as otherwise provided by ordinance, any contract in excess of an
40 appropriation shall be null and void; and any officer, agent or employee of the eCounty
41 knowingly responsible shall be personally liable to anyone damaged by his action. The
42 County Council when requested to do so by the County Executive may adopt an
43 ordinance permitting the eCounty to enter into contracts requiring the payment of
44 funds from appropriations of subsequent budget cycles, but real property shall not be
45 leased to the eCounty for more than one year, unless it is included in a capital budget
46 appropriation ordinance. (*Ord. 97-042, 1997*).
47
48

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Article 7 Personnel System

Section 7.10 Purpose.

The County Council shall, by ordinance, establish and maintain a personnel system for the eCounty.

Section 7.20 Exemptions.

The provisions of this article shall apply to all eCounty positions except:

- (a) Contract employees.
- (b) All volunteer members of boards and commissions appointed by the County Council or County Executive.
- (c) All elected eCounty officers, the County Council, and no more than two other persons in each elected officer's office, who shall be either their first deputy or administrative assistant or confidential secretary, as designated by each officer.
- (d) Other employees as may become necessary as determined by the County Council.

Article 8 Charter Review and Amendments

Section 8.20 Charter Amendment – General Provisions.

Charter amendments may be proposed by the Commission, the County Council or by the public. Any proposed Charter amendment shall be filed and registered with the Auditor and submitted to the voters at the next November general election occurring at least ninety (90) days after registration of the proposed amendment with the Auditor. If more than one amendment is submitted on the same ballot, they shall be submitted in such a manner that the people may vote for or against the amendments separately; provided, an amendment which embraces a single or inter-related subject may be submitted as a single proposition even though it is composed of changes to one or more articles.

If a proposed amendment is approved by a majority of the voters voting on the issues, it shall be effective ten (10) days after the results of the election are certified, unless a later date is specified in the petition or ordinance proposing the amendment. Any implementing ordinance required by any eCharter amendment shall be enacted by the Council within one hundred and eighty (180) days after the amendment is effective, unless the amendment provides otherwise.

Section 8.22 Amendments by the Public.

The public may propose amendments to the eCharter by registering with the Auditor an initiative petition bearing the signatures of registered voters of the county equal in number to, but not less than, twenty (20) percent of the number of votes cast in the

Exhibit A

county in the last gubernatorial election. Signatures shall be registered not more than one hundred twenty (120) days following filing of the petition with the Auditor, who shall submit the amendments to the voters. The one hundred and twenty (120) day period shall begin upon receipt of official notification to petitioner(s) by the Prosecuting Attorney's Office either by certified mail or messenger. If the last day for collecting signatures falls on a weekend or legal holiday, then the one hundred and twenty (120) day period shall extend to the end of the next business day. *(Amended by referendum 1986; Ord. 93-045; amended by referendum 1995)*

Section 8.24 Repeal of Charter.

Any proposal to repeal the eCharter shall include provisions for transition.

Article 9 General Provisions

Section 9.50 Oath of Office and Bonds.

An oath or affirmation to support the Constitutions of the United States and the State of Washington and the Charter and ordinances of Whatcom County and to perform faithfully, impartially, and honestly the duties of office, shall be made by each elected officer before entering upon the duties of office.

A surety bond shall be required for all elected officers and such eCounty employees as may be designated by ordinance. Bonds shall be in the form and amount required by ordinance and the cost borne by the eCounty.

Section 9.60 Information Management.

The County Executive shall establish procedures for maintaining a modern, efficient system for processing, maintaining and disposing of information and records; shall maintain a means to store and maintain, in retrievable manner, all eCounty records which should not be destroyed and which are not necessary for the current operation of eCounty government; and shall provide needed services for all branches of eCounty government in a way that shall be deemed desirable for the efficient operation of the eCounty government.

These procedures shall be in compliance with general law and shall affect all departments of the eCounty, elective or appointed.

Article 10 Transitional Provisions

(Repealed Dec. 31, 1981)