

ORDINANCE NO. _____

**SUBMITTING TO THE QUALIFIED VOTERS OF WHATCOM COUNTY A PROPOSAL TO
REPEAL PROPOSITION 5**

WHEREAS, on June 7, 2022, the Whatcom County Council adopted Ordinance 2022-045, providing for the submission of a proposition to the qualified electors of Whatcom County authorizing the County to lift the limit on regular property taxes under Chapter 84.55 RCW for the purpose of funding for childcare, early learning programs, and increased support for vulnerable children; and

WHEREAS, on August 1, 2022, Council Office staff delivered Ordinance 2022-045 to the Whatcom County Auditor's Office, along with all other required documents to officially file the initiative; and

WHEREAS, the County Auditor included the proposed initiative on the 2022 general election ballot as Proposition 5; and

WHEREAS, Proposition 5 was approved by the voters at the 2022 general election; and

WHEREAS, the citizen initiative process provides the power to initiate new laws, including those that may replace existing laws; and

WHEREAS, the popular referendum provides the power to repeal existing laws; and

WHEREAS, Whatcom County Charter provides citizens the separate powers to initiate and repeal laws; and in Section 5.20; and

WHEREAS, Whatcom County Charter provides citizens the power to initiate new laws in Section 5.20; and

WHEREAS, Whatcom County Charter provides citizens the separate power to repeal laws via referendums in Section 5.50; and

WHEREAS, County Council passed Ordinance 2021-032 to place Proposition 2021-13 on the November 2021 ballot, to lower the signature thresholds to qualify initiatives and mini initiatives – not referendums; and

WHEREAS, voters approved Proposition 2021-13 lowering the signature thresholds to qualify initiatives and mini initiatives – not referendums; and

WHEREAS, The Charter stipulates that petitions to repeal laws (Section 5.60) require more signatures to qualify than are required for qualifying an initiative (Section 5.40); and

WHEREAS, collecting signatures to qualify ballot measures represents substantial commitments of time and financial resources for proponents; and

WHEREAS, as of 2024, 11,035 signatures were required to qualify referendum to repeal a law, and 6313 were required to qualify a measure to initiate a new law; and

WHEREAS, a citizen group, Washingtonians for a Sound Economy, recently filed an initiative petition with the County Auditor to repeal Proposition 5; and

WHEREAS, the group submitted 9620 signatures to the Auditor's office to qualify their repeal proposal via the initiative route; and

WHEREAS, allowing a repeal measure to qualify via the initiative route grants substantial savings of time and financial resources for proponents; and

WHEREAS, on June 5, 2024, the Auditor's Office delivered a certificate of sufficiency to the County Council Office verifying that the petition submitted by Washingtonians for a Sound Economy contains a sufficient number of signatures for an initiative to be included on the 2024 general election ballot; and

WHEREAS; Council recognizes the financial benefits proponents receive by qualifying a repeal measure as an initiative; and

WHEREAS; Council does not have independent legal counsel to assess if this is appropriate;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

1. The County Auditor shall cause notice of the proposed proposition to be published in accordance with the state constitution and general law and shall submit to the qualified electors of the County the proposition hereinafter set forth on the ballot of the county-wide general election to be held on November 5, 2024, and the Clerk of the Council shall certify that proposition to the County Auditor in substantially the following form:

WHATCOM COUNTY, WASHINGTON
PROPOSITION NUMBER 2024-____

This measure would repeal the Children's Initiative Levy Lid Lift, eliminating the 10-year increase of Proposition 2022-5 and all related legislation and implementation, including Ordinance 2022-045 and Ordinance 2022-059. Should this measure be approved?

Yes ()

No ()

2. CORRECTIONS AND EXPLANATORY STATEMENT: The Prosecuting Attorney is authorized to make such minor adjustments to the wording of this proposition as may be required that do not change its substantive meaning and are consistent with the intent of this ordinance, and the Prosecuting Attorney shall prepare an explanatory statement based on this Ordinance for use in the Voters Pamphlet.

3. **EFFECTIVE DATE AND SEVERABILITY:** If the ballot measure proposed herein passes by a majority vote, the levy lid lift previously approved by voters pursuant to Ordinance 2022-045, and levied pursuant to Ordinance 2022-092, and Ordinance 2023-067 will be repealed. Provided that it is consistent with state law, the Council may, through its inherent authority, otherwise amend this ordinance if it determines that circumstances warrant such amendment. If any provision of this ordinance or its application to any person or circumstance is determined to be invalid, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

ADOPTED this _____ day of _____, 2024.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

Dana Brown-Davis
Clerk of the Council

APPROVED AS TO FORM:

George Roche (via email)/DBD
George Roche
Civil Deputy Prosecutor

Barry Buchanan
Council Chair

() Approved () Denied

Satpal Sidhu
County Executive