

Follow-up Resolution from Whatcom County Charter Review Commission to Whatcom County Council

Whereas public trust in local government requires robust oversight, transparency, and adherence to established governance principles.

Whereas an ongoing train of events involving the County Executive and the County Prosecutor continue to raise serious concerns about practices that appear inconsistent with the County Charter, potentially compromising our governance system.

Whereas the Charter Review Committee actively safeguards this foundational document, ensuring it remains an effective framework for county governance.

Whereas the Whatcom County Charter, Section 6.41 Budget Control, specifies “Within six weeks following the end of each quarterly period during the budget cycle, and more often if required, the County Executive shall submit to the County Council a written report showing the relation between the estimated income and expenses and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council may reduce appropriations, except amounts required to meet contractual obligations and for debt, interest and other fixed charges, to such a degree as may be necessary to keep expenditures within the cash income.”

Whereas the operative word is “shall,” meaning this is not optional.

Whereas the report for the fourth quarter of 2024 has still not been submitted two months after the mid-February deadline.

Whereas the County Executive has stated the report for the first quarter of 2025 will likely not be submitted by the mid-May deadline either.

Whereas this is a very serious matter, even more so in a time of budget shortfalls, as it means County Council is being asked to blindly approve expenditures by the Executive without any idea of the state of our public finances.

Whereas this violates the Separation of Powers established in Section 1.5 of the Charter, because it interferes with “the power to levy taxes, appropriate revenue and adopt budgets for the County” explicitly assigned to the County Council in Section 2.20a of the Charter.

Whereas the County Executive has hired additional positions such as a second Deputy Executive, Public Affairs and Strategy Manager, and Policy and Communications Specialist to support his office but has failed to perform the duties assigned by the Charter.

Resolved, that the Whatcom County Charter Review Commission:

1. Emphasizes that failure to hold our most powerful elected officials accountable for violating the Whatcom County Charter and ordinances leads to continued violations and disregard for the rule of law, undermining public trust in our system of governance;
2. Reaffirms our previous resolution adopted on February 27, where, by unanimous vote, we asked the County Council to approach the presiding officer of the

Superior Court to approve hiring an independent counsel to pursue its Section 2.21 powers to “make investigations into the affairs of the County and the conduct of any County 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”;

3. Reminds the County Council that under a Washington State Supreme Court decision involving Island County, the Council cannot hire an independent counsel while the county prosecutor is “willing and able” to perform his duties, but that the decision does not apply to where the prosecutor is unable to perform his duties because he is himself a target of the investigation, and also has attorney-client privilege as concerns actions of the county executive. We therefore propose that the Chair of the County Council approach the presiding officer of the Superior Court with a request to hire independent counsel for that specific purpose; and
4. Encourages the County Council to pursue any mechanisms within their purview to enforce adherence to the County Charter and accountability for noncompliance.