

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Brenner		6/09		6/22/93	Council/Intro
Division Head:				7/6/93	Council/Work Session
Dept. Head:				7/27/93	Council/Hearing
Prosecutor:					
Purchasing/Budget:					
Executive:					

SUBJECT:

Proposed charter amendment to change the County Executive from an elected position to an appointed County Manager.

ATTACHMENTS:

Ordinance

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #: N/A	Should Clerk schedule a hearing? NO / / YES / X / Requested date:
Amount budgeted for this item/project: \$N/A	Is it (or will it be) within budget? YES / / NO / / (Please explain below)
Budget line item number(s):	

This proposed charter change will make the County Executive a professional administrative position of County Manager that would be appointed by a majority vote of the entire County Council, rather than an elected political position. The proposal would eliminate the provision of an Executive veto; enact a Legislative veto over actions of the County Manager; and would have all appointments to boards and commissions made by elected officials, not by a hired administrator. Under the proposal, the County Manager could be removed within 30 days by a majority vote of the entire County Council, rather than through a recall process as would currently be the case.

ORIGINATOR'S RECOMMENDED ACTION:

Pass the ordinance and place it on the ballot for a public vote.

COMMITTEE ACTION TAKEN:**COUNCIL ACTION TAKEN:**

6/22/93: Introduced

7/6/93: Council work session: amended and forwarded for hearing

7/27/93: Council adopted the ordinance with amendments. 6-0

Related File Numbers:

Ordinance or Resolution Number (this item only): Ord 93-044

AMENDED 7/27/93

PROPOSED BY: Brenner

INTRODUCTION DATE: 6/22/93

ORDINANCE NO. 93-044

AMENDMENT TO THE CHARTER TO BE SUBMITTED TO THE VOTERS
CHANGING THE COUNTY EXECUTIVE TO AN APPOINTED
COUNTY MANAGER

WHEREAS, members of the public, the administration, and the County Council have recognized that the structure of county government is presenting problems that hinder the effectiveness of government for the people of Whatcom County; and

WHEREAS, the current structure was patterned after the federal model, a structure that inherently tends to foster conflict in governmental operations rather than promoting efficiency and effectiveness; and

WHEREAS, the complexity of administering the day-to-day operations of a multi-million dollar organization are best served by insuring that competent and knowledgeable management direct such operations; and

WHEREAS, while under the current system a candidate must stand for election, there are no professional requirements to serve as County Executive; and

WHEREAS, in the event where a County Executive were to misuse or mishandle the responsibilities of the office, the only method for removal involves a time consuming, costly, and rigorous process of recall; and

WHEREAS, under the present system the County Council has little recourse over administrative abuse, although the Council is the only perceived line of defense from mismanagement because of its regular public meetings; and

WHEREAS, while the Council has seven members to provide checks and balances against legislative abuse, the Executive has no such checks against administrative mismanagement; and

WHEREAS, governments across the country have adopted and long prospered under council/manager forms of government; and

WHEREAS, the Bellingham Herald, in an editorial last fall, cited its opinion that the current system often leads to conflict and posturing resulting from political ambitions, and that the interests of the citizens would be best served by having an appointed, rather than elected, executive; and

1 WHEREAS, some members of the County Council share the opinion that the
2 interests of the citizens would be best served by having an appointed, rather than
3 elected, executive; and

4 WHEREAS, a proposal has been developed that retains a strong administration,
5 as contemplated by the existing charter, and limits changes only to making the position
6 appointive while eliminating veto authority and responsibility for appointing citizens to
7 boards and commissions;

8 NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
9 the issue of amending the charter to provide for an appointed County Manager rather
10 than elected County Executive is a serious and noteworthy issue that deserves
11 consideration by the citizens of Whatcom County, and hereby puts forth the following
12 amendments for adoption by the voters:

13 Section 2.10 - Composition

14 The legislative power of the county not reserved to the people ~~or to the County~~
15 ~~Executive~~ shall be vested in a County Council.

16 Section 2.20 - Powers

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

19 (a) To levy taxes, appropriate revenue and adopt budgets for the county.

20 (b) To establish the compensation to be paid to all county officers and employees
21 and to provide for the reimbursement of expenses, except that no council member may
22 receive a salary increase for the term of office during which the ordinance is adopted,
23 nor shall any council member receive a salary in excess of fifteen (15) percent of that of
24 the County Executive ~~Manager~~.

25 (c) Except as otherwise provided for herein, to establish, abolish, combine and
26 divide by ordinance, non-elective administrative offices and executive departments and to
27 establish their powers and responsibilities.

28 (d) To adopt by ordinance comprehensive plans, including improvement plans for
29 the present and future development of the county.

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

32 Section 2.24 - Relationship with Other Branches

1 Except in the performance of its legislative functions under this Charter, the
2 County Council, its staff, and individual council members shall not interfere in the
3 administration of the executive manager and/or administrative branch or give orders to
4 or direct, either publicly or privately, any officer, or employee subject to the direction
5 and supervision of the County Executive Manager or other elected official.

6 Section 2.30 Ordinances

7 Every legislative act shall be by ordinance.

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

12 No ordinance shall be amended unless the new ordinance sets forth each
13 amended section or subsection at full length.

14 Ordinances may, by reference, adopt Washington State statutes, or any
15 recognized, printed codes or compilations, in whole or in part.

16 At least thirteen (13) days shall pass between the introduction and the final
17 passage of every ordinance, except emergency ordinances. Every ordinance shall be
18 introduced in its entirety in writing.

19 ~~Every ordinance which passes the County Council must be presented to the~~
20 ~~County Executive. If approved by the Executive, the ordinance shall be signed by the~~
21 ~~Executive and become law as provided in this section. If not approved by the Executive,~~
22 ~~the entire ordinance shall be vetoed and returned with the Executive's written objections,~~
23 ~~which shall be entered in the journal of council proceedings. If, within thirty (30) days~~
24 ~~after being returned to the Council, the ordinance receives the affirmative vote of two-~~
25 ~~thirds of the entire Council, it shall become law. If the Executive does not either sign or~~
26 ~~veto an ordinance within ten (10) days, Saturdays, Sundays and holidays excepted, after~~
27 ~~presentation of the ordinance by the Council, it shall become law without the Executives~~
28 ~~signature.~~

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

32 Section 2.40 - Emergency Ordinances

33 An ordinance necessary for the immediate preservation of the public peace,
34 health, or safety or support of the county government and its existing institutions may be

1 passed by a two-thirds vote of the County Council, which shall be effective immediately
2 ~~when approved by the County Executive~~. No emergency ordinances may levy taxes, grant
3 renew or extend a franchise, regulate the rate charged by any utility or authorize the
4 borrowing of money for more than one hundred and twenty (120) days. An emergency
5 ordinance shall be introduced and passed in the manner prescribed for emergency
6 ordinances generally, except that the emergency and the facts creating it shall be stated
7 in a separate section of the emergency ordinance. The provisions of every ordinance,
8 except one making appropriations from an emergency reserve of borrowing money for
9 one hundred twenty (120) days or less, shall expire as of the sixty-first (61st) day
10 following the date on which the ordinance became law.

11 Section 2.50 - Resolutions

12 The County Council shall confirm or reject appointments by the County Executive
13 ~~Manager~~ within thirty (30) days of the date the name or names are submitted to it; may
14 pass resolutions to organize and administer the legislative branch; may pass resolutions
15 to make declarations of policy which do not have the force of law and to request
16 information from any other agency of county government. ~~Resolutions shall not be~~
17 ~~subject to the veto power of the Executive and~~ The Council in passing resolutions need
18 not comply with the procedural requirements for the introduction, consideration and
19 adoption of ordinances.

20 Article 3 - The ~~Executive~~ ~~Administrative~~ Branch

21 Section 3.10 - Composition and Powers

22 The ~~executive-administrative~~ branch shall be composed of the County Executive
23 ~~Manager~~, the County Assessor, the County Auditor, the County Treasurer, the County
24 Sheriff, the officers and employees of administrative offices and executive departments
25 established by this charter or created by the county council and the members of boards
26 and commissions, except boards which have quasi-judicial powers. The ~~executive~~
27 ~~administrative~~ branch shall have all ~~executive~~ ~~administrative~~ powers of the county under
28 this Charter.

29 Section 3.20 - The County ~~Executive~~ ~~Manager~~

30 The County ~~Executive~~ ~~Manager~~ is the Chief ~~Executive~~ ~~Administrative~~ Officer of
31 Whatcom County.

32 Section 3.21 - ~~Election~~, Term of Office and Compensation

33 The County ~~Executive~~ ~~Manager~~ shall be ~~nominated and elected by the voters of~~
34 ~~the county, and the term of office shall be four years and until the successor is elected~~
35 ~~and qualified~~ ~~appointed by a majority vote of the entire County Council, and shall serve~~

1 at the will of the County Council. The County Executive Manager shall receive
2 compensation as determined by the County Council.

3 In the event removal of the County Manager is deemed warranted, a resolution of
4 removal shall be adopted by super-majority five affirmative votes of the entire County
5 Council at least 30 days prior to the proposed effective date of removal. The resolution
6 shall state the reasons for removal and may suspend the County Manager, with pay, until
7 the specified effective date. The County Manager shall have 20 days from the date of
8 adoption of the resolution to file a reply to the resolution, and may request a public
9 hearing. If a public hearing is requested by the County Manager, it shall be scheduled
10 within 30 days of receipt of the request, and the removal shall be stayed until the public
11 hearing is held and a final vote of removal is approved by a majority five affirmative
12 votes of the entire County Council.

13 Section 3.22 - Powers and Duties

14 ~~As Chief Executive Officer, the County Executive shall have all the executive~~
15 ~~powers of the county which are not expressly vested in other specific elective offices by~~
16 ~~this Charter. The County Executive Manager shall have the power authority to:~~

17 (a) Supervise all administrative offices and executive departments established by
18 this charter or created by the County Council.

19 (b) Execute and enforce all ordinances and state statutes within the County.

20 (c) Present to the County Council an annual statement of the governmental affairs
21 of the county and any other report which may be deemed necessary.

22 (d) Prepare and present to the County Council budgets and a budget message
23 setting forth proposals for the county during the next fiscal year.

24 (e) Prepare and present to the County Council comprehensive plans including
25 capital improvement plans for the present and future development of the county.

26 ~~(f) Veto any ordinance adopted by the County Council except as otherwise~~
27 ~~provided in this Charter.~~

28 (g) Assign duties to administrative offices and executive departments which are
29 not specifically assigned by this Charter or by ordinance.

30 (h) Sign or cause to be signed, on behalf of the county, all claims, deeds,
31 contracts and other instruments.

32 The specific statement of these particular executive-administrative powers shall

1 not be construed as limiting the executive administrative powers of the County Executive
2 Manager.

3 Section 3.23 - Appointments by County Executive Manager and Confirmation

4 The County Executive Manager shall appoint the chief officer of each executive
5 and administrative department and office, except all elected offices; and shall appoint the
6 members of all boards and commissions except as otherwise provided in this Charter.
7 The appointments by the County Executive Manager shall be subject to confirmation by
8 a majority of the County Council. The County Executive Manager may appoint a
9 confidential secretary and administrative assistant without Council confirmation. The
10 term of office of any board or commission member shall not be longer than four (4)
11 years. Terms of members of boards and commissions shall be limited to two (2)
12 consecutive full terms.

13 Section 3.25 - Qualifications

14 The chief officers appointed by the County Executive Manager shall be appointed
15 on the basis of their abilities, qualifications, integrity and prior experience concerning the
16 duties of the office to which they shall be appointed.

17 Section 3.26 - Executive Pro Tempore

18 The County Council, at its annual election, by majority vote, may designate one of
19 its number as Executive Pro Tempore, or in lieu thereof, the Council may appoint any
20 qualified person to serve as Executive Pro Tempore.

21 The Executive Pro Tempore shall hold office at the pleasure of the Council, and
22 in case of the absence or temporary disability of the Executive, perform the duties of
23 Executive except the Executive Pro Tempore shall not have the power to appoint or
24 remove any officer, or to veto any acts of the Council.

25 Section 3.61 - Clerk of the Superior Court

26 The Clerk of the Superior Court shall be appointed by the County Executive
27 Manager and confirmed by a majority of the County Council from a list of at least three
28 candidates submitted to them by the Superior Court Judges. Except as provided in this
29 section, the Clerk shall be subject to the personnel, budgeting, purchasing, property
30 control and records management systems as provided in this Charter or by any
31 ordinance or resolution as the Council may direct.

32 Section 3.62 - County Medical Examiner

33 The County Medical Examiner shall be appointed by the County Executive

1 ~~Manager~~ from applicants approved by the Whatcom County Medical Society and the
2 County Sheriff and shall be confirmed by the County Council. the Medical Examiner
3 shall have a M.D. or D.O. degree and be licensed to practice medicine in this state. The
4 Medical Examiner shall perform duties as prescribed by general law or by ordinances or
5 resolutions adopted by the Council and shall receive compensation as determined by the
6 Council. The Council shall declare by ordinance that the responsibility for property of
7 the deceased be delegated to an officer of the court or county other than the Medical
8 Examiner.

9 Section 4.10 - Election Procedures

10 Except as provided in this article, the nominating primaries and elections of the
11 Assessor, Auditor, Treasurer and Sheriff shall be conducted in accordance with general
12 law governing the elections of non-partisan county officers.

13 Nominating primaries and elections of the County Council ~~and Executive~~ shall be
14 conducted in accordance with general law governing the election of non-partisan county
15 officers.

16 Section 4.30 - Conflict of Interest

17 The County Council, ~~Executive Manager~~, Assessor, Auditor, sheriff and
18 Prosecuting Attorney shall hold no other office or employment within county
19 government.

20 Section 5.10 - Direct Government

21 The people of Whatcom County reserve to themselves the power to make certain
22 proposals, at their option, and to enact or reject them at the polls, independent of the
23 County Council. ~~The veto power of the County Executive does not cover measures~~
24 ~~initiated by or referred to the people.~~

25 Section 6.10 - Presentation and Adoption of budgets

26 At least seventy-five (75) days prior to the end of each fiscal year, the County
27 ~~Executive Manager~~ shall present to the County Council a complete budget and budget
28 message, proposed current expense and capital budget appropriation ordinances, and
29 proposed tax and revenue ordinances necessary to raise sufficient revenues to balance
30 the budget; and at least thirty (30) days prior to the end of the fiscal year, the Council
31 shall adopt appropriation, tax and revenue ordinances for the next fiscal year.

32 Section 6.20 - Budget Information

33 At least one hundred thirty-five (135) days prior to the end of the fiscal year, all

1 agencies of county government shall submit to the County Executive Manager
2 information necessary to prepare the budget.

3 Section 6.30 - Contents of Budget

4 The budget shall include all funds, revenues and reserves; shall be divided into
5 categories, projects, and objects of expense and shall include supporting data deemed
6 advisable by the County Executive Manager or required by ordinance; shall indicate as to
7 each category, project or object of expense the actual expenditures of the preceding fiscal
8 year, the estimated expenditures for the current fiscal year and requested appropriations
9 for the next fiscal year; and shall include the proposed capital improvement program for
10 the next six fiscal years. The expenditures included in the budget for the ensuing fiscal
11 year shall not exceed the estimated revenues.

12 6.41 - Budget Control

13 At the beginning of each quarterly period during the fiscal year, and more often if
14 required, the County Executive Manager shall submit to the County Council a written
15 report showing the relation between the estimated income and expenses and actual
16 income and expenses to date; and if it shall appear that the income is less than
17 anticipated, the Council may reduce appropriations, except amounts required to meet
18 contractual obligations and for debt, interest and other fixed charges, to such a degree as
19 may be necessary to keep expenditures within the cash income.

20 6.60 - Consideration and Adoption of the Budget

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

35 6.71 - Contingency Appropriations

36 The annual budget ordinance shall include contingency funds which shall not be

1 expended unless the County Executive Manager certifies in writing that sufficient funds
2 are available and the County Council adopts an additional appropriation ordinance after
being requested to do so by the Executive Manager.

4 ~~Section 6.73 - Additional Capital Budget Appropriations~~

5 ~~The County Council shall not adopt an additional or amended capital budget~~
6 ~~appropriation ordinance during the fiscal year unless requested to do so by the County~~
7 ~~Executive.~~

8 Section 6.90 - Illegal Contracts

9 Except as otherwise provided by ordinance, any contract in excess of an
10 appropriation shall be null and void; and any officer, agent or employee of the county
11 knowingly responsible shall be personally liable to anyone damaged by that action. The
12 County Council when requested to do so by the County Executive Manager may adopt
13 an ordinance permitting the county to enter into contracts requiring the payment of
14 funds from appropriations of subsequent fiscal years, but real property shall not be
15 leased to the county for more than one year, unless it is included in a capital budget
16 appropriation ordinance.

17 Section 7.20 - Exemptions (Personnel System)

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

19 (a) Contract employees.

20 (b) All volunteer members of boards and commissions appointed by the County
21 Council or County Executive.

22 (c) All elected county officers, the County Council, the County Manager, and no
23 more that two other persons in each elected officer's office, who shall be either their first
24 deputy or administrative assistant or confidential secretary, as designated by each officer.

25 (d) Other employees as may become necessary as determined by the County
26 Council.

27 Section 7.30 - Administration

28 The County Executive Manager shall administer the personnel system of the
29 county in accordance with the personnel rules adopted by the County Council by
30 ordinance.

1 Section 8.23 - Amendments by the County Council

2 The County Council may propose amendments to the Charter by enacting an
3 ordinance to submit a proposed amendment to the voters at the next November general
4 election occurring at least ninety (90) days after enactment. A minimum of five (5)
5 affirmative votes shall be required to enact such an ordinance. ~~An ordinance proposing~~
6 ~~an amendment to the Charter shall not be subject to the veto power of the County~~
7 ~~Executive.~~

8 Section 9.60 - Information Management

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

16 These procedures shall be in compliance with general law and shall affect all
17 departments of the county, elected or appointed.

18 Section 9.70 - Boards and Commissions

19 Appointments to all boards and commissions shall be made by the County Council
20 after a public application process. The term of office of any board or commission member
21 shall not be longer than four (4) years. Terms of members of boards and commissions
22 shall be limited to two (2) consecutive full terms.

23 BE IT FURTHER ORDAINED, that upon approval by the voters this ordinance
24 shall become effective on January 1, 1996.

25 ADOPTED this 27th day of July, 1993.

26
27 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

28 Ramona Reeves
29 Ramona Reeves, Council Clerk

Marge Laidlaw
Marge Laidlaw, Council Chair - acting
Ken Henderson

30 APPROVED AS TO FORM:

() Approved () Denied

31
32 Civil Deputy Prosecutor

Shirley Van Zanten, Executive
33 Date: _____