

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 778-5010



COUNCILMEMBERS
Barbara Brenner
Rud Browne
Barry Buchanan
Todd Donovan
Ken Mann
Satpal Sidhu
Carl Weimer

WHATCOM COUNTY COUNCIL

**COUNCIL AGENDA
FOR NOVEMBER 21, 2017**

MEMBERS OF OUR COMMUNITY WHO REQUIRE
SPECIAL ASSISTANCE TO PARTICIPATE IN OUR
MEETINGS ARE ASKED TO CONTACT OUR OFFICE AT
LEAST 96 HOURS IN ADVANCE

AS A COURTESY TO ALL MEETING ATTENDEES,
CELLULAR PHONE USE IS PROHIBITED IN
THE COUNCIL CHAMBERS

ACCESSIBLE PARKING IS AVAILABLE NEAR THE
COURTHOUSE SOUTH ENTRANCE

OUR REGULAR COUNCIL MEETINGS CAN BE VIEWED LIVE AT
<https://www.youtube.com/user/WhatcomCountyGov>
AND ARE ALSO BROADCAST ON BTV10 (COMCAST CHANNEL 10)
AT 7 P.M. ON THE TWO WEDNESDAYS FOLLOWING EACH
TUESDAY EVENING COUNTY COUNCIL MEETING

PLEASE VISIT US AT WWW.CO.WHATCOM.WA.US FOR THE FOLLOWING:

COUNCIL MEETING AUDIO AND VIDEO
COUNCIL OFFICE EMAIL POLICY
CURRENT COUNCIL AGENDA
CURRENT COUNCIL PACKET
PUBLIC NOTICES
1979 - 2017 ORDINANCES
1979 - 2017 RESOLUTIONS
1984 - 2017 COMMITTEE MINUTES
1979 - 2017 COUNCIL MINUTES

UPCOMING MEETINGS AND EVENTS:

November 23, 2017
Holiday – Office Closed

November 24, 2017
Holiday – Office Closed

December 5, 2017
Regular Council and Committee Meetings
Council Chambers, 311 Grand Avenue

TODAY'S SCHEDULE:

9:30 A.M. – NATURAL RESOURCES COMMITTEE

11 A.M. – FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

1:30 P.M. – PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE

IMMEDIATELY FOLLOWING PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE -
SPECIAL COMMITTEE OF THE WHOLE (MEETING TO BEGIN BY 2:30 P.M.)

COUNCIL COMMITTEE SCHEDULES

NATURAL RESOURCES COMMITTEE

Members: Todd Donovan, Satpal Sidhu, Carl Weimer

9:30 a.m. Tuesday, November 21, 2017

Council Chambers, 311 Grand Avenue

Special Presentation

1. Presentation by Northwest Clean Air Agency regarding air quality in the Columbia Valley (AB2017-310)
Page 1

Committee Discussion and Recommendations to Council

1. Resolution approving recommendations for Open Space Current Use Assessment applications (AB2017-336)
Pages 2 - 67
2. Ordinance amending Whatcom County Code 2.118, reactivating the Whatcom County Wildlife Advisory Committee (AB2017-318)
Pages 68 - 74

Committee Discussion

1. Discussion regarding proposed ordinance establishing the Lake Whatcom Stormwater Utility District (ordinance scheduled for introduction this evening) (AB2017-251C)
Pages 75 - 87
2. Discussion regarding proposed ordinance establishing Whatcom County Code 2.126, Climate Impact Advisory Committee (one of two versions will be recommended for introduction this evening) (AB2017-351)
Pages 88 - 97

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Rud Browne, Ken Mann, Satpal Sidhu

11 a.m. Tuesday, November 21, 2017

Council Chambers, 311 Grand Avenue

County Executive's Report

Special Presentations

1. Quarterly report from Whatcom County Finance Manager Bennett (AB2017-068)
Page 98
2. Semi-annual report from Whatcom County Facilities (AB2017-068)
Page 99

Committee Discussion and Recommendations to Council

1. Ordinance amending Ordinance 2012-050 (establishment of the Birch Bay Drive and Pedestrian Facility project fund and establishing a project based budget for CRP No. 907001) for the fourth time to increase the project based budget for the Birch Bay Drive and Pedestrian Facility project by \$7,850,000, for a total project budget amount of \$11,450,000 (AB2017-320)
Pages 100 – 106

2. Resolution amending the 2017 Flood Control Zone District and Subzones Budgets, fourth request, in the amount of \$83,765 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-324)
Pages 107 - 112
3. Ordinance amending the 2017 Whatcom County Budget, thirteenth request, in the amount of \$4,330,977 (AB2017-325)
Pages 113 - 125
4. Ordinance amending the 2018 Whatcom County Budget, first request, in the amount of \$20,456,067 (AB2017-326)
Pages 126 - 284
5. Request authorization for the County Executive to enter into a contract between Whatcom County Flood Control Zone District and Watershed Science & Engineering to provide Full Equations (FEQ) hydraulic modeling services and assistance to River and Flood staff in revising and running the hydraulic model developed for the Lower Nooksack River to evaluate integrated flood hazard management alternatives, in the amount of \$75,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-337)
Pages 285 - 298
6. Request authorization for the County Executive to enter into a contract between Whatcom County Flood Control Zone District and LandC, etc., LLC to provide Full Equations (FEQ) hydraulic modeling services and assistance to River and Flood staff in revising and running the hydraulic model developed for the Lower Nooksack River to evaluate integrated flood hazard management alternatives, in the amount of \$75,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-338)
Pages 299 - 312
7. Request authorization for the County Executive to enter into a joint funding agreement between Whatcom County Flood Control Zone District and the U.S. Department of the Interior, U.S. Geological Survey, to provide for collection and publication of surface water data at eight USGS stream gages in the Nooksack River Basin for the 2018 Water Year (October 1, 2017 through September 30, 2018), in the amount of \$83,765 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-339)
Pages 313 - 319

Council "Consent Agenda" Items

1. Resolution approving the 2018 recommended Convention Center allocations for tourism-related facilities and activities as defined through RCW 67.28.18.16 (AB2017-340)
Pages 320 - 323
2. Request authorization for the County Executive to enter into a contract between Whatcom County and ThyssenKrupp Elevator Corporation for elevator maintenance, in the amount of \$60,576.20 (AB2017-341)
Pages 324 - 417
3. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Shearer Design, LLC to provide for on-call structural engineering support to the Whatcom County Bridge Program during 2018, in the amount of \$45,000 for a total amended contract amount of \$85,000 (AB2017-342)
Pages 418 - 423
4. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Sargent Engineers, Inc. to provide for on-call structural engineering support to the Whatcom County Bridge Program during 2018, in the amount of \$45,000 for a total amended contract amount of \$85,000 (AB2017-343)
Pages 424 - 429

5. Request authorization for the County Executive to enter into a lease agreement between Whatcom County and Pioneer Human Services for the Behavioral Health Triage Center at 2030 Division Street, in the amount of \$838 per month, for a two year total contract amount of \$20,112 (AB2017-344)
Pages 430 - 441

Committee Discussion

1. Discussion regarding proposed ordinance amending (second amendment) Ordinance 2016-049, 2017 Whatcom County Unified Fee Schedule (ordinance scheduled for introduction this evening) (AB2017-347)
Pages 442 - 448

Other Business

PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE
Members: Barbara Brenner, Todd Donovan, Ken Mann
1:30 p.m. Tuesday, November 21, 2017
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion regarding proposed ordinance adopting a secure medicine return regulation (ordinance schedule for introduction this evening) (AB2017-348)
Pages 449 - 475
2. Discussion regarding a proposal to establish a golf cart zone in Birch Bay (AB2017-354)
Page 476

Other Business

SPECIAL COMMITTEE OF THE WHOLE
Immediately Following Public Works, Health, and Safety Committee (no later than 2:30 p.m.)
Tuesday, November 21, 2017
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion regarding proposed resolution adopting the 2018 budget for the Whatcom County Flood Control Zone District and subzones (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (proposed resolution was introduced on November 8; if amended, Council will introduce a new version this evening) (AB2017-321)
Pages 477 - 497
2. Discussion regarding proposed resolution authorizing the levy of taxes for the Whatcom County Flood Control Zone District for 2018 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (proposed resolution was introduced on November 8; if amended, Council will introduce a new version this evening) (AB2017-331)
Pages 498 - 499
3. Discussion regarding a proposed ordinance amending Whatcom County Code Chapter 16.16 (Critical Areas) and Whatcom County Code Chapter 23.10 (Shoreline Management Program – Purpose and Intent) pertaining to the protection and regulation of environmentally critical areas (AB2016-276L)
Pages 500 - 533

Other Business

COUNCIL AGENDA

REGULAR COUNCIL MEETING
7 p.m. Tuesday, November 21, 2017
Council Chambers, 311 Grand Avenue

CALL TO ORDER
ROLL CALL
FLAG SALUTE
ANNOUNCEMENTS

If you will be handing out paperwork to councilmembers, please give one copy to the clerk for our office files. Thank you.

MINUTES CONSENT

1. Committee of the Whole for September 12, 2017
Pages 534 - 535
2. Special Committee of the Whole for September 12, 2017
Pages 536 - 538
3. Regular County Council for September 12, 2017
Pages 539 - 548
4. Surface Water Work Session for September 19, 2017
Pages 549 - 551
5. Committee of the Whole for September 26, 2017
Pages 552 - 553
6. Special Committee of the Whole for September 26, 2017
Pages 554 - 558
7. Regular County Council for September 26, 2017
Pages 559 - 571
8. Board of Health for October 3, 2017
Pages 572 - 574
9. Committee of the Whole for October 10, 2017
Pages 575 - 577
10. Surface Water Work Session for October 17, 2017
Pages 578 - 581
11. Special Committee of the Whole for October 17, 2017
Pages 582 - 583
12. Committee of the Whole for October 24, 2017
Pages 584 - 585

PUBLIC HEARINGS

Audience members who wish to address the council during a public hearing are asked to sign up at the back of the room before the meeting begins. The council chair will ask those who have signed up to form a line at the podium. Each speaker should state his or her name for the record and will be given three minutes to address the council. Council staff will keep track of time limits and inform speakers when they have thirty seconds left to conclude their comments. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group.

1. Ordinance adopting Whatcom County Zoning Code amendments relating to the Resort Commercial District, Planned Unit Development Chapter, and a new Density Credits Chapter (AB2017-319)
Pages 586 - 621
2. Resolution to sell county tax title property by negotiation - Request No. 2017-04 (AB2017-311A)
Pages 622 - 629
3. Ordinance amending Whatcom County Code Chapter 10.04, establishing the speed limit on a portion of Lake Whatcom Boulevard (AB2017-323)
Pages 630 - 636

4. Ordinance authorizing the levy of taxes for county and state purposes in Whatcom County, Washington, for the year of 2018 (AB2017-327)
Pages 637 - 640
5. Ordinance limiting the 2018 General Fund property tax levy (AB2017-328)
Pages 641 - 642
6. Ordinance authorizing the levy of taxes for conservation futures purposes for 2018 (AB2017-329)
Pages 643 - 644
7. Ordinance authorizing the levy of 2018 property taxes for county road purposes (AB2017-330)
Pages 645 - 647

OPEN SESSION (20 MINUTES)

During open session, audience members can speak to the council on any issue not scheduled for public hearing. Each speaker should state his or her name for the record and will be given three minutes to address the council. Council staff will keep track of time limits and inform speakers when they have thirty seconds left to conclude their comments.

CONSENT AGENDA

Items under this section of the agenda may be considered in a single motion. Councilmembers have received and studied background material on all items. Committee review has taken place on these items, as indicated. Any member of the public, administrative staff or council may ask that an item be considered separately.

(From Finance and Administrative Services Committee)

1. Resolution approving the 2018 recommended Convention Center allocations for tourism-related facilities and activities as defined through RCW 67.28.18.16 (AB2017-340)
Pages 320 - 323
2. Request authorization for the County Executive to enter into a contract between Whatcom County and ThyssenKrupp Elevator Corporation for elevator maintenance, in the amount of \$60,576.20 (AB2017-341)
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Pages 430 - 441

OTHER ITEMS

(From Natural Resources Committee)

1. Resolution approving recommendations for Open Space Current Use Assessment applications (AB2017-336)
Pages 2 - 67

2. Ordinance amending Whatcom County Code 2.118, reactivating the Whatcom County Wildlife Advisory Committee (AB2017-318)
Pages 68 - 74

(From Finance and Administrative Services Committee)

3. Ordinance amending Ordinance 2012-050 (establishment of the Birch Bay Drive and Pedestrian Facility project fund and establishing a project based budget for CRP No. 907001) for the fourth time to increase the project based budget for the Birch Bay Drive and Pedestrian Facility project by \$7,850,000, for a total project budget amount of \$11,450,000 (AB2017-320)
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Pages 313 - 319

(No Committee Assignment)

10. Resolution updating the capital project section of the Lake Whatcom Comprehensive Stormwater Plan (AB2017-322)
Pages 648 - 651

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Per Whatcom County Code 2.03.060 and 100.02.080, applications for council-appointed and FCZD board of supervisor-appointed citizen boards, commissions, and committees may be accepted until 10:00 a.m. on Tuesday of the week prior to the regularly scheduled council meeting at which nominations and possible vote to appoint are scheduled to occur.

1. Appointment to the Whatcom County Planning Commission, partial term ending January 31, 2021, representing District 2, applicant: Stephen Jackson (the Planning Commission assists the Planning and Development Services Department in carrying out its duties, which include helping to prepare and execute the Comprehensive Plan and making recommendations for adoption of official controls and/or amendments) (AB2017-309)
Pages 652 - 656

INTRODUCTION ITEMS

Council action will not be taken. The council may accept these items for introduction (no action) in a single motion. Changes, in terms of committee assignment for example, may be made at this time.

1. Receipt of application(s) for the Lummi Island Ferry Advisory Committee, applicant: Scott Aspman (committee provides review and recommendations to the County Council and Executive on issues that affect the ongoing operations and infrastructure of the ferry service) (application deadline for any other applicants to this vacancy is 10 a.m. November 28, 2017) (AB2017-334)
Pages 657 - 662
2. Ordinance amending the 2017 Whatcom County Budget, fourteenth request, in the amount of \$165,948 (AB2017-345)
Pages – 663 - 675
3. Ordinance amending the 2018 Whatcom County Budget, second request, in the amount of \$290,000 (AB2017-346)
Pages 676 - 682
4. Ordinance amending (second amendment) Ordinance 2016-049, Whatcom County's 2017 Unified Fee Schedule (AB2017-347)
Pages 442 - 448
5. Ordinance adopting a secure medicine return regulation (AB2017-348)
Pages 449 - 475
6. Ordinance establishing the Lake Whatcom Stormwater Utility District (AB2017-251C)
Pages 75 - 87
7. Ordinance repealing Whatcom County Code 3.26, Solid Waste Disposal District Tax, in its entirety (AB2017-349)
Pages 683 - 694
8. Ordinance establishing Whatcom County Code 2.126, Climate Impact Advisory Committee (AB2017-351)
Pages 88 – 97
9. Ordinance amending Whatcom County Code 2.02, County Council (AB2017-352)
Pages 695 - 706

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN

The next regular council meeting is scheduled for 7 p.m. December 5, 2017 in the County Council Chambers, 311 Grand Avenue.

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 676-6690



COUNCILMEMBERS
Barbara Brenner
Rud Browne
Barry Buchanan
Todd Donovan
Ken Mann
Satpal Sidhu
Carl Weimer

WHATCOM COUNTY COUNCIL

AGENDA REVISION NOTICE FOR NOVEMBER 21, 2017 (DISTRIBUTED AT 1 P.M. ON NOVEMBER 20, 2017)

THE FOLLOWING MEETING IS ADDED TO THE COUNCIL'S SCHEDULE:

COMMITTEE OF THE WHOLE

1:15 p.m. Tuesday, November 21, 2017
Council Conference Room, 311 Grand Avenue

Committee Discussion

1. Update on negotiations and strategy planning discussion regarding collective bargaining (AB2017-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.140 (4)(a)]
-

THE FOLLOWING ITEMS ARE ADDED TO THE COUNCIL MEETING AGENDA:

Introduction Items

10. Ordinance forwarding Charter Amendment 1 to the County Auditor, for inclusion on the 2018 General Election ballot, to require a supermajority of the County Council to propose any Charter amendment pertaining to the method of nominating and electing Council members (AB2017-356) (proposed ordinance attached)
11. Ordinance forwarding Charter Amendment 2 to the County Auditor, for inclusion on the 2018 General Election ballot, to provide that each member of the Whatcom County Council be elected by majority vote of the registered voters of Whatcom County at general elections (AB2017-357) (proposed ordinance attached)

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2017 - 356

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	Browne/Do	11/20/2017		11/21/2017	Introduction
Division Head:					
Dept. Head:		11.20.17			
Prosecutor:					
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Ord Re Charter Amend #1 for 2018 General Election - Nominating/Electing Method

ATTACHMENTS:

SEPA review required? () Yes () NO	Should Clerk schedule a hearing ? (X) Yes () NO
SEPA review completed? () Yes () NO	Requested Date: 12/5/2017

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.)

Forwarding Charter Amendment 1 to the County Auditor for inclusion on the 2018 General Election ballot, to require a supermajority of the county Council to propose any Charter Amentment pertaining to the method of nominating and electing council members.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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.

ORDINANCE NO. _____

**FORWARDING CHARTER AMENDMENT 1 TO THE COUNTY AUDITOR, FOR
INCLUSION ON THE 2018 GENERAL ELECTION BALLOT, TO REQUIRE A
SUPERMAJORITY OF THE COUNTY COUNCIL TO PROPOSE ANY CHARTER
AMENDMENT PERTAINING TO THE METHOD OF NOMINATING AND ELECTING
COUNCIL MEMBERS**

WHEREAS, several types of decisions in government are considered too important to allow a legislative body to decide them with a simple majority (50% plus 1) and, therefore, such decisions typically require a super majority (two-thirds) vote; and

WHEREAS, in order for the US Congress to propose an amendment to the United States Constitution a super majority (two-thirds) vote is required in the House of Representatives and the Senate; and

WHEREAS, in order for Washington State Legislature to propose an amendment to United States Constitution a super majority (two-thirds) vote is required in the House of Representatives and the Senate; and

WHEREAS, in 2015 the voters of Whatcom County considered three amendments to the Whatcom County Charter concerning the number of votes required for placing charter amendments onto the ballot; and

WHEREAS, the explanatory statement for Charter Amendment No. 2 of the 2015 Voters stated: *"Currently the County Council may propose Charter amendments if five of seven councilmembers vote to adopt an ordinance presenting such proposal to the voters. This amendment proposed by the Charter Review Commission, if adopted, would alter that requirement where the voters had previously approved an amendment on a matter by at least a 2/3 majority. New proposals by the Council to further amend the Charter on that matter could only be presented to the voters if adopted by a unanimous vote of all councilmembers. A "yes" vote for this amendment is incompatible with a "yes" vote for Proposition No. 10."*; and

WHEREAS, the explanatory statement for Charter Amendment No. 3 of the 2015 Voters stated: *"Currently the County Council may propose Charter amendments if five of seven councilmembers vote to adopt an ordinance presenting such proposal to the voters. This amendment proposed by the Charter Review Commission, if adopted, would change that requirement when the Council is proposing amendments to Charter Sections 2.12 and 2.13 which address the election of councilmembers. A proposal to amend those particular sections could only be presented to the voters if the Council adopted such a proposal by a unanimous vote of all councilmembers. A "yes" vote for this amendment is incompatible with a "yes" vote for Proposition No. 10."*; and

WHEREAS, the explanatory statement for Charter Amendment No. 10 of the 2015 Voters stated: *"The current Whatcom County Charter requires that a simple majority of the Charter Review Commission vote for a proposed charter amendment to place it before the voters. By comparison, a supermajority of the County Council must vote for a proposed charter amendment to place it before the voters. If this amendment passes, the requirement of a supermajority would apply to both Commission and Council and a supermajority would be sufficient for either to place any proposed amendment before the voters. A "yes" vote for this amendment is incompatible with a "yes" vote for either Proposition 2 or 3."*; and

WHEREAS, Proposition 2, 3, and 10 were all approved by a majority of voters in 2015; and

WHEREAS, Proposition 10 appeared after 2 and 3 and voters were informed that a "yes" vote for Proposition 10 was incompatible with a "yes" vote for either Proposition 2 or 3; and

WHEREAS, while 29,636 (51.6%) voters favored Proposition 2, and 29,486 (51.58%) voters favored Proposition 3, and 29,584 (52.5%) voters favored Proposition 10, somehow the provisions of Proposition 3 that contradicted 10 were incorporated into the charter instead of the other way around, which clearly did not reflect the will of the people; and

WHEREAS, the County Charter as amended now has the effect of granting any one member of the County Council veto power over future Councils ability to forward certain Charter amendments to the ballot for the voters of County to be able to decide and this does not reflect the will of the people; and

WHEREAS, left uncorrected the County Charter as amended now sets a precedent whereby the Council may not be able to vote on important issues due to a vacancy, incapacity, or absence on the Council and this does not reflect the will of the people; and

WHEREAS, these restrictions on the power of the peoples elected representatives to propose changes to County Charter for the voters to decide disrespects the will of the voters who participated in the 2015 Whatcom County election along with the very principles and values behind the Constitution of the United States and the State of Washington that our County citizens hold so dear; and

NOW, THEREFORE, BE IT ORDAINED, that the Whatcom County Council, by a supermajority affirmative vote, approves that the County Auditor shall place on the November 2018 general election ballot Charter Amendment 1 as specified in Exhibits A to this ordinance.

ADOPTED this _____ day of _____, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

() Approved () Denied

Civil Deputy Prosecutor

Jack Louws, County Executive

Date: _____

EXHIBIT A

WHATCOM COUNTY CHARTER AMENDMENT NO. 1

BALLOT TITLE

SHALL SECTION 8.23 OF THE WHATCOM COUNTY CHARTER BE AMENDED TO REQUIRE THAT ANY AMENDMENT PROPOSED BY THE COUNTY COUNCIL NEEDS A SUPERMAJORITY VOTE IN ORDER TO BE PLACED ON THE BALLOT?

Proposition No. 1

AMENDMENTS PROPOSED TO THE VOTERS BY THE COUNTY COUNCIL

The Whatcom County Council has proposed an amendment to the Whatcom County Charter concerning voting thresholds to place charter amendments on the ballot. This measure would amend Charter Section 8.23 to require any amendment proposed by the County Council to have a supermajority vote of the Council in order to be placed before the voters on the ballot. Should this proposal be:

APPROVED _____

REJECTED _____

AMENDED CHARTER LANGUAGE

Section 8.23 Amendments by the County Council.

The County Council may propose amendments to the Charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least ninety (90) days after enactment. A supermajority (five of seven) of affirmative votes of the entire membership shall be required to enact such an ordinance, except that if a previous charter amendment was approved by a two-thirds majority of the voters, then no ordinance proposing to the voters further amendment of that matter shall be adopted except by a 7-0 affirmative vote of the Council. ~~No ordinance proposing amendment of any provision of Sections 2.12 or 2.13 of this Charter shall be adopted by the Council except by a 7-0 affirmative vote.~~ An ordinance proposing an amendment to the Charter shall not be subject to the veto power of the County Executive.

The County Council by unanimous vote of the entire Council may effect amendments to the Whatcom County Charter language of the Charter where the passage of time has rendered language moot or obsolete. Such changes shall be made by ordinance, and have a public hearing.

Section 8.23 Amendments by the County Council.

The County Council may propose amendments to the Charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least ninety (90) days after enactment. A supermajority (five of seven) of affirmative votes of the entire membership shall be required to enact such an ordinance, except that if a previous charter amendment was approved by a two-thirds majority of the voters, then no ordinance proposing to the voters further amendment of that matter shall be adopted except by a 7-0 affirmative vote of the Council. An ordinance proposing an amendment to the Charter shall not be subject to the veto power of the County Executive.

The County Council by unanimous vote of the entire Council may effect amendments to the Whatcom County Charter language of the Charter where the passage of time has rendered language moot or obsolete. Such changes shall be made by ordinance, and have a public hearing.

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2017 -- 357

<i>CLEARANCES</i>	<i>Initial</i>	<i>Date</i>	<i>Date Received in Council Office</i>	<i>Agenda Date</i>	<i>Assigned to:</i>
<i>Originator:</i>	Browne	11/20/2017		11/21/2017	Introduction
<i>Division Head:</i>					
<i>Dept. Head:</i>		11.20.17			
<i>Prosecutor:</i>					
<i>Purchasing/Budget:</i>					
<i>Executive:</i>					

TITLE OF DOCUMENT:

Ordinance Re Charter Amend #2 for 2018 General Election - Countywide Voting

ATTACHMENTS:

SEPA review required? () Yes () NO
 SEPA review completed? () Yes () NO

Should Clerk schedule a hearing? (X) Yes () NO
 Requested Date: 12/5/2017

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 forwarding Charter Amendment #2 to the County Auditor for inclusion on the 2018 General Election Ballot, to provide the each member of the Whatcom County Council be elected by majority vote of the registered voters of Whatcom County at General Elections

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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ORDINANCE NO. _____

**FORWARDING CHARTER AMENDMENT 2 TO THE COUNTY AUDITOR, FOR
INCLUSION ON THE 2018 GENERAL ELECTION BALLOT, TO PROVIDE THAT EACH
MEMBER OF THE WHATCOM COUNTY COUNCIL BE ELECTED BY MAJORITY VOTE OF
THE REGISTERED VOTERS OF WHATCOM COUNTY AT GENERAL ELECTIONS**

WHEREAS, Whatcom County is the most local form of government for over half the population of our county; and

WHEREAS, many of the Whatcom County issues determined by the County Council affect all of Whatcom County's population; and

WHEREAS, each Whatcom County district ensures candidates for county council in the general election have already met district standards by residing in the district and being forwarded from the district as the top two candidates after the primary election; and

WHEREAS, the most recent election cycle has passed in which Whatcom County voters had the experience of district only voting under the new five district system in the general election for county council members; and

WHEREAS, during the 2017 election cycle many candidates either were not invited or did not attend many of the candidate forums because the citizens in those districts have lost the right to vote for them; and

WHEREAS, that council members elected on a district only basis will only be accountable to the approximately 20% of the County voters that reside within their district; and

WHEREAS, the County Government is required to provide services and allocate resources on a fair and equal basis as needed across the entire County but council members elected on a district only basis may feel less obligation to listen to or consider the needs of the approximately 80% of voters that reside outside their districts; and

WHEREAS, a council member elected on a district-only basis is now only accountable to approximately 20% of the County voters that reside within their district but retains the ability to vote to impose taxes on 100% of the County residents, which has created a form of "taxation without representation" that did not exist in prior elections when council members were elected on a Countywide basis; and

WHEREAS, district-only general election voting limits individual Whatcom County voters to only being able to elect a minority of council members who make decisions that may directly affect their lives; and

WHEREAS, many Whatcom County voters were upset by their inability to vote for all councilmembers who directly affect their lives and were in the last general election; and

WHEREAS, the ballot title of the measure that changed Whatcom County's voting process last year may have been confusing to some voters because there was a Proposition No. 2015-1 related to the jail facilities and use tax and also Proposition No. 1 which related to the Method of Electing Council Members; and

WHEREAS, Section 8.23 of the County Charter states the County Council may propose amendments to the Charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least ninety (90) days after enactment; and

NOW, THEREFORE, BE IT ORDAINED, that the Whatcom County Council approves that the County Auditor shall place on the November 2018 general election ballot Charter Amendment 2 as specified in Exhibit A to this ordinance.

ADOPTED this _____ day of _____, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

() Approved () Denied

Civil Deputy Prosecutor

Jack Louws, County Executive

Date: _____

EXHIBIT A

WHATCOM COUNTY CHARTER AMENDMENT NO. 2

BALLOT TITLE

SHALL SECTION 2.13 OF THE WHATCOM COUNTY CHARTER BE AMENDED TO PROVIDE THAT, FOLLOWING THE PRIMARY ELECTION, THE TOP TWO CANDIDATES FROM EACH COUNCIL DISTRICT SHALL BE FORWARDED TO THE GENERAL ELECTION BALLOT TO BE ELECTED BY MAJORITY VOTE OF THE REGISTERED VOTERS OF WHATCOM COUNTY.

Proposition No. 2
ELECTING COUNCIL MEMBERS

The Whatcom County Council has proposed an amendment to the Whatcom County Charter concerning the method of electing County Council members. This measure would amend Charter Section 2.13 to provide for election of County Council members by voters from the entire county.

Should this proposal be:

APPROVED _____
REJECTED _____

AMENDED CHARTER LANGUAGE

~~Section 2.13 Election by Council District:~~

~~The registered voters of each Council District shall vote upon each Council member position to be filled from their district at the November general election. The candidate receiving the highest number of votes for each position shall be elected.~~

Section 2.13 - Election Countywide

The registered voters of Whatcom County shall vote upon each Council member position at the November general election. The candidate receiving the highest number of votes for each position shall be elected.

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 676-6690



COUNCILMEMBERS
Barbara Brenner
Rud Browne
Barry Buchanan
Todd Donovan
Ken Mann
Satpal Sidhu
Carl Weimer

WHATCOM COUNTY COUNCIL

AGENDA REVISION NOTICE FOR NOVEMBER 21, 2017

(DISTRIBUTED AT 6 P.M. ON NOVEMBER 21, 2017)

THE FOLLOWING ITEMS HAVE BEEN ADDED TO THE COUNCIL'S EVENING MEETING AGENDA:

INTRODUCTION

12. Resolution authorizing the levy of taxes for the Whatcom County Flood Control Zone District for 2018 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-331) (proposed resolution attached)
13. Ordinance amending Whatcom County Code Chapter 16.16 (Critical Areas) and Whatcom County Code Chapter 23.10 (Shoreline Management Program – Purpose and Intent) pertaining to the protection and regulation of environmentally critical areas (AB2016-276L) (proposed ordinance can be found here: <https://wa-whatcomcounty.civicplus.com/DocumentCenter/View/31682> - large document that may take time to download and open)
14. Ordinance authorizing the levy of taxes for countywide emergency medical purposes for 2018 (AB2017-358) (proposed ordinance attached)

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2017-331

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	BB	11/21/17		11/21/17	Introduction
Division Head:				12/05/17	Hearing
Dept. Head:					
Prosecutor:	DE	11/21/17			
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:
 A Resolution Authorizing The Levy Of Taxes for the Whatcom County Flood Control Zone District for 2018

ATTACHMENTS:
 Proposed Resolution

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

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.)

The proposed resolution adopts the Whatcom County Flood Control Zone District 2018 tax levy with an increase of \$1,200,000

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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.

PROPOSED BY: Executive
INTRODUCTION DATE: November 21, 2017

RESOLUTION NO. _____
RESOLUTION AUTHORIZING THE LEVY OF TAXES
FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT FOR 2018

WHEREAS, RCW 86.15.160(3) authorizes the Board of Supervisors of the Whatcom County Flood Control Zone District (WCFCZD) to impose an ad valorem property tax levy of up to fifty cents per thousand dollars of assessed value upon real property within the district; and,

WHEREAS, RCW 86.15 and RCW 39.34.190 authorize expenditures to pay for flood control, stormwater management and other water resource work consistent with the powers of the district;

WHEREAS, the Board of Supervisors of the WCFCZD has reviewed the proposed annual budget, including all sources of revenues and anticipated expenditures; and,

WHEREAS, the annual budget provides detailed listings of various revenues including property taxes; and,

WHEREAS, the WCFCZD Board of Supervisors has held a public hearing concerning the annual budget, the property tax rates, and revenues included therein.

NOW, THEREFORE, BE IT RESOLVED by the WCFCZD Board of Supervisors that amounts collected through the WCFCZD levy shall be limited to the amount of 2017 taxes plus, increased for the addition of new construction and improvements to property and any increase in the value of state assessed property. A property tax increase, in addition to the amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, is hereby authorized for the 2018 levy in the amount of \$1,200,000, which is a percentage increase of 34.391324442% from the previous year.

ADOPTED this ____ day of _____, 2017.

ATTEST:

WHATCOM COUNTY FLOOD CONTROL
ZONE DISTRICT BOARD OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, District Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2017-358

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	<i>BB</i>	<i>11/21/17</i>		11/21/17	Introduction
Division Head:				12/05/17	Finance Committee
Dept. Head:					
Prosecutor:	<i>DL</i>	<i>11/21/17</i>			
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:
Ordinance Authorizing the Levy of Taxes for Countywide Emergency Medical Purposes for 2018

ATTACHMENTS:
Proposed Ordinance

SEPA review required? () Yes (<i>X</i>) NO SEPA review completed? () Yes () NO	Should Clerk schedule a hearing? () Yes (<i>x</i>) NO Requested Date:
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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.)*

The proposed ordinance adopts the Whatcom County 2018 tax levy for Countywide Emergency Medical Purposes.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:	Related File Numbers:	Ordinance or Resolution Number:
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PROPOSED BY: Executive
INTRODUCTION DATE: November 21, 2017

ORDINANCE NO. _____
ORDINANCE AUTHORIZING THE LEVY OF TAXES
FOR COUNTYWIDE EMERGENCY MEDICAL PURPOSES FOR 2018

WHEREAS, pursuant to Home Rule Charter Section 6.10 the County Executive is required to submit for Council consideration a budget and proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the budget; and,

WHEREAS, the voters of Whatcom County approved a countywide emergency medical property tax levy for collection beginning in 2017; and

WHEREAS, the County Council has approved a budget for the 2017–2018 biennium, including all sources of revenues and anticipated expenditures on December 6, 2016; and,

WHEREAS, the County Council, in the course of considering the mid-biennium review and modification has reviewed all sources of revenue and examined all anticipated expenses and obligations; and,

WHEREAS, the County Council has determined it is not necessary to increase the Countywide Emergency Medical Fund property tax levy for 2018,

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Whatcom County Council that amounts collected through the Countywide Emergency Medical levy shall be limited to the amount of 2017 taxes, increased for the addition of new construction and improvements to property and any increase in the value of state assessed property. A property tax increase, in addition to the amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, is hereby authorized for the 2018 levy in the amount of \$0, which is a percentage increase of 0% from the previous year.

ADOPTED this ____ day of _____, 2017

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

() APPROVED () NOT APPROVED

Daniel L. Gibson
Civil Deputy Prosecutor

Jack Louws, Executive