

WHATCOM COUNTY CHARTER

Preamble

Treasuring the many wonders of our unique environment and realizing that the power and duty to govern and protect this region is inherent in its people, we, the citizens of Whatcom County, in order to have a government which advances justice, inspires confidence, and fosters responsibility, do adopt as the foundation of our government, this Charter. (Amended by referendum 1995)

Article 1 Powers of the County

Section 1.10 General Powers.

The County 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 Charter of certain rights shall not be construed to deny others retained by the people. (Amended by referendum 1986; Ord. 2005-075 Exh. A)

Section 1.11 Citizens' Rights.

The rights of the individual citizen shall be guaranteed under the Constitutions of the United States and the State of Washington. No regulation or ordinance shall be drafted and adopted without consideration of and provisions for compensation to those unduly burdened. (Added by referendum 1995; added by referendum 2005, amended by referendum 2005)

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 County to enhance, in every way possible, intergovernmental cooperation. (Ord. 2005-075 Exh. A)

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 County, but shall be considered as an addition to and supplementary to or explanatory of the powers conferred in general terms by this Charter.

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 mean the Constitution and laws of the State of Washington unless context indicates otherwise. (Ord. 2005-075 Exh. A)

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

The corporate name of this County 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 County are authorized, and branches hereafter established shall be by ordinance.

Wherever "classification" is significant, this County 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. (Ord. 2005-075 Exh. A)

Section 1.50 Separation of Powers and Cooperation of Branches.

There shall be separation of powers into two branches of government: executive and legislative. Both branches are to dutifully fulfill their responsibilities and refrain from overextending their authority, as defined in this Charter.

Though powers are distributed to the respective branches, each branch shall strive to work with the other branch for a unified government for the people of Whatcom County. (Added by referendum 1995)

Section 1.51 Performance and Strategic Planning.

The executive and legislative branches shall engage in long-term strategic planning to establish organizational structure, priorities, and performance measurements. The County Executive shall present an annual report during the first week of May. (Added by referendum 1995)

Article 2 The Legislative Branch

Section 2.10 Composition.

The legislative power of the County not reserved to the people or to the County Executive shall be vested in a County Council. (Ord. 2005-075 Exh. A)

Section 2.11 Three Districts.¹

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 Charter, the existing commissioner districts shall constitute the three districts for the purpose of nomination of candidates to the County Council. (Ord. 2005-075 Exh. A)

Section 2.12 Nominations.

(a) Nominees by district.

There shall be two Council 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 Council position designated 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 councilmember at-large. (Ord. 2005-075 Exh. A)

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. (Ord. 2007-069 Exh. A (ballot measure certified by voters 11/25/2008); Ord. 2005-075 Exh. A; amended by referendum 2005)

Section 2.14 Terms of Council Members.

The term of office of each elected 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. (Ord. 2005-075 Exh. A)

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 County.
- (b) To establish the compensation to be paid to all County officers and employees and to provide for the reimbursement of expenses, except as provided in Section 6.100.
- (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. (Ord. 2011-026 Exh. A; Ord. 2005-075 Exh. A)

Section 2.21 Council Subpoena Powers.

The County Council may, in connection with the legislative process, 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, 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. (Ord. 2005-075 Exh. A)

Section 2.22 Organization.

The County Council shall annually elect one of its members as chair and a vice-chair who shall act in the absence of the chair. It shall be responsible for its own organization, the rules of conduct of its business and for the employment and supervision of such persons as it deems necessary to assist it in the performance of its duties. A majority of the Council shall constitute a quorum at all meetings. Council action shall require at least a majority of the entire Council except where two-thirds vote is required, in which case two-thirds of the entire Council shall be necessary. (Amended by referendum 1986)

Section 2.23 Rules of Procedure.

The County Council shall enact by ordinance rules of procedure governing the time, place and conduct of its meetings and hearings and the introduction, publication, consideration and adoption of ordinances; provided, that the Council shall meet regularly throughout the year no fewer than 22 times. All meetings shall be open to the public except to the extent that executive sessions are authorized by law and a verbatim public record shall be kept of each meeting by electronic or mechanical means for a reasonable period of time as provided by state law and, in addition, written minutes shall be promptly recorded, said minutes to include a summation of the actions and discussions forthcoming from each council meeting, as well as a record of the vote of each councilmember. (Ord. 2005-075 Exh. A; amended by referendum 2005)

Section 2.24 Relationship with Other Branches.

Except in the exercise of its legislative powers under this Charter, as defined in Section 2.20, the County Council, its staff, and individual councilmembers shall not interfere in the administration of the executive branch. They shall not give orders to or direct, either publicly or privately, any officer, or employee subject to the direction and supervision of the County Executive, executive branch, or other elected official.

Interaction between the County Council, its staff and individual councilmembers, and those officers and employees within the executive branch shall follow procedures agreed to by the County Executive and the County Council. (Amended by referendum 1995; Ord. 2005-075 Exh. A)

Section 2.30 Ordinances.

Every legislative act shall be by ordinance.

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

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

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

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

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

Except as otherwise provided in this Charter, all ordinances shall take effect ten (10) calendar days after the date they are signed by the County Executive or otherwise enacted or at a later date if stated in the ordinance. (Ord. 2005-075 Exh. A)

Section 2.40 Emergency Ordinances.

An ordinance necessary for the immediate preservation of the public peace, health, or safety or support of the County government and its existing institutions may be passed by a two-thirds vote of the County Council, which shall be effective immediately when approved by the County Executive. No emergency ordinances may levy taxes, grant, renew or extend a franchise, regulate the rate charged by any utility or authorize the borrowing of money for more than one hundred and twenty (120) days. An emergency ordinance shall be introduced and passed in the manner prescribed for emergency ordinances generally, except that the emergency and the facts creating it shall be stated in a separate section of the emergency ordinance. The provisions of every ordinance, except one making appropriations from an emergency reserve of borrowing money for one hundred and twenty (120) days or less, shall expire as of the sixty-first (61st) day following the date on which the ordinance became law. (Ord. 2005-075 Exh. A)

Section 2.50 Resolutions.

The County Council shall confirm or reject appointments by the County Executive within thirty (30) days of the date the name or names are submitted to it; may pass resolutions to organize and administer the legislative branch; may pass resolutions to make declarations of policy which do not have the force of law and to request information from any other agency of County government.

Resolutions shall not be subject to the veto power of the Executive, and the Council in passing resolutions need not comply with the procedural requirements for the introduction, consideration and adoption of ordinances. (Ord. 2005-075 Exh. A)

Section 2.60 Codification of Ordinances.

All ordinances of the County which are of a general and permanent nature or impose any fine, penalty, or forfeiture shall be codified in a code which shall be adopted by ordinance and shall be known as the Whatcom County Code. The code shall be kept current to reflect newly adopted, amended or repealed ordinances. A current copy shall be placed in the main regional library and in such other places as the County Council deems appropriate. (Ord. 2005-075 Exh. A)

¹Editor's Note: For the specific designation of each district, see Ch. 1.12.

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 Charter 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 County under this Charter. (Ord. 2005-075 Exh. A)

Section 3.20 The County Executive.

The County Executive is the Chief Executive Officer of Whatcom County.

Section 3.21 Election and Term of Office.

The County Executive shall be nominated and elected by the voters of the county, and the term of office shall be four years and until the successor is elected and qualified. (Ord. 2011-026 Exh. A; Amended by referendum 1986)

Section 3.22 Powers and Duties.

As Chief Executive Officer, the County Executive shall have all the executive powers of the County 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 County 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 County 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 County, 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; Ord. 2005-075 Exh. A)

Section 3.23 Appointments by County Executive and Confirmation.

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

Section 3.24 Appointments by the Chief Officers.

The chief officer of each administrative office and executive department shall appoint all officers and employees of the office or department and shall comply with the rules of the personnel system when appointing officers and employees to positions covered by the personnel system. (Amended by referendum 1986)

Section 3.25 Qualifications.

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

Section 3.26 Executive Pro Tempore.

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

The Executive Pro Tempore shall hold office at the pleasure of the Council, and in case of the absence or temporary disability of the Executive, perform the duties of Executive except the Executive Pro Tempore shall not have power to appoint or remove any officer, or to veto any acts of the County Council. (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 County government. (Ord. 2005-075 Exh. A)

Section 3.40 The Executive Offices.

The executive offices shall consist of the departments of the County Assessor, the County Auditor, the County Treasurer, the County Sheriff and those agencies of the executive branch which are primarily engaged in the execution and enforcement of ordinances and statutes concerning the public peace, health and safety and which furnish or provide governmental services directly to or for the residents of Whatcom County.

Section 3.50 Other Elected Officials

Other elected officials include the Assessor, Auditor, Treasurer and Sheriff.

Section 3.51 Election and Term of Office.

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. (Ord. 2011-026 Exh. A; Ord. 2005-075 Exh. A)

Section 3.52 Powers and Duties.

The County Assessor and Sheriff created by adoption of this Charter shall have the powers and duties of their respective offices as provided by general law, 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 County; shall issue licenses and other records, as specified in County law and as an agent of the state; shall certify and administer all elections within the County, as part of these duties shall publish and distribute a local voters pamphlet for all primary and general elections, and maintain voter rolls and records; shall audit County financial systems, records, and management procedures for compliance with recognized accounting principles and conformance to federal, state, and County laws, policies, and procedures; shall insure the adequacy and standing of County finances through certification of an annual financial report; and shall perform other duties as specified by County law.

The County Treasurer shall be the official responsible for tax and assessment billing and receipt of money due the County; shall disburse funds for the County; 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 County law. (Ord. 93-043; Ord. 2005-075 Exh. A; amended by referendum 2005)

Section 3.53 Appointments by Elected Officials.

The County Assessor, Auditor, Treasurer, and Sheriff each shall hire all officers and employees of the office or department and shall comply with the rules of the personnel system when appointing officers and employees to positions covered by the personnel system. (Amended by referendum 1986)

Section 3.54 Qualifications.

The chief officers appointed by the County Assessor, Auditor, Treasurer, and Sheriff shall be appointed on the basis of their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they shall be appointed.

Section 3.55 County Prosecuting Attorney.

The County Prosecuting Attorney shall have all the powers, authorities and duties granted to and imposed upon a Prosecuting Attorney by State law.

Section 3.60 Appointed Executive Officers.

The appointed Officers are the Clerk of the Superior Court and the County Medical Examiner.

Section 3.61 Clerk of the Superior Court.

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

Section 3.62 County Medical Examiner.

The County Medical Examiner shall be appointed by the County Executive from applicants approved by the Whatcom County Medical Society and the County Sheriff and shall be confirmed by the County Council. The Medical Examiner shall have an M.D. or D.O. degree and be licensed to practice medicine in this state. The Medical Examiner shall perform duties as prescribed by general

law or by ordinances or resolutions adopted by the Council and shall receive compensation as determined by the Council. The Council shall declare by ordinance that the responsibility for property of the deceased be delegated to an officer of the court or county other than the Medical Examiner.

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 County 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 County offices. (Amended by referendum 1986; Ord. 2005-075 Exh. A)

Section 4.20 Qualifications.

Each County 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 councilmembers shall be residents of the districts which they represent. Any change in the boundaries of the councilmember's district which shall cause that member to be no longer a resident of the district which that councilmember represents shall not disqualify that councilmember from holding office during the remainder of the term for which that councilmember was elected or appointed. (Amended by referendum 1986; Ord. 2005-075 Exh. A)

Section 4.30 Conflict of Interest.

The County Council, Executive, Assessor, Auditor, Treasurer, Sheriff and Prosecuting Attorney shall hold no other office or employment within County government. (Amended by referendum 1986; Ord. 93-046 (part))

Section 4.40 District Boundaries.

The boundaries of each district shall correspond as nearly as practical with the boundaries of election precincts and shall be drawn to produce districts with compact and contiguous territory, composed of geographic units which are approximately equal in population.

Section 4.41 Districting Committee.

During the month of January, 1981, and by January 31 of each tenth year thereafter, a five-member Districting Committee shall be appointed. The County Council shall appoint four persons to the committee, two from each major political party, the four to appoint the fifth who shall be the Chairman. The Districting Committee shall within thirty (30) days of its appointment meet and appoint a Districting Master who shall be qualified by education, training and experience to draw a districting plan. If the Districting Committee is unable to agree upon the appointment of a Districting Master within thirty (30) days, the County Council shall appoint a Districting Master by March 31 of that year.

Section 4.42 Districting Plan.

The Districting Master shall draw a districting plan for the county which shall be submitted by May 1 of the same year to the Districting Committee for adoption with or without amendment. The Districting Committee shall adopt the districting plan within fifteen (15) days. Upon adoption, the districting plan shall be filed with the County Auditor by the Districting Committee. The plan shall become effective upon filing.

Section 4.50 Vacancies.

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

Vacancies in elective office shall be filled at the next November general election, unless the vacancy occurs after the day for filing declarations of candidacy, in which case the vacancy shall be filled at the next succeeding November general election. The person elected shall take office upon certification of the results of the election and shall serve the unexpired term of the vacated office. Until a successor has been elected and certified, a majority of the Council shall fill the vacancy by appointment. All persons appointed to fill vacancies shall meet the qualifications of Section 4.20. (Amended by referendum 1986; Ord. 2005-075 Exh. A; amended by referendum 2005)

Section 4.60 Commencement of Terms of Office.

The election of County officers provided for in this Charter shall be held on odd-numbered years as provided by general law and the provisions of this Charter. The term of office of elected County officers shall commence on the second Monday of the next January immediately following the November general election. (Ord. 2005-075 Exh. A)

Article 5 The Public Interest¹

Section 5.10 Direct Government.

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

Section 5.20 The Initiative.

The first power reserved to the people is the initiative. Any act, bill or ordinance or amendment to an ordinance may be proposed by filing, with the Auditor an initiative petition. No ordinance enacted as a result of initiative shall be amended or repealed within two (2) years after enactment except as a result of a subsequent initiative or referendum.

Section 5.30 Initiative – Limitations.

No initiative proposal requiring the expenditure of additional funds for an existing activity or of any funds for a new activity or purpose shall be filed unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.

Section 5.40 Initiative – Procedures.

Any legal voter or organization of legal voters of Whatcom County may file an initiative proposal with the County Auditor, who within five (5) days, excluding Saturday, Sunday and holidays, shall confer with the petitioner to review the proposal as to form and style. The Auditor shall give the proposed initiative a number, which shall thereafter be the identifying number for the measure. The Auditor shall then transmit a copy of the proposal to the Prosecuting Attorney, who within ten (10) days after receipt thereof, in consultation with the petitioner shall formulate a concise statement, posed as a positive question, not to exceed twenty (20) words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title. The petitioner then has one hundred and twenty (120) days to collect the signatures of the registered voters in the county equal in number to not less than fifteen (15) percent of the votes cast in the

county in the last general election. 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. Each petition shall contain the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title. The Auditor shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the proposal to the people at the next general election that is not less than one hundred and twenty (120) days after the registering of the petition, unless the County Council enacts the proposal without change or amendment. If the County Council does not adopt the proposed measure and adopts a substitute measure concerning the same subject matter, the substitute proposal shall be placed on the same ballot with the initiative proposal; and the voters shall be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other. If a majority of those voting on the first issue is for accepting either, then the measure receiving the majority of the votes cast on the second issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither measure shall be approved regardless of the vote on the second issue. (Amended by referendum 1986; Ord. 93-046 (part); amended by referendum 1995)

Section 5.41 Mini-Initiative.

Any ordinance or amendment to an existing ordinance may be proposed to the County Council by registering with the Auditor initiative petitions bearing the signatures of qualified voters equal in number to not less than three (3) per cent of the number of votes cast in the county in the last gubernatorial election. Upon verifying the sufficiency of the signatures, the Auditor shall transmit the initiative petition to the Council which shall hold a public hearing on the proposed ordinance and enact or reject the ordinance within sixty (60) days.

Section 5.42 Initiative – Insufficient Signatures.

If the proponents of an initiative fail to obtain the required number of signatures in the designated time period, but have sufficient signatures to qualify the proposal as a mini-initiative, the proposal shall be treated as a mini-initiative at the request of the proponents. (Amended by referendum 1986)

Section 5.50 The Referendum.

The second power reserved by the people is the referendum. It may be ordered on any act, or bill, or ordinance, or any part thereof passed by the County Council except such ordinances as may be necessary for the immediate preservation of the public peace, health or safety or support of the County government and its existing public institutions. Upon registration and validation of a referendum petition, the measure will be ineffective pending the outcome of the referendum procedure. The registering of a referendum petition against one or more items, sections or parts of any act, bill or ordinance will not delay the remainder of the measure from taking effect. (Ord. 2005-075 Exh. A)

Section 5.60 Referendum – Procedures.

Any legal voter, or organization of legal voters of Whatcom County may file a referendum proposal, against any enacted ordinance or portion thereof, with the County Auditor. The proposal shall be presented to the Auditor within forty-five (45) days after the ordinance is passed by the County Council.

Within five (5) days, excluding Saturday, Sunday and holidays, the Auditor shall confer with the petitioner to review the proposal as to form and style. The Auditor shall give the referendum proposal a number, which shall thereafter be the identifying number for the measure. The Auditor shall then transmit a copy of the proposal to the County Prosecuting Attorney, who within ten (10)

days after receipt thereof, shall formulate a concise statement, posed as a question, not to exceed twenty (20) words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title.

The petitioner then has one hundred and twenty (120) days to collect the signatures of registered voters of the county equal in number to not less than fifteen (15) percent of the number of votes cast in the county in the last general election. 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. Each petition shall contain the full text of the measure being referred and the ballot title. The Auditor shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the measure to the people at the next general election that is not less than one hundred and twenty (120) days after the registering of the petitions. (Amended by referendum 1995)

Section 5.65 Initiatives, Referendums and Mini-Initiatives Numbering System.

The Auditor, when assigning numbers to initiatives, referendums and mini-initiatives, shall use a separate sequential series for each category. No number shall be reissued once used. (Amended by referendum 1986)

Section 5.70 The Recall.

The people further reserve the power of recall as provided in the Constitution and the laws of the State of Washington.

Section 5.80 Implement by Ordinance.

The Council shall enact ordinances to promote the carrying out of the provisions of this article.

¹Editor's Note: For further provisions clarifying the procedures regarding initiatives, referendums, and recalls, see Ch. 1.08.

Article 6 Financial Administration

Section 6.05 Budget Cycle.

The County Council may adopt an ordinance providing for a biennial budget cycle with a mid-biennium review and modification for the second year of the biennium. The County Council may repeal such an ordinance and revert to adopting annual budgets for a period commencing after the end of the biennial budget cycle. The County Council may adopt supplemental and emergency budgets in the same manner and subject to the same conditions as if the County had an annual budget cycle. In lieu of adopting an annual budget, or a biennial budget with a mid-biennium review for all funds, the County Council may adopt an ordinance or a resolution providing for a biennial budget or budgets for any one or more funds for the County, with mid-biennium review and modifications for the second year of the biennium with the other funds remaining on an annual budget. The County Council may repeal such an ordinance or resolution and revert to adopting annual budgets for a period commencing after the end of the biennial budget or biennial budgets for the specific agency fund or funds. The County Council with a biennial budget cycle may adopt supplemental and emergency budgets in the same manner and subject to the same conditions as the County Council adopting an annual budget cycle. (Ord. 97-042, 1997).

Section 6.10 Presentation and Adoption of Budgets.

At least seventy-five (75) days prior to the end of each budget cycle, the County Executive shall present to the County Council a complete budget and budget message, proposed current expense

and capital budget appropriation ordinances, and proposed tax and revenue ordinances necessary to raise sufficient revenues to balance the budget; and at least thirty (30) days prior to the end of the budget cycle, the Council shall adopt appropriation, tax and revenue ordinances for the next budget cycle. (Ord. 97-042, 1997).

Section 6.100 Salaries of Elected Officials.

The county council shall establish by ordinance and in accordance with law an independent "citizens' commission on salaries for elected officials" which shall fix the salaries for the county council, executive, assessor, auditor, prosecuting attorney, sheriff and treasurer. Salary commission members shall serve two-year terms ending December 31, 2014 and every two years thereafter. Members of the salary commission shall serve without compensation, but may receive reimbursement for mileage to and from meetings and for other such expenses directly related to their service as provided by ordinance.

The salary commission shall meet biennially and shall file the salary schedule with the county council and county auditor not later than May 1. The salary schedule shall become effective January 1 of the following calendar year and incorporated into the county budget without further action of the county council, county executive or salary commission.

The salaries for the county council, executive, assessor, auditor, prosecuting attorney, sheriff and treasurer in effect on January 1, 2012 shall remain in effect until changed as provided herein. (Ord. 2011-026 Exh. A)

Section 6.20 Budget Information.

At least one hundred thirty-five (135) days prior to the end of the budget cycle, all agencies of County government shall submit to the County Executive information necessary to prepare the budget. (Ord. 97-042, 1997; Ord. 2005-075 Exh. A).

Section 6.30 Contents of Budget.

The budget shall include all funds, revenues and reserves; shall be divided into categories, projects, and objects of expense and shall include supporting data deemed advisable by the County Executive or required by ordinance; shall indicate as to each category, project or object of expense the actual expenditures of the preceding budget cycle, the estimated expenditures for the current budget cycle and requested appropriations for the next budget cycle; and shall include the proposed capital improvement program for the next six budget cycles. The expenditures included in the budget for the ensuing budget cycle shall not exceed the estimated revenues. (Ord. 97-042, 1997).

Section 6.40 Budget Message.

The budget message shall explain the budget in fiscal terms and in terms of the goals to be accomplished and shall relate the requested appropriations to the comprehensive plans of the County. (Ord. 2005-075 Exh. A)

Section 6.41 Budget Control.

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. (Ord. 97-042, 1997; Amended by referendum 1995)

Section 6.50 Copies of the Budget.

Copies of the budget and budget message shall be delivered to the County Auditor and each councilmember. The budget message and supporting tables shall be furnished to any interested

person upon request for a reasonable fee as established by ordinance and shall be available for public inspection from the time the budget message is delivered. (Ord. 2005-075 Exh. A)

Section 6.60 Consideration and Adoption of the Budget.

Prior to the adoption of any appropriation ordinances for the next budget cycle, the County Council shall hold a public hearing to consider the budget presented by the County Executive and shall hold any other public hearings on the budget or any part thereof that it deems advisable. The Council in considering the appropriation ordinances by the Executive, may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditure of certain appropriations; but it shall not change the form of the proposed appropriation ordinances submitted by the Executive. The appropriation ordinances adopted by the County Council shall not exceed the estimated revenues of the County for the next budget cycle for each fund including surpluses and reserves, but the Council may increase the amount of the estimated revenues contained in the budget presented by the Executive by reestimating the amount by motion passed by a minimum of five (5) affirmative votes or by creating additional sources of revenue which were not included in the proposed tax and revenue ordinances presented by the Executive. (Ord. 2005-075 Exh. A; Ord. 97-042, 1997).

Section 6.70 Additional Appropriations.

Additional funds may be appropriated by contingency or emergency appropriations.

Section 6.71 Contingency Appropriations.

The annual budget ordinance shall include contingency funds which shall not be expended unless the County Executive certifies in writing that sufficient funds are available and the County Council adopts an additional appropriation ordinance after being requested to do so by the Executive.

Section 6.72 Emergency Appropriations.

The County Council may adopt an emergency appropriation ordinance which may appropriate contingency funds, revenues received in excess of the revenues estimated in the budget and funds from any other source available to the County in an emergency.

Section 6.73 Additional Capital Budget Appropriations.

The County Council shall not adopt an additional or amended capital budget appropriation ordinance during the budget cycle unless requested to do so by the County Executive. (Ord. 97-042, 1997).

Section 6.80 Lapses of Appropriations.

Unless otherwise provided by the appropriation ordinances, all unexpended and unencumbered appropriations in the current expense appropriation ordinances shall lapse at the end of the budget cycle. An appropriation in the capital budget appropriation ordinances shall lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three (3) years. (Ord. 97-042, 1997).

Section 6.90 Illegal Contracts.

Except as otherwise provided by ordinance, any contract in excess of an appropriation shall be null and void; and any officer, agent or employee of the County knowingly responsible shall be personally liable to anyone damaged by his action. The County Council when requested to do so by the County Executive may adopt an ordinance permitting the County to enter into contracts requiring the payment of funds from appropriations of subsequent budget cycles, but real property shall not be leased to the County for more than one year, unless it is included in a capital budget appropriation ordinance. (Ord. 2005-075 Exh. A; Ord. 97-042, 1997).

Article 7 Personnel System

Section 7.10 Purpose.

The County Council shall, by ordinance, establish and maintain a personnel system for the County. (Ord. 2005-075 Exh. A)

Section 7.20 Exemptions.

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

(a) Contract employees.

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

(c) All elected County 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. (Ord. 2005-075 Exh. A)

Section 7.30 Administration.

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

Article 8 Charter Review and Amendments

Section 8.10 Charter Review Commission.

This Charter shall be reviewed periodically by a Charter Review Commission as provided in this Article.

Section 8.11 Election and Period of Office.

At least every ten (10) years after the adoption of this Charter, the County Council shall cause an election of a Charter Review Commission, hereinafter referred to as the Commission. The Commission shall consist of fifteen (15) persons, an equal number from each Council district. There shall be no filing fee nor shall there be a primary. The qualified voters of the respective districts shall vote only for candidates from their district at the general election. Candidates' names shall appear on all ballots as drawn by lot. The member of the Commission who receives the greatest number of votes shall convene the Commission. The term of office shall be one year. The Commission shall meet at such times and in such places as it deems appropriate upon having given public notice. (Amended by referendum 1986; Ord. 93-045; amended by referendum 1995)

Section 8.12 Vacancy.

Any vacancy on the Commission shall be filled within fourteen days of the declaration of a vacancy, by the next highest recipient of votes cast in the Charter Review Commissioner election from the district where the vacancy occurs.

If a Commissioner is absent from three (3) consecutive meetings without prior notice being given to the Chair, a vacancy in that position may be declared by a two-thirds vote of the Commissioners. (Amended by referendum 1986)

Section 8.13 Procedures.

The Commission shall review the Charter to determine its adequacy and suitability to the needs of the county and may propose amendments. The Commission may also make recommendations to the County Council and publish its findings. Members of the Commission shall serve without salary, but shall be reimbursed for reasonable out-of-pocket expenses. The Council shall provide to the Commission reasonable funds, facilities and services appropriate to an elected county agency. Provisions for expenditures shall be made in the budget. Expenditures of the Commission shall be budgeted for their scheduled term of office.

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 Charter amendment shall be enacted by the Council within one hundred and eighty (180) days after the amendment is effective, unless the amendment provides otherwise. (Ord. 2005-075 Exh. A)

Section 8.21 Amendments by the Charter Review Commission.

The Commission may propose amendments to the Charter by filing such proposed amendments with the County Council who shall submit the amendment to the voters at the next November general election at least ninety (90) days after the filing and registration of the amendments.

Section 8.22 Amendments by the Public.

The public may propose amendments to the Charter 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 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; Ord. 2005-075 Exh. A)

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 minimum of five (5) affirmative votes shall be required to enact such an ordinance. 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 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. (Amended by referendum 1995)

Section 8.24 Repeal of Charter.

Any proposal to repeal the Charter shall include provisions for transition. (Ord. 2005-075 Exh. A)

Article 9 General Provisions

Section 9.10 Severability and Construction.

The provisions of this Charter are severable. If any provision should be declared to be unconstitutional or inapplicable, it shall not affect the constitutionality or applicability of any other provision of this Charter.

Section 9.20 Purchasing, Contracts, Claims, and Bonds.

The County Council shall by ordinance establish procedures for purchasing supplies, services, materials and equipment, the awarding of contracts, the processing of claims, and the sale or refunding of bonds. The ordinance shall provide when bids shall be required and how invitations for bids shall be advertised.

All purchases, contracts and bonds subject to bid procedures shall be advertised and, unless all bids are rejected, shall be awarded on the basis of sealed bidding to the lowest responsible bidder.

Section 9.30 Franchises.

All franchises granted by the County Council shall be for fixed term not to exceed twenty-five (25) years and no exclusive franchise shall be granted for the use of any street, road or public place. All franchises shall be subject to the power of eminent domain and the right of the Council or the people acting for themselves through the initiative or referendum to repeal, amend or modify the franchise in the interest of the public; and every ordinance granting a franchise shall contain a reservation of these rights. In any proceeding under eminent domain the franchise itself shall have no value.

Section 9.40 Public Disclosure.

Public disclosure of financial interest of elected public officials shall be governed by general law.

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 County employees as may be designated by ordinance. Bonds shall be in the form and amount required by ordinance and the cost borne by the County. (Ord. 2005-075 Exh. A)

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 County records which should not be destroyed and which are not necessary for the current operation of County government; and shall provide needed

services for all branches of County government in a way that shall be deemed desirable for the efficient operation of the County government.

These procedures shall be in compliance with general law and shall affect all departments of the County, elective or appointed. (Ord. 2005-075 Exh. A)

Statements expressing individual views and concerns on various sections of the charter may be found in the minutes of the Whatcom County Board of Freeholders. Copies of the minutes are available in the Bellingham Public Library and the Whatcom County Rural Library Headquarters.