

Whatcom County Home Rule Charter - Some alternative ideas for amending Article 8, §§ 8.20 and/or 8.23 dealing with Charter Amendments

GOAL: Limit, restrict or prohibit if possible, the County Council's powers found in §§ 8.20 and 8.23 which enable Council to propose amendments to the County Home Rule Charter. Do so in such a way as to specifically only address the way in which Council members are chosen by the voters in general elections, as specified in Art.2, Sect. 2.13.

Currently, Article 8 of the Whatcom County Home Rule Charter speaks to Charter Review and Amendments to the Charter. In general, Charter Section 8.20 provides that amendments to the Charter may be proposed by the Charter Review Commission (§8.21, the County Council (§8.23) or by the public (§8.22).

Some ideas that are out there include:

ALTERNATIVE # 1

Amend §8.20 to read: "Charter amendments may be proposed by the Commission, the County Council *(except in matters approved by a 2/3 majority of the voters)*, or by the public.

Above is the text of the actual proposed amendment submitted by Commissioner Ben Elenbaas at the February 9, 2015 meeting of the Charter Review Commission.

Would the "2/3 standard" here continue to allow Council to overturn an amendment approved by the voters with a majority vote that did not reach or exceed a 2/3 vote for approval? If so, wouldn't that potentially allow Council to do what we oppose, were the voters to approve a separate amendment proposal to replace at-large voting for Council members with district voting if the margin of approval was less than a 2/3 majority?

One way to address this concern would be by moving to amend Ben's proposal by striking the "2/3" reference. See also the second item on the next page which suggests amending Section 8.23 rather than section 8.20 to accomplish the goal.

ALTERNATIVE # 2

Amend §8.20 to read: "Charter amendments may be proposed by the Commission, the County Council *(except amendments related to changing matters approved by a 2/3 vote of the public will require a unanimous 7 vote approval)*, or by the public.

This one might be open to the same criticism as the one immediately above.

§§ 8.20 and/or 8.23 dealing with Charter Amendments....continued

ALTERNATIVE # 3

From public comment 1/26:

Amend §8.20 to read: “Charter amendments may be proposed by the Commission, the County Council or by the public. However, the County Council may not propose an amendment that alters or negates an amendment proposed by the Commission or the public and approved by the voters. Any proposed Charter amendment ... “

This change is needed to ensure that the County Council does not override changes that the citizens of Whatcom County have asked for.

This Jan. 26 proposal offered by a member of the public would not allow Council to overturn an amendment passed by the voters if such an amendment originated with the Commission or the public. The language is not specific, or limited to, the issue of district vs. at-large voting, and is more sweeping. It does not include the “2/3 standard”, however. By not speaking more narrowly, only to the specific topic, this language might lead to a much more difficult campaign to get the voters to approve the measure.

ALTERNATIVE # 4

Instead of addressing the matter in Section 8.20 as Ben’s motion does, the Commission might consider addressing the above-stated goal by adding a sentence (highlighted in yellow below) to Section 8.23, the section that speaks *specifically to the County Council’s role* in proposing Charter Amendments.

Amend §8.23 to read: 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. No ordinance to amend any provision of Sections 2.12 or 2.13 of this Charter shall be proposed or enacted by the Council. An ordinance proposing an amendment to the Charter shall not be subject to the veto power of the County Executive.

This proposal could serve as a substitute for Ben’s amendment, if the idea of deleting the “2/3” reference from his amendment was deemed a less desirable way to accomplish the goal stated above.