

# 1 CHARTER

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13 (Repealed Dec. 31, 1981)

14

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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)*

24 **Article 1 Powers of the County**

25

26 **Section 1.10 General Powers.**

27

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33 **Section 1.11 Citizens' Rights.**

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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 generated without consideration of and provisions for compensation to those unduly burdened. *(Added by referendum 1995)*

40 **Section 1.20 Intergovernmental Relations.**

41

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46

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.

1 It shall be the policy of the county to enhance, in every way possible,  
2 intergovernmental cooperation.

3  
4 **Section 1.30 Construction.**

5  
6 The power of the County shall be liberally construed; it is intended that this Charter  
7 confer the greatest power of local self-government consistent with the Constitution of  
8 the State. Specific mention of a particular power or authority shall not be construed as  
9 a limitation on general power of the county, but shall be considered as an addition to  
10 and supplementary to or explanatory of the powers conferred in general terms by this  
11 charter.

12  
13 References to adoption of ordinances by the County Council shall not be construed  
14 as impairing the right of the people to initiate or refer ordinances. The word "law" shall  
15 mean the Constitution and laws of the State of Washington unless context indicates  
16 otherwise.

17  
18 **Section 1.40 Name, Boundaries, County Seat, and**  
19 **Classification.**

20  
21 The corporate name of this county shall remain Whatcom County, and it shall have  
22 those boundaries provided by the legislature.

23  
24 The County seat shall be Bellingham, Washington. Branch offices of the county are  
25 authorized, and branches hereafter established shall be by ordinance.

26  
27 Wherever "classification" is significant, this county shall be considered equivalent to  
28 a classified county of the class having the population of this county at the time of the  
29 last official census.

30  
31 **Section 1.50 Separation of Powers and Cooperation of**  
32 **Branches.**

33  
34 There shall be separation of powers into two branches of government: executive and  
35 legislative. Both branches are to dutifully fulfill their responsibilities and refrain from  
36 overextending their authority, as defined in this Charter.

37  
38 Though powers are distributed to the respective branches, each branch shall strive  
39 to work with the other branch for a unified government for the people of Whatcom  
40 County. *(Added by referendum 1995)*

41  
42 **Section 1.51 Performance and Strategic Planning.**

43  
44 The executive and legislative branches shall engage in long-term strategic planning  
45 to establish organizational structure, priorities, and performance measurements. The  
46 County Executive shall present an annual report during the first week of May. *(Added*  
47 *by referendum 1995)*

1 **Article 2 The Legislative Branch**

2  
3 **Section 2.10 Composition.**

4  
5 The legislative power of the county not reserved to the people or to the County  
6 Executive shall be vested in a County Council.

7  
8 **Section 2.11 Three Districts.**

9  
10 The County Council shall consist of seven (7) members, selected as follows: For  
11 purpose of nomination of members of the Council, the county shall divide into three  
12 districts so that each district shall comprise as nearly as possible one-third of the  
13 population of the county. On adoption of the charter, the existing commissioner  
14 districts shall constitute the three districts for the purpose of nomination of candidates  
15 to the County Council.

16  
17 **Section 2.12 Nominations.**

18  
19 (a) Nominees by district.

20 There shall be two council positions in each of the three districts, designated position  
21 (A) and position (B), respectively. At the primary election, the qualified electors of  
22 each district shall select two (2) candidates for each position to be filled from their  
23 district.

24  
25 (b) Nominee at large.

26 There shall be one council position designated council member at-large, which shall  
27 be nominated without regard to district. The two candidates receiving the largest  
28 number of votes county-wide shall be certified as candidates for the position of council  
29 member at-large.

30  
31 **Section 2.13 Election Countywide.**

32  
33 The qualified voters of the entire county shall vote upon each council member  
34 position at the November general election. The candidate receiving the highest number  
35 of votes for each position shall be elected.

36  
37 **Section 2.14 Terms of Council Members.**

38  
39 The term of office of each elected council member shall be four (4) years  
40 commencing with the second Monday in January following election, and until a  
41 successor has been elected and has qualified.

42  
43 **Section 2.20 Powers**

44  
45 The County Council shall exercise its legislative power by adoption and enactment of  
46 ordinances or resolutions. It shall have the power:

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

- 1 (b) To establish the compensation to be paid to all county officers and employees  
2 and to provide for the reimbursement of expenses, except that no council  
3 member may receive a salary increase for the term of office during which the  
4 ordinance is adopted, nor shall any council member receive a salary in excess of  
5 fifteen (15) percent of that of the County Executive.
- 6 (c) Except as otherwise provided for herein, to establish, abolish, combine and  
7 divide by ordinance, non-elective administrative offices and executive  
8 departments and to establish their powers and responsibilities.
- 9 (d) To adopt by ordinance comprehensive plans, including improvement plans for  
10 the present and future development of the county.

11  
12 The enumeration of particular legislative powers shall not be construed as limiting  
13 the legislative powers of the County Council.

14  
15 **Section 2.21 Council Subpoena Powers.**

16  
17 The County Council may, in connection with the legislative process, make  
18 investigations into the affairs of the county and the conduct of any county department,  
19 office or agency and for this purpose may subpoena witnesses, administer oaths, take  
20 testimony and require the production of evidence, and may invoke the aid of any court  
21 of competent jurisdiction to carry out such powers, provided that any witness shall  
22 have the right to be represented by counsel. The Council, as a whole or by committee,  
23 may conduct public hearings on matters of public concern.

24  
25 **Section 2.22 Organization.**

26  
27 The County Council shall annually elect one of its members as chair and a vice-chair  
28 who shall act in the absence of the chair. It shall be responsible for its own  
29 organization, the rules of conduct of its business and for the employment and  
30 supervision of such persons as it deems necessary to assist it in the performance of its  
31 duties. A majority of the Council shall constitute a quorum at all meetings. Council  
32 action shall require at least a majority of the entire Council except where two-thirds  
33 vote is required, in which case two-thirds of the entire Council shall be necessary.  
34 *(Amended by referendum 1986)*

35  
36 **Section 2.23 Rules of Procedure.**

37  
38 The County Council shall enact by ordinance rules of procedure governing the time,  
39 place and conduct of its meetings and hearings and the introduction, publication,  
40 consideration and adoption of ordinances; Provided, That the Council shall meet  
41 regularly at least semi-monthly. All meetings shall be open to the public except to the  
42 extent that executive sessions are authorized by law and a verbatim public record shall  
43 be kept of each meeting by electronic or mechanical means for a reasonable period of  
44 time as provided by state law and, in addition, written minutes shall be promptly  
45 recorded, said minutes to include a summation of the actions and discussions  
46 forthcoming from each council meeting, as well as a record of the vote of each council  
47 member.

48  
49 **Section 2.24 Relationship with Other Branches.**

50

1 Except in the exercise of its legislative powers under this Charter, as defined in  
2 Section 2.20, the County Council, its staff, and individual council members shall not  
3 interfere in the administration of the executive branch. They shall not give orders to or  
4 direct, either publicly or privately, any officer, or employee subject to the direction and  
5 supervision of the County Executive, executive branch, or other elected official.  
6

7 Interaction between the County Council, its staff and individual Council Members,  
8 and those officers and employees within the executive branch shall follow procedures  
9 agreed to by the County Executive and the County Council. *(Amended by referendum*  
10 *1995)*  
11

## 12 **Section 2.30 Ordinances.**

13  
14 Every legislative act shall be by ordinance.

15  
16 The subject of every ordinance shall be clearly stated in the title, and no ordinance  
17 shall contain more than one subject. Ordinances or summaries of them, the places  
18 where copies are filed, and the times when they are available for inspection, shall be  
19 published when the ordinances are proposed and again upon enactment.  
20

21 No ordinance shall be amended unless the new ordinance sets forth each amended  
22 section or subsection at full length.  
23

24 Ordinances may, by reference, adopt Washington State statutes, or any recognized,  
25 printed codes or compilations in whole or in part.  
26

27 At least thirteen (13) days shall pass between the introduction and the final passage  
28 of every ordinance except emergency ordinances. Every ordinance shall be introduced  
29 in its entirety in writing.  
30

31 Every ordinance which passes the County Council must be presented to the County  
32 Executive. If approved by the Executive, the ordinance shall be signed by the  
33 Executive and become law as provided in this section. If not approved by the  
34 Executive, the entire ordinance shall be vetoed and returned with the Executive's  
35 written objections, which shall be entered in the journal of council proceedings. If,  
36 within thirty (30) days after being returned to the Council, the ordinance receives the  
37 affirmative vote of two-thirds of the entire Council, it shall become law. If the  
38 Executive does not either sign or veto an ordinance within ten (10) days, Saturdays,  
39 Sundays and holidays excepted, after presentation of the ordinance by the Council, it  
40 shall become law without the Executive's signature.  
41

42 Except as otherwise provided in this Charter, all ordinances shall take effect ten (10)  
43 days after the date they are signed by the County Executive or otherwise enacted or at  
44 a later date if stated in the ordinance.  
45

## 46 **Section 2.40 Emergency Ordinances.**

47  
48 An ordinance necessary for the immediate preservation of the public peace, health,  
49 or safety or support of the county government and its existing institutions may be  
50 passed by a two-thirds vote of the County Council, which shall be effective

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

11

12 **Section 2.50 Resolutions.**

13

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

22

23 **Section 2.60 Codification of Ordinances.**

24

25 All ordinances of the county which are of a general and permanent nature or impose  
26 any fine, penalty, or forfeiture shall be codified in a code which shall be adopted by  
27 ordinance and shall be known as the Whatcom County Code. The code shall be kept  
28 current to reflect newly adopted, amended or repealed ordinances. A current copy shall  
29 be placed in the main regional library and in such other places as the County Council  
30 deems appropriate.

31

32

33 **Article 3 The Executive Branch**

34

35 **Section 3.10 Composition and Powers.**

36

37 The executive branch shall be composed of the County Executive, the County  
38 Assessor, the County Auditor, the County Treasurer, the County Sheriff, the officers  
39 and employees of administrative offices and executive departments established by this  
40 charter or created by the County Council and the members of boards and  
41 commissions, except boards which have quasi-judicial powers. The executive branch  
42 shall have all executive powers of the county under this Charter.

43

44 **Section 3.20 The County Executive.**

45

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

47

48 **Section 3.21 Election, Term of Office and Compensation.**

1  
2 The County Executive shall be nominated and elected by the voters of the county,  
3 and the term of office shall be four years and until the successor is elected and  
4 qualified. The County Executive shall receive compensation as determined by the  
5 County Council. *(Amended by referendum 1986)*  
6

### 7 **Section 3.22 Powers and Duties.**

8

9 As Chief Executive Officer, the County Executive shall have all the executive powers  
10 of the county which are not expressly vested in other specific elective officers by this  
11 Charter. The County Executive shall have the power to:

- 12 (a) Supervise all administrative offices and executive departments established by  
13 this Charter or created by the County Council.
- 14 (b) Execute and enforce all ordinances and state statutes within the county.
- 15 (c) Present to the County Council an annual statement of the governmental affairs  
16 of the county and any other report which may be deemed necessary.
- 17 (d) Prepare and present to the County Council budgets and a budget message  
18 setting forth proposals for the county during the next fiscal year.
- 19 (e) Prepare and present to the County Council comprehensive plans including capital  
20 improvement plans for the present and future development of the county.
- 21 (f) Veto any ordinance adopted by the County Council except as otherwise provided  
22 in this Charter.
- 23 (g) Assign duties to administrative offices and executive departments which are not  
24 specifically assigned by this Charter or by ordinance.
- 25 (h) Sign or cause to be signed, on behalf of the county, all claims, deeds, contracts  
26 and other instruments.

27 The specific statement of particular executive powers shall not be construed as  
28 limiting the executive powers of the County Executive. *(Amended by referendum 1986)*  
29

### 30 **Section 3.23 Appointments by County Executive and** 31 **Confirmation.**

32

33 The County Executive shall appoint the chief officer of each executive and  
34 administrative department and office, except all elected offices; and shall appoint the  
35 members of all boards and commissions except as otherwise provided in this Charter.  
36 The appointments by the County Executive shall be subject to confirmation by a  
37 majority of the County Council. The County Executive may appoint a confidential  
38 secretary and administrative assistant without Council confirmation. The term of office  
39 of any board or commission member shall not be longer than four (4) years. Terms of  
40 members of boards and commissions shall be limited to two (2) consecutive full terms.  
41

### 42 **Section 3.24 Appointments by the Chief Officers.**

43

44 The chief officer of each administrative office and executive department shall appoint  
45 all officers and employees of the office or department and shall comply with the rules  
46 of the personnel system when appointing officers and employees to positions covered  
47 by the personnel system. *(Amended by referendum 1986)*  
48

### 49 **Section 3.25 Qualifications.**

50

1 The chief officers appointed by the County Executive shall be appointed on the basis  
2 of their abilities, qualifications, integrity and prior experience concerning the duties of  
3 the office to which they shall be appointed.  
4

### 5 **Section 3.26 Executive Pro Tempore.**

6  
7 The County Council, at its annual election, by majority vote, may designate one of  
8 its number as Executive Pro Tempore, or in lieu thereof, the Council may appoint any  
9 qualified person to serve as Executive Pro Tempore.  
10

11 The Executive Pro Tempore shall hold office at the pleasure of the Council, and in  
12 case of the absence or temporary disability of the Executive, perform the duties of  
13 Executive except the Executive Pro Tempore shall not have power to appoint or  
14 remove any officer, or to veto any acts of the County Council. *(Amended by*  
15 *referendum 1986)*  
16

### 17 **Section 3.30 Administrative Offices.**

18  
19 The administrative offices of Whatcom County shall consist of those agencies of the  
20 executive branch which primarily provide administrative services for the various  
21 agencies of county government.  
22

### 23 **Section 3.40 The Executive Offices.**

24  
25 The executive offices shall consist of the departments of the County Assessor, the  
26 County Auditor, the County Treasurer, the County Sheriff and those agencies of the  
27 executive branch which are primarily engaged in the execution and enforcement of  
28 ordinances and statutes concerning the public peace, health and safety and which  
29 furnish or provide governmental services directly to or for the residents of Whatcom  
30 County.  
31

### 32 **Section 3.50 Other Elected Officials**

33  
34 Other elected officials include the Assessor, Auditor, Treasurer and Sheriff.  
35

### 36 **Section 3.51 Election, Term of Office and Compensation.**

37  
38 There is hereby created by the adoption of this Charter the office of County  
39 Assessor, County Auditor, County Treasurer and County Sheriff. These elected officers  
40 shall be nominated and elected by the voters of the county, and their terms of office  
41 shall be four years and until their successors are elected and qualified. The Assessor,  
42 Auditor, Treasurer and Sheriff shall receive compensation as determined by the County  
43 Council; Provided, That compensation shall not be less than the compensation received  
44 for these offices at the time of the adoption of the Charter.  
45

### 46 **Section 3.52 Powers and Duties.**

47  
48 The County Assessor and Sheriff created by adoption of this charter shall have the  
49 powers and duties of their respective offices as provided by general law: Provided that

1 these offices and those of the Auditor and Treasurer shall be subject to the personnel,  
2 budgeting and any other policies set by the County Council.  
3

4 The County Auditor shall be the recorder of deeds and other instruments which are  
5 required by law to be filed and recorded in the county; shall issue licenses and other  
6 records, as specified in county law and as an agent of the state; shall certify and  
7 administer all elections within the county and maintain voter rolls and records; shall  
8 audit county financial systems, records, and management procedures for compliance  
9 with recognized accounting principles and conformance to federal, state, and county  
10 laws, policies, and procedures; shall insure the adequacy and standing of county  
11 finances through certification of an annual financial report; and shall perform other  
12 duties as specified by county law.  
13

14 The County Treasurer shall be the official responsible for tax and assessment billing  
15 and receipt of money due the county; shall disburse funds for the county; shall be  
16 responsible for banking relationships, cash and debt management, and investment of  
17 funds; shall maintain necessary records and submit regular reports on treasury  
18 activities; and shall perform other duties as specified by county law. (*Ord. 93-043*)  
19

### 20 **Section 3.53 Appointments by Elected Officials.**

21  
22 The County Assessor, Auditor, Treasurer, and Sheriff each shall hire all officers and  
23 employees of the office or department and shall comply with the rules of the personnel  
24 system when appointing officers and employees to positions covered by the personnel  
25 system. (*Amended by referendum 1986*)  
26

### 27 **Section 3.54 Qualifications.**

28  
29 The chief officers appointed by the County Assessor, Auditor, Treasurer, and Sheriff  
30 shall be appointed on the basis of their abilities, qualifications, integrity and prior  
31 experience concerning the duties of the office to which they shall be appointed.  
32

### 33 **Section 3.55 County Prosecuting Attorney.**

34  
35 The County Prosecuting Attorney shall have all the powers, authorities and duties  
36 granted to and imposed upon a Prosecuting Attorney by State law.  
37

### 38 **Section 3.60 Appointed Executive Officers.**

39  
40 The appointed Officers are the Clerk of the Superior Court and the County Medical  
41 Examiner.  
42

### 43 **Section 3.61 Clerk of the Superior Court.**

44  
45 The Clerk of the Superior Court shall be appointed by the County Executive and  
46 confirmed by a majority of the County Council from a list of at least three candidates  
47 submitted to them by the Superior Court Judges. Except as provided in this section,  
48 the Clerk shall be subject to the personnel, budgeting, purchasing, property control  
49 and records management systems as provided in this Charter, or by any ordinance or  
50 resolution as the Council may direct.

1  
2 **Section 3.62 County Medical Examiner.**  
3

4 The County Medical Examiner shall be appointed by the County Executive from  
5 applicants approved by the Whatcom County Medical Society and the County Sheriff  
6 and shall be confirmed by the County Council. The Medical Examiner shall have an  
7 M.D. or D.O. degree and be licensed to practice medicine in this state. The Medical  
8 Examiner shall perform duties as prescribed by general law or by ordinances or  
9 resolutions adopted by the Council and shall receive compensation as determined by  
10 the Council. The Council shall declare by ordinance that the responsibility for property  
11 of the deceased be delegated to an officer of the court or county other than the  
12 Medical Examiner.  
13  
14

15 **Article 4 Elections**  
16

17 **Section 4.10 Election Procedures.**  
18

19 Except as provided in this Article, the nominating primaries and elections of the  
20 Assessor, Auditor, Treasurer and Sheriff shall be conducted in accordance with general  
21 law governing the election of non-partisan county officers.  
22

23 Nominating primaries and elections of the County Council and Executive shall be  
24 conducted in accordance with general law governing the election of non-partisan  
25 county offices. *(Amended by referendum 1986)*  
26

27 **Section 4.20 Qualifications.**  
28

29 Each county officer holding an elective office shall be, at the time of his appointment  
30 or election and at all times while holding office, a citizen of the United States and a  
31 resident and registered voter of Whatcom County and council members shall be  
32 residents of the districts which they represent. Any change in the boundaries of the  
33 council member's district which shall cause that member to be no longer a resident of  
34 the district which that council member represents shall not disqualify that council  
35 member from holding office during the remainder of the term for which that council  
36 member was elected or appointed. *(Amended by referendum 1986)*  
37

38 **Section 4.30 Conflict of Interest.**  
39

40 The County Council, Executive, Assessor, Auditor, Treasurer, Sheriff and Prosecuting  
41 Attorney shall hold no other office or employment within County government.  
42 *(Amended by referendum 1986; Ord. 93-046 (part))*  
43

44 **Section 4.40 District Boundaries.**  
45

46 The boundaries of each district shall correspond as nearly as practical with the  
47 boundaries of election precincts and shall be drawn to produce districts with compact

1 and contiguous territory, composed of geographic units which are approximately equal  
2 in population.

3  
4 **Section 4.41 Districting Committee.**

5  
6 During the month of January, 1981, and by January 31 of each tenth year  
7 thereafter, a five-member Districting Committee shall be appointed. The County  
8 Council shall appoint four persons to the committee, two from each major political  
9 party, the four to appoint the fifth who shall be the Chairman. The Districting  
10 Committee shall within thirty (30) days of its appointment meet and appoint a  
11 Districting Master who shall be qualified by education, training and experience to draw  
12 a districting plan. If the Districting Committee is unable to agree upon the appointment  
13 of a Districting Master within thirty (30) days, the County Council shall appoint a  
14 Districting Master by March 31 of that year.

15  
16 **Section 4.42 Districting Plan.**

17  
18 The Districting Master shall draw a districting plan for the county which shall be  
19 submitted by May 1 of the same year to the Districting Committee for adoption with or  
20 without amendment. The Districting Committee shall adopt the districting plan within  
21 fifteen (15) days. Upon adoption, the districting plan shall be filed with the County  
22 Auditor by the Districting Committee. The plan shall become effective upon filing.

23  
24 **Section 4.50 Vacancies.**

25  
26 An elective office shall become vacant on the death, resignation, recall of the officer;  
27 a council member's absence from three (3) consecutive regular meetings of the County  
28 Council, without being excused by the Council; any elected official's absence from the  
29 county for thirty (30) days without being excused by the Council, or for other causes.  
30 The vacancy shall be filled by the Council as it deems appropriate.

31  
32 Vacancies in elective office shall be filled at the next November general election,  
33 unless the vacancy occurs after the day for filing declarations of candidacy, in which  
34 case the vacancy shall be filled at the next succeeding November general election. The  
35 person elected shall take office upon certification of the results of the election and shall  
36 serve the unexpired term of the vacated office. Until a successor has been elected and  
37 certified, a majority of the Council shall fill the vacancy by appointment. All persons  
38 appointed to fill vacancies shall meet the qualifications of Section 4.20. *(Amended by*  
39 *referendum 1986)*

40  
41 **Section 4.60 Commencement of Terms of Office.**

42 The election of county officers provided for in this charter shall be held on odd-  
43 numbered years as provided by general law and the provisions of this Charter. The  
44 term of office of elected county officers shall commence on the second Monday of the  
45 next January immediately following the November general election.

1 **Article 5 The Public Interest**

2  
3 **Section 5.10 Direct Government.**

4  
5 The people of Whatcom County reserve to themselves the power to make certain  
6 proposals, at their option, and to enact or reject them at the polls, independent of the  
7 County Council. The veto power of the County Executive does not cover measures  
8 initiated by or referred to the people.  
9

10 **Section 5.20 The Initiative.**

11  
12 The first power reserved to the people is the initiative. Any act, bill or ordinance or  
13 amendment to an ordinance may be proposed by filing, with the Auditor an initiative  
14 petition. No ordinance enacted as a result of initiative shall be amended or repealed  
15 within two (2) years after enactment except as a result of a subsequent initiative or  
16 referendum.  
17

18 **Section 5.30 Initiative – Limitations.**

19  
20 No initiative proposal requiring the expenditure of additional funds for an existing  
21 activity or of any funds for a new activity or purpose shall be filed unless provisions are  
22 specifically made therein for new or additional sources of revenue which may thereby  
23 be required.  
24

25 **Section 5.40 Initiative – Procedures.**

26  
27 Any legal voter or organization of legal voters of Whatcom County may file an  
28 initiative proposal with the County Auditor, who within five (5) days, excluding  
29 Saturday, Sunday and holidays, shall confer with the petitioner to review the proposal  
30 as to form and style. The Auditor shall give the proposed initiative a number, which  
31 shall thereafter be the identifying number for the measure. The Auditor shall then  
32 transmit a copy of the proposal to the Prosecuting Attorney, who within ten (10) days  
33 after receipt thereof, in consultation with the petitioner shall formulate a concise  
34 statement, posed as a positive question, not to exceed twenty (20) words, which shall  
35 express and give a true and impartial statement of the purpose of the measure. Such  
36 concise statement will be the ballot title. The petitioner then has one hundred and  
37 twenty (120) days to collect the signatures of the registered voters in the county equal  
38 in number to not less than fifteen (15) percent of the votes cast in the county in the  
39 last general election. The one hundred and twenty (120) day period shall begin upon  
40 receipt of official notification to petitioner(s) by the Prosecuting Attorney's Office either  
41 by certified mail or messenger. If the last day for collecting signatures falls on a  
42 weekend or legal holiday, then the one hundred and twenty (120) day period shall  
43 extend to the end of the next business day. Each petition shall contain the full text of  
44 the proposed measure, ordinance or amendment to an ordinance and the ballot title.  
45 The Auditor shall verify the sufficiency of the signatures on the petition and, if it is  
46 validated, submit the proposal to the people at the next general election that is not  
47 less than one hundred and twenty (120) days after the registering of the petition,  
48 unless the County Council enacts the proposal without change or amendment. If the  
49 County Council does not adopt the proposed measure and adopts a substitute measure

1 concerning the same subject matter, the substitute proposal shall be placed on the  
2 same ballot with the initiative proposal; and the voters shall be given the choice of  
3 accepting either or rejecting both and shall then be given the choice of accepting one  
4 and rejecting the other. If a majority of those voting on the first issue is for accepting  
5 either, then the measure receiving the majority of the votes cast on the second issue  
6 shall be deemed approved. If a majority of those voting on the first issue is for  
7 rejecting both, then neither measure shall be approved regardless of the vote on the  
8 second issue. *(Amended by referendum 1986; Ord. 93-046 (part); amended by*  
9 *referendum 1995)*

### 11 **Section 5.41 Mini-Initiative.**

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

### 21 **Section 5.42 Initiative – Insufficient Signatures.**

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

### 28 **Section 5.50 The Referendum.**

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

### 39 **Section 5.60 Referendum – Procedures.**

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

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

1 formulate a concise statement, posed as a question, not to exceed twenty (20) words,  
2 which shall express and give a true and impartial statement of the measure being  
3 referred. Such concise statement will be the ballot title.  
4

5 The petitioner then has one hundred and twenty (120) days to collect the signatures  
6 of registered voters of the county equal in number to not less than fifteen (15) percent  
7 of the number of votes cast in the county in the last general election. The one hundred  
8 and twenty (120) day period shall begin upon receipt of official notification to  
9 petitioner(s) by the Prosecuting Attorney's Office either by certified mail or messenger.  
10 If the last day for collecting signatures falls on a weekend or legal holiday, then the  
11 one hundred and twenty (120) day period shall extend to the end of the next business  
12 day. Each petition shall contain the full text of the measure being referred and the  
13 ballot title. The Auditor shall verify the sufficiency of the signatures on the petition  
14 and, if it is validated, submit the measure to the people at the next general election  
15 that is not less than one hundred and twenty (120) days after the registering of the  
16 petitions. *(Amended by referendum 1995)*  
17

## 18 **Section 5.65 Initiatives, Referendums and Mini-Initiatives** 19 **Numbering System.**

20  
21 The Auditor, when assigning numbers to initiatives, referendums and mini-initiatives,  
22 shall use a separate sequential series for each category. No number shall be reissued  
23 once used. *(Amended by referendum 1986)*  
24

## 25 **Section 5.70 The Recall.**

26  
27 The people further reserve the power of recall as provided in the Constitution and  
28 the laws of the State of Washington.  
29

## 30 **Section 5.80 Implement by Ordinance.**

31  
32 The Council shall enact ordinances to promote the carrying out of the provisions of  
33 this article.  
34  
35

# 36 **Article 6 Financial Administration**

## 37 38 **Section 6.05 Budget Cycle.**

39  
40 The County Council may adopt an ordinance providing for a biennial budget cycle  
41 with a mid-biennium review and modification for the second year of the biennium. The  
42 County Council may repeal such an ordinance and revert to adopting annual budgets  
43 for a period commencing after the end of the biennial budget cycle. The County Council  
44 may adopt supplemental and emergency budgets in the same manner and subject to  
45 the same conditions as if the County had an annual budget cycle. In lieu of adopting an  
46 annual budget, or a biennial budget with a mid-biennium review for all funds, the  
47 County Council may adopt an ordinance or a resolution providing for a biennial budget  
48 or budgets for any one or more funds for the County, with mid-biennium review and

1 modifications for the second year of the biennium with the other funds remaining on  
2 an annual budget. The County Council may repeal such an ordinance or resolution and  
3 revert to adopting annual budgets for a period commencing after the end of the  
4 biennial budget or biennial budgets for the specific agency fund or funds. The County  
5 Council with a biennial budget cycle may adopt supplemental and emergency budgets  
6 in the same manner and subject to the same conditions as the County Council  
7 adopting an annual budget cycle. *(Ord. 97-042, 1997).*  
8

## 9 **Section 6.10 Presentation and Adoption of Budgets.**

10  
11 At least seventy-five (75) days prior to the end of each budget cycle, the County  
12 Executive shall present to the County Council a complete budget and budget message,  
13 proposed current expense and capital budget appropriation ordinances, and proposed  
14 tax and revenue ordinances necessary to raise sufficient revenues to balance the  
15 budget; and at least thirty (30) days prior to the end of the budget cycle, the Council  
16 shall adopt appropriation, tax and revenue ordinances for the next budget cycle. *(Ord.*  
17 *97-042, 1997).*  
18

## 19 **Section 6.20 Budget Information.**

20  
21 At least one hundred thirty-five (135) days prior to the end of the budget cycle, all  
22 agencies of county government shall submit to the County Executive information  
23 necessary to prepare the budget. *(Ord. 97-042, 1997).*  
24

## 25 **Section 6.30 Contents of Budget.**

26  
27 The budget shall include all funds, revenues and reserves; shall be divided into  
28 categories, projects, and objects of expense and shall include supporting data deemed  
29 advisable by the County Executive or required by ordinance; shall indicate as to each  
30 category, project or object of expense the actual expenditures of the preceding budget  
31 cycle, the estimated expenditures for the current budget cycle and requested  
32 appropriations for the next budget cycle; and shall include the proposed capital  
33 improvement program for the next six budget cycles. The expenditures included in the  
34 budget for the ensuing budget cycle shall not exceed the estimated revenues. *(Ord.*  
35 *97-042, 1997).*  
36

## 37 **Section 6.40 Budget Message.**

38  
39 The budget message shall explain the budget in fiscal terms and in terms of the  
40 goals to be accomplished and shall relate the requested appropriations to the  
41 comprehensive plans of the county.  
42

## 43 **Section 6.41 Budget Control.**

44  
45 Within six weeks following the end of each quarterly period during the budget cycle,  
46 and more often if required, the County Executive shall submit to the County Council a  
47 written report showing the relation between the estimated income and expenses and  
48 actual income and expenses to date; and if it shall appear that the income is less than  
49 anticipated, the Council may reduce appropriations, except amounts required to meet  
50 contractual obligations and for debt, interest and other fixed charges, to such a degree

1 as may be necessary to keep expenditures within the cash income. (*Ord. 97-042,*  
2 *1997; Amended by referendum 1995*)  
3

#### 4 **Section 6.50 Copies of the Budget.**

5  
6 Copies of the budget and budget message shall be delivered to the County Auditor  
7 and each council member. The budget message and supporting tables shall be  
8 furnished to any interested person upon request for a reasonable fee as established by  
9 ordinance and shall be available for public inspection from the time the budget  
10 message is delivered.  
11

#### 12 **Section 6.60 Consideration and Adoption of the Budget.**

13  
14 Prior to the adoption of any appropriation ordinances for the next budget cycle, the  
15 County Council shall hold a public hearing to consider the budget presented by the  
16 County Executive and shall hold any other public hearings on the budget or any part  
17 thereof that it deems advisable. The Council in considering the appropriation  
18 ordinances by the Executive, may delete or add items, may reduce or increase the  
19 proposed appropriations and may add provisions restricting the expenditure of certain  
20 appropriations; but it shall not change the form of the proposed appropriation  
21 ordinances submitted by the Executive. The appropriation ordinances adopted by the  
22 County Council shall not exceed the estimated revenues of the county for the next  
23 budget cycle for each fund including surpluses and reserves, but the Council may  
24 increase the amount of the estimated revenues contained in the budget presented by  
25 the Executive by reestimating the amount by motion passed by a minimum of five (5)  
26 affirmative votes or by creating additional sources of revenue which were not included  
27 in the proposed tax and revenue ordinances presented by the Executive. (*Ord. 97-042,*  
28 *1997*).  
29

#### 30 **Section 6.70 Additional Appropriations.**

31  
32 Additional funds may be appropriated by contingency or emergency appropriations.  
33

#### 34 **Section 6.71 Contingency Appropriations.**

35  
36 The annual budget ordinance shall include contingency funds which shall not be  
37 expended unless the County Executive certifies in writing that sufficient funds are  
38 available and the County Council adopts an additional appropriation ordinance after  
39 being requested to do so by the Executive.  
40

#### 41 **Section 6.72 Emergency Appropriations.**

42  
43 The County Council may adopt an emergency appropriation ordinance which may  
44 appropriate contingency funds, revenues received in excess of the revenues estimated  
45 in the budget and funds from any other source available to the County in an  
46 emergency.  
47

#### 48 **Section 6.73 Additional Capital Budget Appropriations.**

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

### 4 5 **Section 6.80 Lapses of Appropriations.**

6  
7 Unless otherwise provided by the appropriation ordinances, all unexpended and  
8 unencumbered appropriations in the current expense appropriation ordinances shall  
9 lapse at the end of the budget cycle. An appropriation in the capital budget  
10 appropriation ordinances shall lapse when the project has been completed or  
11 abandoned or when no expenditure or encumbrance has been made for three (3)  
12 years. *(Ord. 97-042, 1997)*.

### 13 14 **Section 6.90 Illegal Contracts.**

15  
16 Except as otherwise provided by ordinance, any contract in excess of an  
17 appropriation shall be null and void; and any officer, agent or employee of the county  
18 knowingly responsible shall be personally liable to anyone damaged by his action. The  
19 County Council when requested to do so by the County Executive may adopt an  
20 ordinance permitting the county to enter into contracts requiring the payment of funds  
21 from appropriations of subsequent budget cycles, but real property shall not be leased  
22 to the county for more than one year, unless it is included in a capital budget  
23 appropriation ordinance. *(Ord. 97-042, 1997)*.

## 24 25 26 **Article 7 Personnel System**

### 27 28 **Section 7.10 Purpose.**

29  
30 The County Council shall, by ordinance, establish and maintain a personnel system  
31 for the county.

### 32 33 **Section 7.20 Exemptions.**

34  
35 The provisions of this article shall apply to all county positions except:

- 36 (a) Contract employees.
- 37 (b) All volunteer members of boards and commissions appointed by the County  
38 Council or County Executive.
- 39 (c) All elected county officers, the County Council, and no more than two other  
40 persons in each elected officer's office, who shall be either their first deputy or  
41 administrative assistant or confidential secretary, as designated by each  
42 officer.
- 43 (d) Other employees as may become necessary as determined by the County  
44 Council.

### 45 46 **Section 7.30 Administration.**

47  
48 The County Executive shall administer the personnel system of the county in  
49 accordance with the personnel rules adopted by the County Council by ordinance.

1  
2  
3 **Article 8 Charter Review and Amendments**  
4

5 **Section 8.10 Charter Review Commission.**  
6

7 This Charter shall be reviewed periodically by a Charter Review Commission as  
8 provided in this Article.  
9

10 **Section 8.11 Election and Period of Office.**  
11

12 At least every ten (10) years after the adoption of this Charter, the County Council  
13 shall cause an election of a Charter Review Commission, hereinafter referred to as the  
14 Commission. The Commission shall consist of fifteen (15) persons, an equal number  
15 from each Council district. There shall be no filing fee nor shall there be a primary. The  
16 qualified voters of the respective districts shall vote only for candidates from their  
17 district at the general election. Candidates' names shall appear on all ballots as drawn  
18 by lot. The member of the Commission who receives the greatest number of votes  
19 shall convene the Commission. The term of office shall be one year. The Commission  
20 shall meet at such times and in such places as it deems appropriate upon having given  
21 public notice. *(Amended by referendum 1986; Ord. 93-045; amended by referendum*  
22 *1995)*  
23

24 **Section 8.12 Vacancy.**  
25

26 Any vacancy on the Commission shall be filled within fourteen days of the  
27 declaration of a vacancy, by the next highest recipient of votes cast in the Charter  
28 Review Commissioner election from the district where the vacancy occurs.  
29

30 If a Commissioner is absent from three (3) consecutive meetings without prior notice  
31 being given to the Chair, a vacancy in that position may be declared by a two-thirds  
32 vote of the Commissioners. *(Amended by referendum 1986)*  
33

34 **Section 8.13 Procedures.**  
35

36 The Commission shall review the Charter to determine its adequacy and suitability to  
37 the needs of the county and may propose amendments. The Commission may also  
38 make recommendations to the County Council and publish its findings. Members of the  
39 Commission shall serve without salary, but shall be reimbursed for reasonable out-of-  
40 pocket expenses. The Council shall provide to the Commission reasonable funds,  
41 facilities and services appropriate to an elected county agency. Provisions for  
42 expenditures shall be made in the budget. Expenditures of the Commission shall be  
43 budgeted for their scheduled term of office.  
44

45 **Section 8.20 Charter Amendment – General Provisions.**  
46

47 Charter amendments may be proposed by the Commission, the County Council or by  
48 the public. Any proposed Charter amendment shall be filed and registered with the  
49 Auditor and submitted to the voters at the next November general election occurring at

1 least ninety (90) days after registration of the proposed amendment with the Auditor.  
2 If more than one amendment is submitted on the same ballot, they shall be submitted  
3 in such a manner that the people may vote for or against the amendments separately;  
4 provided, an amendment which embraces a single or inter-related subject may be  
5 submitted as a single proposition even though it is composed of changes to one or  
6 more articles.

7  
8 If a proposed amendment is approved by a majority of the voters voting on the  
9 issues, it shall be effective ten (10) days after the results of the election are certified,  
10 unless a later date is specified in the petition or ordinance proposing the amendment.  
11 Any implementing ordinance required by any charter amendment shall be enacted by  
12 the Council within one hundred and eighty (180) days after the amendment is  
13 effective, unless the amendment provides otherwise.

### 14 15 **Section 8.21 Amendments by the Charter Review Commission.**

16  
17 The Commission may propose amendments to the Charter by filing such proposed  
18 amendments with the County Council who shall submit the amendment to the voters  
19 at the next November general election at least ninety (90) days after the filing and  
20 registration of the amendments.

### 21 22 **Section 8.22 Amendments by the Public.**

23  
24 The public may propose amendments to the charter by registering with the Auditor  
25 an initiative petition bearing the signatures of registered voters of the county equal in  
26 number to, but not less than, twenty (20) percent of the number of votes cast in the  
27 county in the last gubernatorial election. Signatures shall be registered not more than  
28 one hundred twenty (120) days following filing of the petition with the Auditor, who  
29 shall submit the amendments to the voters. The one hundred and twenty (120) day  
30 period shall begin upon receipt of official notification to petitioner(s) by the Prosecuting  
31 Attorney's Office either by certified mail or mes-  
32 senger. If the last day for collecting signatures falls on a weekend or legal holiday,  
33 then the one hundred and twenty (120) day period shall extend to the end of the next  
34 business day. *(Amended by referendum 1986; Ord. 93-045; amended by referendum*  
35 *1995)*

### 36 37 **Section 8.23 Amendments by the County Council.**

38  
39 The County Council may propose amendments to the Charter by enacting an  
40 ordinance to submit a proposed amendment to the voters at the next November  
41 general election occurring at least ninety (90) days after enactment. A minimum of five  
42 (5) affirmative votes shall be required to enact such an ordinance. An ordinance  
43 proposing an amendment to the Charter shall not be subject to the veto power of the  
44 County Executive.

45  
46 The County Council by unanimous vote of the entire Council may effect amendments  
47 to the language of the Charter where the passage of time has rendered language moot  
48 or obsolete. Such changes shall be made by ordinance, and have a public hearing.  
49 *(Amended by referendum 1995)*

1 **Section 8.24 Repeal of Charter.**

2  
3 Any proposal to repeal the charter shall include provisions for transition.  
4  
5

6 **Article 9 General Provisions**

7  
8 **Section 9.10 Severability and Construction.**

9  
10 The provisions of this Charter are severable. If any provision should be declared to  
11 be unconstitutional or inapplicable, it shall not affect the constitutionality or  
12 applicability of any other provision of this Charter.  
13

14 **Section 9.20 Purchasing, Contracts, Claims, and Bonds.**

15  
16 The County Council shall by ordinance establish procedures for purchasing supplies,  
17 services, materials and equipment, the awarding of contracts, the processing of claims,  
18 and the sale or refunding of bonds. The ordinance shall provide when bids shall be  
19 required and how invitations for bids shall be advertised.  
20

21 All purchases, contracts and bonds subject to bid procedures shall be advertised and,  
22 unless all bids are rejected, shall be awarded on the basis of sealed bidding to the  
23 lowest responsible bidder.  
24

25 **Section 9.30 Franchises.**

26  
27 All franchises granted by the County Council shall be for fixed term not to exceed  
28 twenty-five (25) years and no exclusive franchise shall be granted for the use of any  
29 street, road or public place. All franchises shall be subject to the power of eminent  
30 domain and the right of the Council or the people acting for themselves through the  
31 initiative or referendum to repeal, amend or modify the franchise in the interest of the  
32 public; and every ordinance granting a franchise shall contain a reservation of these  
33 rights. In any proceeding under eminent domain the franchise itself shall have no  
34 value.  
35

36 **Section 9.40 Public Disclosure.**

37  
38 Public disclosure of financial interest of elected public officials shall be governed by  
39 general law.  
40

41 **Section 9.50 Oath of Office and Bonds.**

42  
43 An oath or affirmation to support the Constitutions of the United States and the  
44 State of Washington and the Charter and ordinances of Whatcom County and to  
45 perform faithfully, impartially, and honestly the duties of office, shall be made by each  
46 elected officer before entering upon the duties of office.  
47

1 A surety bond shall be required for all elected officers and such county employees as  
2 may be designated by ordinance. Bonds shall be in the form and amount required by  
3 ordinance and the cost borne by the county.  
4

### 5 **Section 9.60 Information Management.**

6  
7 The County Executive shall establish procedures for maintaining a modern, efficient  
8 system for processing, maintaining and disposing of information and records; shall  
9 maintain a means to store and maintain, in retrievable manner, all county records  
10 which should not be destroyed and which are not necessary for the current operation  
11 of county government; and shall provide needed services for all branches of county  
12 government in a way that shall be deemed desirable for the efficient operation of the  
13 county government.  
14

15 These procedures shall be in compliance with general law and shall affect all  
16 departments of the county, elective or appointed.  
17  
18

## 19 **Article 10 Transitional Provisions**

20 (Repealed Dec. 31, 1981)  
21