1. CALL TO ORDER

Commission Chair Mick Moynihan called the meeting to order at 7:00 p.m. at the Everson Senior Center, 111 W. Main, Everson, Washington.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Hue Beattie, Charlie Crabtree, Joe Elenbaas, Bertella Hansen, Polly Hanson, Kathryn Hanowell, April Markiewicz, Mick Moynihan, Shannon O'Brien, Bill Quehrn, Renee Reimer, Orphalee Smith, Jeffrey Utter

Absent: Yvonne Goldsmith, Bill Crawford

4. APPROVAL OF THE APRIL 28, 2005 MINUTES

Markiewicz moved to approve the minutes.

Elenbaas stated it's necessary to have a mover of the motion. However, there hasn't been a motion for the proposed amendments on past minutes. That could be challenged legally. On some of his proposed amendments, he made the motion to put the amendments forward, and the motion was duly seconded. He questions the correctness of the minutes without having that information included.

O'Brien seconded the motion to approve the minutes.

Motion carried unanimously.

5. PUBLIC SESSION

The following people spoke:

John Robinson, Lynden, stated he was a teacher for 20 years and also a police officer. He taught history and civics as a teacher. One individual has addressed an issue he disagrees with. This country is a democracy, a representative government. The argument regarding district-only voting that the good of the whole would be ignored is invalid. In Olympia, there are representatives and senators. In Congress, there are 535 people, each representing a state. The Senate historically represents the aristocracy. Representative government is to represent a particularly defined district, more so than the Senate. The argument is disingenuous that voting by district only will elect people who set aside the interests of the whole for their own narrow interests. If that's the case, those people must be very anti-House of Representatives, because the same argument can be made. Each of those representatives represent constituents with a specific agenda. However, they have to learn how to accommodate people. They need to listen to other people. They must set
aside their own point of view for the good of the whole. The current County Council does not represent the county residents. On a good day, only three out of seven councilmembers represent the county. One councilmember was not elected by her district. She was elected by the full county. That individual is opposite of what the county believes. Representatives must represent the constituent's view. They need to reconsider that argument.

John (Inaudible), stated he recently moved here. He grew up in California. The Everson, Sumas, and Nooksack areas are growing quickly. He also lived in King County. If the county grows too rapidly without making sure the infrastructure is in place, specifically schools and roads, the construction and developers will create conditions similar to King County. As growth develops, make sure zoning is well-regarded, the agricultural land is protected, the planning commissions and people who are responsible are attuned to this growth, and growth is managed carefully.

Ken Ryan, Goodwin Road, Everson, stated the clean air, size of the city, low traffic, lack of a rat race, and outdoor recreation attract people to Whatcom County. People don’t move here because it rains. People now see this area as an opportunity to make money developing the county. This opportunity turns communities into look-alikes and only benefits the pockets of a part of one generation. If the dollar is so important, than ask if a tree is worth more standing or down. People on this commission have short-term gain on their minds. He disagrees with the first speaker. He is disappointed that people can’t vote for every councilmember. This is not a sub-nation, it’s one county. They all have a stake in this county. That’s why the freeholders set it up the way it was. Now there will be a bitter and divisive vote with a lot of misinformation to confuse the busy voters. If this amendment passes, the county will be more vulnerable to large developers and resource extractors. Developers may want to develop because this is the last unspoiled place in the country.

Walt Pollman, Ferndale, gave his history in the county, explained his farming experience, and explained his life history. District representation and voting will result in better government and more local representation. This is not an “us against them” issue. It’s just better representation for all in Whatcom County.

6. SECRETARY’S REPORT

O’Brien stated the commissioners received a memo from Chief Civil Deputy Prosecutor Randy Watts.

Moynihan stated the charter allows the commission to send the proposed amendments to Council or directly to the Auditor. He believed the commission would send the amendments directly to the Auditor.

Markiewicz stated Councilmember Caskey-Schreiber told her that the Council expects the recommendations to come to the Council first, and there is a timing issue because of the Council’s meeting schedule. The process is something the commission must clarify.

Elenbaas stated the commission files the amendments with the Council, but the Council doesn’t have authority to approve or deny the amendments that go to the voters.

Moynihan stated charter sections 8.21 and 8.20 conflict with each other in describing the process.
Elenbaas stated filing with the Auditor takes the action, but the commission only files the amendments with the Council. Sections 8.21, 8.22, and 8.23 are the qualifiers for section 8.20.

Moynihan stated they can file the two approved proposals with the Auditor today, technically.

Elenbaas stated any amendments proposed, in addition to being filed with the Auditor, have to be filed with the County Council as a matter of protocol.

Beattie stated section 8.21 is not logical. He asked why would the County Council submit the amendments to the voters.

Elenbaas stated there must be something in State law that mandates that procedure.

Moynihan stated the commission will pose the process question to Chief Civil Deputy Prosecutor Randy Watts to respond.

The commission concurred.

7. DISCUSSION WITH COUNTY SHERIFF BILL ELFO

Bill Elfo, County Sheriff, stated his main issue is that the commission make no change to the elected office of Sheriff. The position should remain elected and nonpartisan. The Sheriff must serve all and have the appearance of objectivity. That's already been debated and the comment may be moot. He is available for questions.

Moynihan asked the number of deputies. Elfo stated there are 80 deputies and 53 corrections deputies in the jail. He anticipates some growth in the number of corrections officers as the new temporary jail facility opens. The Sheriff's Office also manages the Emergency Management Division and the Civil Division.

Moynihan asked if Sheriff Elfo has contact with other sheriffs. Elfo stated he does. He is the vice-president of the Washington Sheriff's Association.

Moynihan asked if all sheriffs are elected. Elfo stated all are elected except in Pierce County. King County had an appointed sheriff, but it was changed in 1996 by a charter amendment to restore the position as an elected position.

Moynihan asked if any of the sheriff positions are political candidates. Elfo stated all except Whatcom, Snohomish, and one other county. The other sheriffs wish they were nonpartisan.

Elenbaas asked if there was a bill before the legislature. Sheriff stated that bill didn't get out of committee. The bill was to make all sheriff positions nonpartisan.

Hanowell asked about a salary commission for elected officials. Elfo stated there should be a process for reviewing the salaries of elected officials to make sure the salaries are in line and lower ranks aren't making more than the elected official. There has to be a vehicle for doing that. It will attract good and qualified people to public service and keep the salaries competitive.
Quehrn asked if Sheriff Elfo has any issues with the charter. Elfo stated he does not, as they affect the Sheriff’s Office.

Utter stated Sheriff Elfo has contact with sheriffs all over the state. He asked if there are examples where anyone off the street can run for the office of Sheriff. Elfo stated Washington State requires that, within a year of being elected, the sheriff would have to finish a program prescribed by the Washington State Criminal Justice and Training Commission and be a certified law enforcement officer. Whoever did run would have to successfully complete that program.

Utter asked for examples where an unqualified person has been elected in the State of Washington. Elfo stated he can’t think of an example. He holds all the sheriffs in the state in esteem. They have qualifications compatible with the communities in which they work. It happens in other states, particularly in the south where it’s a very powerful political position.

Moynihan asked if Sheriff Elfo went through the academy in Blaine. Elfo stated he went to the academy in Florida. He went through an equivalency program in Washington when he moved to Blaine.

Beattie stated there was an idea to increase the sales tax to build a jail. He asked Sheriff Elfo to ask the Sheriff’s Association to talk to the legislators about having an impact fee instead of a sales tax. Elfo stated that idea has been proposed a number of times. The idea must gain momentum to get out of committee. With the sales tax for the interim jail, there is financing for a new, permanent jail. There is an issue with planning and siting. They can’t wait for a permanent jail. The sales tax will pay for the new, permanent jail.

Also, they should combine resources to share jail space with other counties. The larger the operation, the lower per day cost of the inmates. Work out solutions with other counties.

Moynihan asked about a private jail. Elfo stated private jails are illegal in Washington now. A private entity can build a jail, but can’t operate one. Senator Brandland introduced a bill to the legislature, but it has never gotten out of committee. The largest provider of jail services in the country proposed one on the Lummi Nation reservation. Because of their status on the reservation, they may circumvent the statutes. It would cost $2 per inmate per day less than what the County pays. They would bring in people who would be paid a lot less money. They will pay their officers only $10 or $11 per hour. That concerns him about the quality of people they will recruit to work in the jail. It is a difficult, stressful job. He wants to retain people who perform professionally. He’s not sure minimum wage or slightly more will do that.

The County is building the interim facility in an industrial park, and it can be retrofitted for an industrial use, so the facility can be sold quickly and funds can be turned over to the permanent jail. The permanent facility should be outside the downtown area of Bellingham. Vertical buildings cost more to operate. He wants to build it in the most efficient-to-operate way. He’s been visiting jails around the state to get ideas of what features are good or bad. A jail outside the area may involve transport to and from the courthouse, but it will be the most efficient in the long run. There is a real dire need in the county.

Elenbaas stated there is as much crime in the government as in the public. House Bill1726 required all political subdivisions to make the building process more timely.
However, Whatcom County passes ordinances making it tougher. Also, the Council included language that if the government failed to meet the timeline, it would not be held liable. The Council did add language to require that if plans and submissions were within code, then the applicant could commence building the project as if it were approved. It’s not in the public’s interest in terms of safety or financially to hold up the process for the interim jail. Elfo stated the Executive’s Office has been handling it, but they are going to try to expedite the process. Because the facility is in the city, they’re dealing with the City’s permit process, not the County’s. The City is very eager to assist them. Some of the people who have made decisions are motivated to help with the process. Certain reviews need to be done. Electrical plans have to be sent to engineers, for example. They are about three months from breaking ground on the interim facility.

Moynihan asked about courthouse security. Elfo stated the County is assigning a deputy sheriff to the courthouse to be available and respond to alarms. Judges will have wireless alarms. The deputy will be able to respond directly to those areas. The courts are having more threats and disturbances. No weapons have been involved yet, but they must maintain decorum. The Executive is looking at weapons screening in the court sections of the courthouse during all business hours. The County cannot prohibit permitted weapons from going into any office on the first floor, but only in areas for judicial purposes. Screeners will be near the elevator.

Moynihan asked the cost. Elfo stated a deputy costs $90,000 to $100,000 per year. A deputy now works at the Sheriff’s Office. He could co-locate that position at the courthouse.

Moynihan asked how they would set it up to cover all three floors. Elfo stated it would be set up at the entrance to the elevator, and people will be precluded from using the staircase. He has different feelings about weapons screening. It’s not as effective as some people believe. A quick response to emergencies and a presence is the best. Any new procedure involved compromise with decision-makers.

Moynihan stated that if someone wants to kill, they will. Elfo stated screening is not foolproof.

Moynihan asked about how Sheriff Elfo’s increase in salary worked. Elfo stated he asked for additional deputies to address the methamphetamine issue, not a salary increase. The Executive proposed an offer for funding that request. He went to the Council to get additional resources. The system works. He’s not stymied from going to the Council if he can’t strike a deal with the Executive. There is a mechanism that exists for the elected officials to go to the County Council if they desire.

Quehrn stated the people who work in the Emergency Management Division are extraordinarily dedicated to a very dangerous and demanding job. Sheriff Elfo is the proper leader for those kinds of people.

(The Commission took a break at 7:45 p.m. for 15 minutes.)

8. DISCUSSION AND POSSIBLE VOTE ON PROPOSED CHARTER AMENDMENTS

Moynihan Proposed Amendment #10: Should there be established a commission of citizens of Whatcom County whose duty it shall be to meet every two years and determine the salaries of all elected officials in Whatcom County?
Moynihan stated he's not sure there will be enough support for this item, but he would like to put it to a vote.

Hanowell stated a salary commission is a good idea, but she would rather the committee be advisory.

Crabtree stated the Council could create such a committee if it wants.

Elenbaas stated that if issues have enough importance that the commission feels it should be a recommendation to the County Council to take up, there is a provision that allows that recommendation.

Crabtree stated that under the current form, the commission will vote on an amendment to the people, and would have to pose a resolution to the Council.

Moynihan stated this commission would have to come up with exact wording of proposed amendments to go before the voters. There are a number of issues left up in the air about an amendment such as this. He proposed the amendment, but is not tied to it.

Utter stated a salary commission is a great idea for the County somehow. In terms of an amendment to the voting public, it is not high on his priority list to approve. He will probably not vote for this, but it's a good idea for it to happen.

O'Brien stated a salary amendment is a good idea. Discussing one's own salary is sensitive. The commission would be a group of objective people to check the salaries. It would not be a major cost to the County. Elected officials are often given a bad time for asking more money. The responsibility for their salary is an added weight.

Quehrn asked if removing the 15 percent limit would enable this amendment. If this goes to the voters, the commission would have to make it clear to the voters that one would enable the other, if that's the intent.

Moynihan stated his intent was that, if the salary review commission passes, it trumps anything else. If the salary review commission does not pass, there would still be the other amendment going to the voters to eliminate the 15 percent.

Quehrn stated that if the voters eliminate the limit, the Council can still establish a commission to recommend salary levels.

Elenbaas stated that with the limitation of 15 percent, a salary review commission still can't raise the Council's salary because of that limit.

Moynihan stated his intent was for a provision in the salary commission ordinance to set all salaries, which trumps the 15 percent.

Hanson stated the commission must make that clear.

Moynihan stated that if this amendment passes, a subcommittee of the commission must come up with wording and bring the wording back to the full commission for final approval.
Hanson stated this needs to be thought through carefully. There is some value to a salary review commission. The situation now is awkward. It can be better. It is easy for the average voter to understand it if it's worded right.

Markiewicz stated Treasurer Cory proposed wording for a salary commission.

Elenbaas stated he has not yet found a former councilmember or freeholder who understands the merit of dealing with the compensation issue with the Council. He is worried that taking away the power to set salaries would modify the setup of County government. On the other side, regarding the issue of the commission, the power of setting salaries is one of the strongest policy tools the Council holds. Elected officials can make their case in terms of salary level to the Council.

Moynihan asked Sheriff Elfo if he makes more than the County Auditor. Elfo stated he does. To be clear, he's never asked the Council for a raise.

Hanson stated Sheriff Elfo feels it's necessary to be clear about not asking the Council for a raise. This is a prohibitory issue. It doesn't make things work well. People should not be in that position. Have a salary commission made up of people who will not benefit from the salary levels.

Elenbaas stated those kinds of discussions are generally held in executive session.

Hanowell stated they are concerned about the salaries for the Auditor, Treasurer, and Assessor. Add language to charter section 3.51 that the elected officials would always make more money than their chief deputies. That makes more sense than having a salary commission.

Hanson stated the elected officials were concerned about more than their deputies getting paid more.

Moynihan stated the commission can consider language that any elected official be paid more than his or her number two person.

Utter asked if the County Council would then earn more than its staff.

Moynihan stated most employees are union. He asked if most chief deputies are exempt.

Randy Watts, Chief Civil Deputy Prosecutor, stated the number two person for department heads is exempt.

Elfo stated there is an unrepresented resolution that governs the salaries of chief deputies of various departments. That resolution is tied to giving them salary increases and benefits that are comparable to the union.

Hanowell stated there should be a rational compensation program for both elected and appointed officials. Put something in the charter that declares something about the salaries. Good County management would have a good compensation plan for elected and appointed officials. The County must attract and retain good people. A benefit of the salary commission is that it is objective and out of the political realm. There should be some budgetary implication for anything the salary commission recommends. Recommendations must fall within the budget. The salary commission recommendations should be based in
reality. Add language to “remove the 15 percent and establish a salary commission to recommend the compensation of elected officials, to be voted upon by the County Council.” Another option is to do a recommendation to the Council, but not the voters. Compensation is too complicated for the charter, with the many bargaining issues and compensation issues. It is not good to have the 15 percent limit. The Human Resources Division can do surveys and make recommendations on salaries for elected officials.

Elfo stated the policy has been to use the same comparable counties the bargaining unit uses for salary negotiations. The Executive makes a recommendation on adjusting salaries if they get too far out of line. The comparable counties used now are Yakima, Kitsap, Thurston, Skagit, Cowlitz counties.

Moynihan stated he is not sure any county is truly comparable to Whatcom County anymore.

Smith stated the charter is like a constitution. She asked if this is a proper topic for the charter. The commission could make a recommendation.

Quehrn asked if this item has been moved for approval.

Moynihan stated anything in writing is on the table for discussion and vote. Anything else must have a motion and second. This amendment is properly before the commission.

Elenbaas stated there is a difference between the chair requiring wording to be supplied before the meeting in writing and a motion. Roberts clearly says there are three steps to making a motion. The maker of the motion must clearly state the motion. The motion must be seconded, then the motion becomes the property of the body when the chair restates the motion. At the last meeting, there were motions to lay proposed amendments on the table. All three went on the table, but there wasn't a main motion to lay on the table because they weren't moved forward in the first place. If laid on the table, amendments are gone unless someone removes them from the table.

Hanson stated she made a motion that was seconded to bring forward a proposed amendment, but she didn't say anything about putting it on the table. They didn't say anything about tabling, they just didn't get to it.

Elenbaas stated two amendments were laid on the table.

Hanowell stated it's a good idea to discuss amendments, then someone can move it forward.

Moynihan stated the body is not supposed to discuss anything without there being a motion on the table.

Moynihan moved to approve the proposed amendment. O'Brien seconded the motion.

Beattie stated the salary commission can be created without putting it into the charter. During the last meeting, the commission tried to adjust the 15 percent. Have some structure on the relationship between the Executive and Council. He is not in favor of a salary commission. The concept is too undefined.
Moynihan stated the last meeting was a great meeting. Everyone had an opportunity to be heard.

Reimer stated this is an administrative issue, not a charter issue.

Moynihan called the question.

Motion to end debate carried unanimously.

Motion to approve the proposed amendment failed 2-11 with Moynihan and Hanson in favor.

Smith Proposed Amendment #13: Should Whatcom County Charter Section 2.12 be changed to read "There shall be one council position in each of the seven districts. At the primary election, the qualified electors of each district shall select two candidates for each position to be filled from their district"?

Smith withdrew her amendment.

Hansen Sponsored Amendment #15: Shall the Charter be amended to provide that the Whatcom County Auditor be required to publish and distribute a Local Voters' Pamphlet for all primary and general elections to provide information on all measures and candidates within Whatcom County?

Hansen stated she would like to have the Auditor present at the commission meeting to answer her questions.

9. OTHER BUSINESS

There was no other business.

10. ADJOURN

O’Brien moved to adjourn. Reimer seconded the motion.

Motion carried unanimously.

The meeting adjourned at 8:27 p.m.

Jill Nixon, Recording Secretary

The Commission approved these minutes on May 26, 2005.

Shannon O’Brien, Commission Secretary

Mick Moynihan, Commission Chair