

RESOLUTION NO. _____

A RESOLUTION OF THE COUNTY COUNCIL OF WHATCOM COUNTY, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF WHATCOM COUNTY, AT AN ELECTION TO BE HELD ON NOVEMBER 7, 2017, AN ADVISORY BALLOT SEEKING CITIZEN INPUT REGARDING THE USE OF EMINENT DOMAIN BY PIPELINE COMPANIES TO TAKE PROPERTY RIGHTS FROM PRIVATE LANDOWNERS FOR USE IN OIL AND GAS PIPELINES IN WHATCOM COUNTY

WHEREAS, several planned oil and gas pipeline proposals have been publically discussed in Whatcom County, and at least one has applied for permits to begin geopolitical geological testing; and,

WHEREAS, Williams Pipeline Company of Oklahoma has publicly stated an intent to build the "Island Gas Connector" pipeline through Whatcom County as early as 2019 but does not appear to own easements for the entire right of way; and

WHEREAS, Williams Pipeline has applied for permits from the Washington State Department of Natural Resources to begin geological testing near Cherry Point for the proposed Island Gas Connector project; and

WHEREAS, the Texas based Kinder Morgan company recently indicated in the Prospectus for the Kinder Morgan Limited Initial Public Offering that they have the ability to expand the Puget Sound Pipeline, which runs through Whatcom County, from 240,000 barrels per day to 500,000 barrels per day which may require larger easements across Whatcom County property than the company currently owns; and

WHEREAS, RCW 81.88.020 conveys the right to use eminent domain on private landowners to private corporations for purposes of constructing, maintenance and operation of pipelines carrying oil, gas and other petroleum products; and

WHEREAS, fossil fuel pipelines are inherently dangerous and landowners should not be exposed to those risks on their own property against their will; and

WHEREAS, the use of eminent domain to convey property rights or the use of property from one private landowner to a private company is a highly controversial practice; and

WHEREAS, an advisory measure on the November General Election ballot would accomplish the desired goal of measuring citizen concern about the potential misuse of eminent domain by oil and gas pipeline companies; and

WHEREAS, state, local, and federal policies impact the practice of eminent domain in Whatcom County; and

WHEREAS, the County Council, as the legislative body for Whatcom County, may formally place the ballot measure before the voters along with an explanatory statement; and

WHEREAS, if this resolution is approved, the Council must appoint committees to prepare pro and con statements for the local voters' pamphlet, with the pro committee preparing a statement in favor of the measure and the con committee preparing a statement opposing the measure.

1
2 **NOW, THEREFORE BE IT RESOLVED BY THE COUNTY COUNCIL** as follows:
3

4 **Section 1.** Findings. The County Council hereby finds and declares an advisory ballot
5 measure for the General Election in November, 2017, is in the best interest of the County
6 and its citizens, to establish the measure of citizen concern about the use of eminent
7 domain for oil and gas pipeline companies and to convey that concern to all levels of
8 representative government.
9

10 **Section 2.** Election. It is hereby found that in order to formally measure citizen input
11 regarding the use of eminent domain for oil and gas pipeline companies through the General
12 Election in November, the Council must authorize the ballot measure as described herein, at
13 an election to be held on the 7th day of November, 2017. The Whatcom County Auditor as
14 supervisor of elections is hereby requested to assume jurisdiction of and to call and conduct
15 said election to be held within the County and to submit to the qualified electors of the
16 County the proposition hereinafter set forth.
17

18 **Section 3.** The Clerk of the Council is hereby authorized and directed, on or before August
19 1, 2017, to certify the following proposition to the Whatcom County Auditor in substantially
20 the following form:
21

22 **WHATCOM COUNTY, WASHINGTON**
23 **PROPOSITION NUMBER 2017- _____**
24 **ADVISORY BALLOT MEASURE REGARDING THE USE OF**
25 **EMINENT DOMAIN FOR OIL AND GAS PIPELINES**
26

27 The Whatcom County Council seeks citizen input regarding the use of eminent domain for oil
28 and gas pipelines. This measure will advise elected officials whether there is citizen
29 opposition to use of eminent domain for oil and gas pipelines. Should the local, state and
30 federal elected officials representing Whatcom County work to prevent and limit the use of
31 eminent domain to take property rights from private landowners for use in oil and gas
32 pipelines?
33

34 _____ **YES**

35 _____ **NO**
36
37
38

39 **APPROVED** this _____ day of _____, 2017.
40
41

42 **WHATCOM COUNTY COUNCIL**
43 **WHATCOM COUNTY, WASHINGTON**
44

45 _____
46 Dana Brown-Davis
47 Clerk of the Council
48

45 _____
46 Barry Buchanan
47 Council Chair
48

49 **APPROVED AS TO FORM:**
50

51 _____
52 Karen Frakes
53 Civil Deputy Prosecutor
54
55