

Whatcom County Executive  
Whatcom County Prosecutor  
Whatcom County Council  
Whatcom County PDS  
Whatcom County Planning Commission 10/10/16

All,

November of 2015, Whatcom County voters passed Proposition #9 and, in a questionable, flawed process, amended the Whatcom County Charter to bring about 5 Council Districts and two at large seats.

Section 8.20 of the Charter says “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.” As of certification of the November 2015 election, Whatcom County became a County with five Council Districts, if conflicting provisions of Charter Section 4.41 can be ignored. Though the shape of those districts was not precisely known until April 20 of 2016, the five districts came into being in November of 2015.

Whatcom County Code Chapter 2.31 establishes the Whatcom County Planning Commission. 2.31.030 requires “There shall be nine members of the planning commission, three of whom shall be appointed from each county council district.”

Because five districts were established on certification of the November, 2015 election, Whatcom County Code, which was not changed by the election, would have to be adjusted to meet the dictates of the voter approved changes in Council Districts. It is not possible to have a nine member Commission with three members appointed from each of five Districts. Until Whatcom County’s Code is changed to conform with our new alignment of Council Districts no valid Whatcom County Planning Commission exists. Decisions made by the Commission beginning in November 2015 may be challenged by anyone aggrieved by the results of one of those decisions.

As citizens of Whatcom County speaking together with one voice through Common Threads Northwest, a watchdog group dedicated to informing the public about the excesses sometimes visited on that public by government, we have the right to request the County Prosecutor cause the Whatcom County Planning Commission to cease operation so long as the Planning Commission’s configuration is in violation of County Code.

We would also note County Code requires the Commissioners be appointed from within each of the County’s Districts. No transition language regarding the Planning Commission was voted on by the public. Any Commissioner not living in the District he or she serves should have been removed from the Commission in 2015.

Arguably, the entire Planning Commission should have been replaced once Proposition Nine was voted in. All the Planning Commissioners were appointed to Districts that no longer exist. Each new District came into being ten days after the certification of the 2015 election.

We will let the County's legal authorities hash out the details regarding this issue, but it is inarguable that, until a new Commission is seated, the work of the Commission should be suspended.

As an additional note, State law does not appear to allow a fifteen member Planning Commission.

Regards,

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