

THE CHARTER
OF THE
CITY OF
BELLINGHAM
AS AMENDED

PUBLISHED BY AUTHORITY OF THE
CITY COUNCIL 1930, 1973

CURRENT EDITION AS OF MAY, 2007

**THE CHARTER
of the
CITY OF BELLINGHAM**

Published by Authority of the City Council
1973

As Amended in 1981, 1983, 1985, 1986, 1987, 2004 and 2006

PREAMBLE

We, the citizens of the City of Bellingham, wishing to establish a government more responsive to the people, more efficient in its operation and more open to that essential ingredient, the concerned participation of citizens, do hereby adopt the following Charter.

FREEHOLDER'S CERTIFICATE

State of Washington)
County of Whatcom) SS
City of Bellingham)

We, the undersigned, Freeholders of the City of Bellingham elected on the 2nd day of November, 1971, pursuant to the laws of the State of Washington, for the purpose of preparing a new Charter for the City, do hereby certify that the foregoing Charter has been prepared by us and is hereby submitted as the Charter for the City of Bellingham.

In Witness Whereof, we have here unto set our hands this 12th day of May, 1972.

Jeanne Beacom
Eldridge Carr
John Graham
Arne Hanna
Ronald Jepson
Nate Knuzmann
Glenn Larson
Alfred Loop
Jack Ludwigson
Laura McBeath
Michael Mischaikow
Ed O'Connor
Gerald O. Rhea
Al Swift
Fred Veroske

Subscribed and Sworn to before me this 12th day of May, 1972.

Charles Olson
Notary Public in and for the State
of Washington, residing at
Bellingham.

Approved as to form:
Charles Olson
Of Olson & Olson
Attorney for Freeholders

Sections 2.01, 2.03, 2.07, 3.04 and 10.07 of the 1973 Charter were amended by vote of the people pursuant to Article XIII of this Charter at the November 3, 1981, General Municipal Election.

(Bellingham 10-82)

1.01 Name

The municipal corporation now existing and known as the "City of Bellingham" shall, by and in that corporate name, remain and continue to be a body politic and corporate as a city of the first class, with perpetual succession and all other corporate powers, rights and privileges, pursuant to the Constitution and general laws of the State of Washington.

1.02 Powers, Rights And Liabilities

The form and organization of government of the City, and the manner and mode in which the City shall exercise its powers, functions and duties, shall be as provided in this Charter or, to the extent not prescribed herein, or when the Charter is in conflict with state law, as provided by ordinance of the City Council consistent with this Charter or state law.

1.03 Construction

The general grant of municipal power conferred by this Charter is intended to confer the greatest power of local self-government consistent with the Constitution of this State, and the powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this Charter.

1.04 Boundaries

The boundaries of the City shall be the same as at the date of adoption of this Charter and as extended pursuant to state law, and they may be changed in the manner provided by law.

1.05 Wards--Definitions And Boundaries

The City of Bellingham shall be divided into 6 wards as nearly equal in population and geographically compact as possible: Provided; That the existing boundaries of the wards as now constituted shall continue until changed as provided in the next paragraph.

Commencing February 1, 1988, and by February 15 of each 4th year thereafter, whenever the number of registered voters in any one ward exceeds the number of registered voters in any other ward by more than 15%, the Finance Director shall notify the City Council, and the City Council shall, by ordinance, cause the imbalance in ward size to be rectified in accordance with this and the preceding paragraph: Provided; that Council action on any redivision shall be completed by April 30th of that year. The Finance Director shall, on May 1st of each 4th year, certify to the City Council the number of registered voters in each ward as of that date.

[Amended November 4, 1986]

1.06 Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or political subdivisions or agencies thereof, or any municipal corporation, or other public agency allowed by state law, or the United States or any agency thereof.

1.07 Form Of Government

The City of Bellingham shall continue to have a mayor-council form of government.

1.08 Definition Of Terms

The following words, terms and phrases, whenever used in this Charter, shall be construed to mean as herein indicated unless the context clearly indicates otherwise:

1. **Charter:** This Revised Charter of the City of Bellingham.
2. **City:** City of Bellingham, State of Washington.
3. **Constitution:** Constitution of the State of Washington.
4. **State:** The State of Washington.

5. **Tense, Gender:** The past, present and future tenses shall each include the other; the masculine and feminine genders shall each include the other.
-

2.01 Elective City Officers

The elective officers of the City shall be the Mayor, the Finance Director, and 7 Councilmen. All elective officers shall be elected at municipal general elections by majority vote from the City at large.

[Amended November 5, 1985, and November 3, 1981]

2.01 Elective City Officers - Effective January 1, 2008

The elective officers of the City shall be the Mayor and 7 Councilmen. All elective officers shall be elected at municipal general elections by majority vote from the City at large.

[Amended November 7, 2006; November 5, 1985; November 3, 1981]

2.02 Terms Of Elected Officials

The terms of the Mayor and Finance Director shall be 4 years. The terms of the 6 Councilmen to be elected by wards shall be 4 years. The term of the Councilman to be elected at Large shall be 2 years. The terms of Councilmen shall be so staggered that 3 ward Councilmen and the Councilman-at-Large shall be elected at each municipal general election.

2.02 Terms Of Elected Officials - Effective January 1, 2008

The term of the Mayor shall be 4 years. The terms of the 6 Councilmen to be elected by wards shall be 4 years. The term of the Councilman to be elected at Large shall be 2 years. The terms of Councilmen shall be so staggered that 3 ward Councilmen and the Councilman-at-Large shall be elected at each municipal general election.

[Amended November 7, 2006]

2.03 Councilmen--Nomination And Election

The members of the City Council, except the Councilman-at-large, shall be nominated and elected as follows: The qualified electors of each ward, and they only, shall nominate from their own number 2 candidates for the office of Councilman. The nominee receiving the highest number of votes from the City at large, at the next municipal general election for the office of Councilman for the ward in which he resides, shall be declared duly elected. The Councilman-at-Large shall be nominated and elected from the City at large.

[Amended November 5, 1985, and November 3, 1981]

2.04 Procedure For Elections--State Election Laws

All municipal elections shall be governed by the procedure for elections as prescribed in the laws of the State of Washington.

2.05 Eligibility To Hold Elective Office

No person shall be eligible to hold elective office unless he is a registered voter of the City and a resident of the City for one year next preceding his election. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with the City is construed to have been residence within the City.

No City elected officer shall hold any other office or employment within the City government.

2.06 Elected Officers--Vacancies

Should a vacancy occur in the office of any City elected official pursuant to the provisions of state law or this Charter, that vacancy shall be filled under the provisions of this section.

A vacancy in the office of any City elected official shall be filled for the remainder of the unexpired term, if any, at the next municipal general election; but the Council, or the remaining members thereof, by majority vote, shall appoint a qualified registered voter to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. A vacancy in a ward council position shall be filled by the appointment of a qualified registered voter of that ward.

If at any time the membership of the Council is reduced below the number required for a quorum because of vacancies therein, the remaining members, nevertheless, by majority action, may appoint additional members to fill the vacancies until persons are elected to serve the remainder of the unexpired term.

If, after 30 days have passed since the occurrence of a vacancy, the Council is unable to agree upon a person to be appointed to fill a vacancy in the Council, the Mayor shall make the appointment from among the persons nominated by members of the Council.

2.07 Forfeiture Of Office

Any elected City official shall forfeit his office if he ceases to have the qualifications prescribed for such office by this Chapter or state law, or has been declared mentally incompetent by a court of competent jurisdiction. A Councilman shall forfeit his office if he fails to attend 3 consecutive regular meetings of the Council without being excused by the Council. A ward Council Member shall not forfeit his office if his ward is redistricted and as a result thereof his residence falls outside the redistricted ward boundaries, or if he changes residences within the final 12 months of his term.

A ward Council Member who moves outside his ward with more than 12 months remaining in his term shall forfeit his office.

[Amended November 3, 1981]

2.08 Pro Tempore Appointments

Biennially at the first meeting of a new Council, or periodically, the members thereof, by majority vote, may designate one of their number as Mayor Pro Tempore for such period as the Council may specify; or, in lieu thereof, the Council may appoint any qualified person to serve as Mayor Pro Tempore.

The Mayor Pro Tempore shall hold office at the pleasure of the Council, and in case of the absence or temporary disability of the Mayor, perform the duties of Mayor except he shall not have power to appoint or remove any officer, or to veto any acts of the City Council.

2.09 Mayor's Salary

The Mayor's salary should at no time be less than that of the highest paid City official or employee.

3.01 Council Powers

The Council shall have all the legislative powers and authority allowed cities in the State of Washington, whether they are specifically enumerated in the Charter or not. The Council shall have general ordinance-making powers and control over the City finances and properties.

The Council shall not perform administrative functions of the City.

3.02 Council Rules And Procedures

The Council shall annually elect from its members its president, who shall preside at all Council meetings and have the authority to enforce the rules of the City Council.

The Council shall determine its own rules and order of business.

A journal of all proceedings shall be kept, which shall be of public record. A majority of the entire Council shall constitute a quorum at all Council meetings. Council decisions shall require the affirmative vote of at least the majority of the Council membership.

3.03 Council Meetings

The Council shall meet regularly at least semi-monthly, at such times as the Council may by ordinance, rule, or resolution determine.

Special meetings may be called by the Mayor, Council President, or by a simple majority of the members of the Council pursuant to the provisions of state law.

All Council meetings shall be open to the public, unless otherwise prescribed by state law.

3.04 Ordinances--Regular

All legislation and appropriations of money shall be by ordinance, save where there is a special fund for a particular purpose; payments from such fund shall be made on order of the Council.

The subject of every ordinance shall be set out clearly in the title thereof, and no ordinance shall contain more than one subject. Ordinances making appropriations shall be confined to the subject of appropriations.

The enacting clause of all ordinances shall be in the words "The City of Bellingham does ordain."

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

Every ordinance, other than emergency ordinances, shall have 3 public readings, not more than 2 of which shall be on the same day. Final passage shall occur no earlier than at the next regular council meeting following introduction, except as otherwise provided in this Charter. The title of every ordinance and resolution which shall comprehensively set forth the subject matter of the legislation shall be read in full at a council meeting before a final vote is taken thereon, and upon every such vote the ayes and nays shall be called and recorded.

In the event changes are proposed after the legislation's inclusion in the Council packet as typed or before final adoption, any such change shall be submitted in writing and read in full. Provided, however, any citizen or Council Member may request that the legislation be read in full and upon the concurrence of three Council Members, the legislation shall be so read.

Every ordinance which passes the Council in order to become valid must be presented to the Mayor; if he approves it, he shall sign it and the ordinance shall become valid; but if not, he shall return it with his

written objections to the Council, and the Council shall cause his objections to be entered at large upon the journal and proceed to a reconsideration thereof. If upon reconsideration, a majority plus one of the whole membership, voting upon a call of ayes and nays, favor its passage, the ordinance shall become valid notwithstanding the Mayor's veto. If the Mayor fails for 10 days to either sign or veto an ordinance, it shall become valid without his approval. The Mayor's veto with respect to budget measures shall extend to specific items only, and not to the whole budget.

Ordinances, unless otherwise provided in this Charter, shall be published once in the City official newspaper, within 5 days after becoming valid.

Every ordinance shall be recorded in a book kept for that purpose, which record shall be attested by the Finance Director.

All ordinances enacted by the Council, except as otherwise proved in this Charter, shall take effect 15 days after the date of their final passage unless a later date is fixed therein, in which event they shall take effect at such later date.

Ordinances adopted by the electors of the City shall take effect at the time fixed therein, or, if no such time is designated therein, at the date of the adoption thereof.

[Amended November 23, 2983; November 3, 1981]

3.05 Ordinances-Emergency

When an emergency exists involving the immediate preservation of the public peace, health or safety, an ordinance may be passed which shall be effective immediately: Provided; That such emergency and the facts creating the same shall be stated in one section of the bill; and Provided further; That such bill shall not become an ordinance unless on its final passage by the City Council at least a majority plus one of all the members of the Council vote in its favor, and it shall have been approved by the Mayor.

3.06 Adoption Of Codes By Reference

Ordinances may by reference adopt Washington State statutes, and regulations, or codes, or portions thereof, as permitted by state law.

4.01 Authority Of The Mayor

The Mayor shall be the chief executive and administrative officer of the City with the prime responsibility of coordination and supervision of the activities of all departments and employees of the City.

The Mayor shall have the power to appoint and remove, subject to applicable civil service provisions, and except as otherwise provided in this Charter or by state law, all appointive officers of the City under his jurisdiction or may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office.

4.02 Duties Of The Mayor

The Mayor shall make certain that all laws and ordinances are faithfully enforced and that law and order is maintained in the City and shall have general supervision of the administration of City government.

All official bonds and bonds of contractors with the City shall be reviewed by the Mayor or such person as he may designate for approval or disapproval. He shall make certain that all contracts and agreements made with the City or for its use and benefit are faithfully kept and performed, and to this end he may cause any legal proceedings to be instituted and prosecuted in the name of the City, subject to approval by majority vote of the Council.

The Mayor, when present, and otherwise his delegate, shall attend all regular meetings of the City Council, but shall have no vote. He shall report to the Council concerning the affairs of the City and its financial and other needs, and shall make recommendations for Council consideration and action. He shall prepare and submit to the Council a proposed budget, as required by law, Charter or ordinance.

The Mayor shall be the official and ceremonial head of the City and shall represent the City on ceremonial occasions, except when illness or other duties prevent the Mayor's attendance at an official function and no Mayor Pro Tempore has been appointed by the Council, a member of the Council or some other suitable person may be designated by the Mayor to represent the City on such occasion.

4.03 Mayor's Power Of Veto

The Mayor shall have the power to veto ordinances passed by the Council and submitted to him as provided in this Charter, but such veto may be overridden by the vote of a majority of all Council members plus one more vote.

4.04 Chief Administrative Assistant Qualifications And Appointment

The Mayor, with the approval of the Council, may appoint a Chief Administrative Assistant who shall serve at the pleasure of the Mayor and shall perform such administrative duties as may be specified by the Mayor.

The Chief Administrative Assistant need not be a resident at the time of his appointment. He shall be chosen solely on the basis of his qualifications as an administrator, with particular emphasis on his educational background, training, and experience as a professional municipal administrator.

4.05 Administrative Departments

The Council shall by ordinance establish or abolish City departments, offices or agencies and shall prescribe their functions.

All departments, offices and agencies under the direction and supervision of the Mayor shall be administered by an officer appointed by and subject to the direction and supervision of the Mayor.

The Mayor shall assure coordination of activities by calling joint meetings of City department heads at least once monthly.

4.06 Bonds Of Officers And Approval Thereof

The Mayor shall furnish and file with the Finance Director a good and sufficient bond, executed by a surety company authorized to do business in the State of Washington, in such amount as may be determined by ordinance, for the faithful performance of his duties. Such other officers and employees as the Council may determine by ordinance shall furnish and file like bonds in the amounts fixed by such ordinances. The giving and approval of the bond of every appointive officer or employee required by ordinance to give bond shall be a necessary part of the qualification of such officer or employee. Upon approval by the Council, the City shall pay a reasonable premium to a surety company for the execution of any bond required by this Charter or by ordinance. Bonds of the elective officers shall be approved by the City Attorney, both as to sufficiency and form, and shall be deposited with the Finance Director. All other bonds shall be approved by the Mayor and the City Attorney.

5.01 Officers And Employees--Code Of Ethics--Contract Interests

All City officers and employees shall be governed by the Code of Ethics of municipal officers as prescribed by state law.

5.02 Contracts And Documents--Execution Of

All written contracts, bonds and instruments of every kind and description to which the City shall be a party shall be approved as to form and legality by the City Attorney, and executed in the name of the City by the Mayor, and attested by the Finance Director, and when necessary, shall be acknowledged by such officers

5.03 Advertising For Bids

The City shall comply with state law and City policy regarding bidding. Unless otherwise required by state law, the City shall publish bidding notices as Council shall direct. The Council may reject any and all bids; and nothing contained herein shall prevent the City from contracting through negotiation for professional services or for the doing of work with patented processes or from purchasing patented appliances. The

Council shall regulate the matter of making bids and letting contracts by ordinance not in conflict with the other provisions of this Charter or state law.

[Amended November 2, 2004; November 3, 1987]

6.01 Legal Officer--Appointment--Duties

There shall be a legal officer of the City, hereinafter referred to as City Attorney, appointed or removed by the Mayor with Council approval, who shall serve as chief legal advisor to the Council, the Mayor and all City departments, and shall represent the City in legal proceedings, and shall perform any other duties prescribed by this Charter or by ordinance, and shall devote his full time to the legal business of the City of Bellingham. He shall appoint such deputies and assistants as prescribed by ordinance.

6.02 Legal Officer--Qualifications

The City Attorney shall be qualified to practice law in the State of Washington, and shall have been in practice in the State of Washington for not less than 3 years next preceding his appointment. The City Attorney shall be chosen by the Mayor on the basis of his qualifications as an attorney and legal advisor, with special reference to his actual experience in, or his knowledge of, municipal law and the duties of his office.

6.03 Special Counsel

The Mayor, with the approval of the Council, may employ special counsel to take care of special matters; or to assist the City Attorney; or to perform on an interim basis the duties of the City Attorney in the event of a vacancy in his office, until selection and appointment of a full time City Attorney.

7.01 Boards, Advisory Only

The Council may, by ordinance, establish advisory boards with such functions and number of members as it may determine. The members of such boards shall be appointed and removed by the Mayor. No elected City official, or City officer, or City employee, or citizen having a conflict of interest shall be eligible for appointment to such boards. No compensation will be paid to members of advisory boards, except as provided by ordinance.

Unless otherwise provided in this Charter, or by state law, all boards, commissions, committees or other such bodies (herein referred to as "Boards") shall be advisory only, and shall be for the purpose of assisting the Mayor or Council in the performance of their duties.

7.02 Library Boards

The direction of the library shall be under a Board of Trustees, as provided by state law and City ordinance. The membership, terms, and eligibility for such Board shall be determined by the City Council. The members shall be appointed by the Mayor with the approval of the City Council.

7.03 Boards Of Adjustment Or Appeal

The City Council may provide by ordinance for boards of adjustment or appeal which shall be given authority to hear and determine appeals from administrative rulings of City officials or inspectors, or to hear and resolve citizen complaints and grievances in general, with such jurisdiction and power as may be prescribed by ordinance.

The membership, terms, and eligibility for such boards shall be determined by the City Council. The members of said boards shall be appointed by the Mayor with the approval of the City Council, and removed by the Mayor with the approval of a majority plus one of all members of the City Council.

7.04 Civil Service Commission

There shall be a civil service system in the City of Bellingham which shall be administered by a Civil Service Commission of 5 members.

The commission shall adopt rules and regulations for the conduct of its business and shall meet at least once monthly.

The rules and regulations of the Civil Service Commission of Bellingham existing at the time of the adoption of this Charter shall continue to exist under this Charter until, or unless, changed by or pursuant to this Charter, state law, ordinance, or the commission.

7.05 Civil Service Commission--Appointment And Term

One member of the commission must be chosen from 2 names submitted to the Mayor by the uniformed employees' representatives, and one member must be chosen from 2 names submitted to the Mayor by the non-uniformed employees' representatives. The other three members shall be named by the Mayor.

The members of this commission shall be appointed by the Mayor with the approval of a majority of all members of the City Council.

Each year the Mayor, with the approval of a majority of all the members of the City Council, shall appoint the successor of the commissioner whose term of office expires. Each term of office shall be for 5 years, starting on the first day of January, Provided; That the terms of offices of the commissioners appointed

under the provisions of the existing Charter superseded hereby shall not be affected by the provisions herein, and, upon the effective date of this Charter, 3 commissioners shall be appointed for terms of 3, 4, and 5 years, respectively.

No commissioner shall hold any other City office or City employment, nor shall he be an officer or employee of any labor organization that represents City employees.

The Mayor may, with the approval of a majority plus one of all the members of the City Council, remove any civil service commissioner.

Three commissioners shall constitute a quorum.

7.06 Civil Service Commission--Powers

The commission shall provide for the classification of all employees except temporary extra help and the appointive and elective officers otherwise mentioned in this Charter; for open, competitive and free examination as to fitness for an eligibility list from which vacancies shall be filled for a period of probation before employment is made permanent and for promotion on the basis of merit, experience and record.

Employees within the scope of this article who are in office at the time of the adoption of this Charter shall retain their positions, unless removed for cause.

The Council may, by ordinance, confer upon the commission such further rights and duties as may be deemed necessary to enforce and carry out the principles of this article.

7.07 Civil Service -- Employees Included

The provisions of this Charter relative to civil service shall apply to all employees in existing departments of the City now under civil service and all employees in new departments created by City ordinance unless specifically exempted therefrom by Charter, ordinance, state or federal law; Provided; That all elective officers, the heads of all departments, one chief deputy of any department when so provided by ordinance, professional engineers, attorneys, and certified public accountants when employed in their professional capacity, and temporary extra help, shall not be included within the classified civil service.

7.08 Civil Service--Promotions

The Civil Service Commission shall, by its rules and regulations, provide for promotions in the classified civil service on the basis of merit, seniority in service and examinations, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank who desire to submit themselves to such examination, and it shall be the duty of the commission to submit to the appointing power the names of the 3 highest eligibles for each promotion. The appointing authority shall then appoint one of the 3 certified persons to such vacant position. In fixing said rating, a uniform allowance of credits, to be stated at the time of the announcement of said examination, shall be made for each year of past service. The

method of examination, the rules and regulations governing the same and the method of certifying, shall be the same as provided for applicants for original appointment.

7.09 Civil Service-Suspensions, Removal Or Discharge

The Civil Service Commission shall, by its rules and regulations, provide for the suspension, removal or discharge of any civil service employee for cause; Provided; That said rules shall guarantee to the affected employee:

1. The right to a written statement as to the reasons for such suspension, removal or discharge;
 2. The right to a prompt investigation and public hearing;
 3. Reinstatement without penalty if the charges against him are not upheld by the Civil Service Commission; and
 4. The right to appear with or without council and to be heard in his own defense.
-

8.01 Fiscal Year

The City's fiscal year shall be the calendar year.

8.02 Taxation, Indebtedness And Bonds

The City shall have all powers granted to cities by the constitution and laws of the state in the levying and collecting of taxes, incurring of indebtedness, issuance, transfer, refunding, and sale of bonds, and any lawful financing procedures or methods.

8.03 Budgets And Budgetary Procedures

The budget shall be prepared and acted upon in the manner and within the time limit prescribed by state law. The Council may prescribe budget procedures supplemental to, and not inconsistent with, the provisions of the state law and this Charter.

8.04 Budget Control

At the beginning of each quarterly period during the fiscal year, and more often if required, the Finance Director shall submit to the Mayor and the Council a written report showing the relation between the estimated income and expenses and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council may reduce appropriations, except amounts required to meet contractual obligations and for debt, interest, and other fixed charges, to such a degree as may be necessary to keep expenditures within the cash income.

8.05 Finance Director - Duties

The Finance Director shall be responsible for all the finances of the City of Bellingham. He shall be responsible for the performance of all duties normally assigned to the clerk and the treasurer and such other duties as required by state law or ordinance.

The Finance Director shall receive and give receipt for all funds payable to the City and shall make his receipt therefor in duplicate, one of which he shall deliver to the party making the payment, and one he shall retain in his own office. All such receipts shall be issued in serial number.

The Finance Director, or designated representative, shall attend all City Council meetings, and keep a journal of its proceedings.

The Finance Director shall sign all warrants and licenses issued pursuant to the orders and ordinances of the City Council. He shall keep an account in an appropriate book of all licenses issued, with the names of the persons to whom issued, the date of issue, the times for which they were granted, and the sums paid therefor.

8.05 Finance Director - Appointment, Qualifications, And Duties - Effective January 1, 2008

The Finance Director shall be appointed or removed by the Mayor, with Council approval. The Finance Director shall be appointed based on professional qualifications with special reference to knowledge and experience in municipal finance.

The Finance Director shall be responsible for all the finances of the City of Bellingham. He shall be responsible for the performance of all duties normally assigned to the clerk and the treasurer and such other duties as required by state law or ordinance.

The Finance Director shall receive and give receipt for all funds payable to the City and shall make his receipt therefor in duplicate, one of which he shall deliver to the party making the payment, and one he shall retain in his own office. All such receipts shall be issued in serial number.

The Finance Director, or designated representative, shall attend all City Council meetings, and keep a journal of its proceedings.

The Finance Director shall sign all warrants and licenses issued pursuant to the orders and ordinances of the City Council. He shall keep an account in an appropriate book of all licenses issued, with the names of the persons to whom issued, the date of issue, the times for which they were granted, and the sums paid therefor.

[Amended November 7, 2006]

8.06 Finance Director--Records, Instruments And Corporate Seal

The Finance Director shall have the custody of the City Seal, the public records, except such as are intrusted by the provisions of this Charter to other officers, the original rolls of ordinances, the original contracts, deeds and certificates relative to the title of any property of this City, all official indemnity or surety bonds, except his own which shall be deposited with the Mayor, and such other records as are required by ordinance. He shall attest all public instruments and the official acts of the Mayor by his signature and the City seal. He shall certify under the Seal of the City all copies of original records as may be required, and shall charge therefor such fees as are prescribed by ordinance.

8.07 Finance Director--Payroll Record

The Finance Director shall keep a payroll record of all persons employed by the City, which record shall be open to public inspection during business hours.

8.08 Finance Director-Money Payable To City

Every officer, or employee, or agent of the City, or any other person, who shall receive or have in his hands any money payable to the City, shall immediately pay the same to the City Finance Director, taking a receipt therefor.

8.09 Finance Director-Disbursement Of Funds

All payments authorized by the Council shall be by warrants drawn upon the City treasury, signed by the Mayor and Finance Director and such warrants shall be paid in the order in which they are issued. Each warrant shall be numbered and shall state the purpose for which it is issued.

All funds received by the Finance Director shall be deposited in a depository selected and qualified in accordance with state law.

8.10 Finance Director-Report To Mayor And Council

The Finance Director shall, at the close of each month, make a written report to the Mayor and the

Council on the amount of monies received and disbursed by him and the amount on hand.

8.11 Finance Director-Report From Depository

The account of the City in each depository shall be in the name of the "City of Bellingham". Each depository shall render a monthly statement of the credits and debits to the account of the City, and such monthly statement, together with the canceled vouchers, shall be delivered to the Finance Director. The Finance Director shall compare and reconcile all such statements of account with the records in his office and shall report to the Mayor that such statements are correct or otherwise, and when found correct the statement and vouchers shall be filed.

8.12 Bonds And Warrants

Neither the Finance Director, nor Mayor, nor any Councilman, nor any official or employee connected with the office of the Finance Director, shall purchase or sell any bonds or warrants of the City, except in his official capacity as provided in this Charter, Provided; That he may sell warrants issued to him for services performed.

8.13 Additional Regulations

The Council may make such regulations, not inconsistent with provisions of this article, and in conformity with state law, as will further safeguard the funds of the City of Bellingham.

9.01 Recall-Method

Any holder of an elective office may be recalled and removed therefrom by the qualified electors of the City as provided by state law.

9.02 Recall-Ineligibility For Office

No person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office or position within four (4) years thereafter.

10.01 General Power

The people of Bellingham, in addition to the method of legislation, otherwise herein provided, shall have power to direct legislation by initiative and referendum.

10.02 Initiative-Petition Method

The first power reserved by the people is the initiative. The registered electors of the City may propose any ordinance, or amendments to any existing ordinance, relating to matters within the legislative, as distinguished from administrative, powers of the City as a corporate entity. Notwithstanding the above classification, no ordinance shall be initiated relating to the annual budget or capital expense budget, making or repealing any appropriation, fixing the salaries or wages of officers or employees, or authorizing or repealing the levy of taxes.

An initiative may be exercised on petition of a number of qualified voters equal to not less than 20% of the total number of votes cast for the office of Mayor at the last preceding municipal general election, proposing the enactment, as an ordinance, of a bill, the full text of which shall be included in the petition.

Every initiative petition shall be filed with the Finance Director, who shall verify the sufficiency of the signatures to the petition, and transmit it, together with his report thereon, to the City Council at a regular meeting not more than 20 days after the filing of the petition, and such transmission shall be the introduction of the initiative bill in the City Council. If the Finance Director shall find any petition to be insufficient in signatures, he shall notify the principal petitioners, and an additional 20 days shall be allowed them in which to obtain the required percentage.

Consideration of initiatives shall take precedence over all other business before the City Council, except appropriation bills and emergency bills necessary for the immediate preservation of the public peace, health or safety.

10.03 Initiative-Provision As To Source Of Revenue

No initiative bill requiring the expenditure of additional funds for an existing activity, or of any funds for a new activity or purpose, shall be filed or submitted to a vote unless provision be specifically made therein for new or additional sources of revenue for all such additional funds required thereby.

10.04 Initiative-Council Action

The City Council may enact or reject an initiative bill, but shall not amend or modify the same: Provided; That the City Council may, after rejection of any initiative bill, propose and pass a different one dealing with the same subject.

10.05 Initiative-Submission To Electorate

If the City Council shall have rejected any initiative bill, or shall, within 30 days after receipt thereof, have failed to take final action thereon, or shall have passed a different bill dealing with the same subject, the said rejected initiative bill and such different bill dealing with the same subject, if any has been passed, shall be submitted by the Finance Director to the qualified electors for approval or rejection at the next municipal general election: Provided; That the City Council may, in its discretion, provide for a special election at which the vote shall be taken.

10.06 Initiative-Passage And Effective Date

Any bill thus submitted to the vote of the people, which shall receive in its favor a majority of all the votes cast for and against the same, shall become an ordinance of the City of Bellingham, and be in full force and effect, and be published in the City official newspaper within 10 days after the official canvass of the ballots pursuant to law.

10.07 Initiative-Conflicting Bills

In case the City Council shall, after rejection of the initiative bill, have passed an alternative bill dealing with the same subject, the alternative bill shall be submitted at the same election with the initiative bill. The ballot titles of both bills shall be printed on the official ballots so that a voter can express separately by making one cross (X) for each two preferences; first, as between either measure and neither, and secondly, as between one and the other. Only if a majority of all votes cast favor either bill in the first proposition, shall one of the bills so proposed be adopted. The measure adopted shall be the measure receiving the greater number of votes of the alternative measures.

[Amended November 3, 1981]

10.08 Referendum

The second power reserved by the people is the simple referendum which may be exercised and ordered as to any ordinance which has passed the City Council and the Mayor, or which has been passed over the Mayor's veto as provided in this Charter, either upon a petition signed by a number of qualified voters equal to not less than 8% of the total number of votes cast for the office of Mayor at the last preceding municipal general election, or by the City Council itself without petition: Provided; That this section shall not apply to ordinances necessary for the immediate preservation of the public peace, health or safety as provided in this Charter, nor to ordinances relating to the annual budget or the capital expense budget, making or repealing any appropriation, fixing the salaries or wages of officers or employees, authorizing or repealing the levy of taxes, or any repealing ordinances adopted by the Council in compliance with a referendum petition. The fact that the ordinance is already in effect shall not bar the referendum procedure.

10.09 Referendum-Petition Procedure

The referendum may be invoked by petition bearing the signatures of the required percentage of qualified voters as to any ordinance, or any section, item or part of any such ordinance allowed by the preceding paragraph, which petition shall be filed with the finance Director within 30 days following the effective date of said ordinance, as provided in section 3.04 of this Charter, and the filing of such referendum petition as to any such ordinance, or section, item or part thereof, shall operate to abate the ordinance, or any further action thereon, except as hereinafter provided. The Finance Director shall verify the sufficiency of the signatures to the petition and transmit it, together with his report thereon, to the City Council at a regular meeting not more than 20 days after the filing of the petition.

10.10 Referendum-Submission To Electorate

The City Council shall thereupon provide for submitting the said ordinance, or section, item or part thereof, to the vote of the qualified electors for ratification or rejection, either at the next municipal general election, or at a special election as the City Council in its discretion may provide.

10.11 Referendum-Approval Or Rejection-Effective Date

If the ordinance thus submitted to the referendum shall receive in its favor a majority cast for and against the same, it shall be in full force and effect, and be published in the City official newspaper within 10 days after the official canvass of the ballots pursuant to law.

If the ordinance shall fail to receive the majority vote in its favor, it shall be considered as rejected and shall be of no force or effect.

10.12 Amendment Or Repeal By City Council

Every ordinance heretofore or hereafter initiated or referred and approved as provided in the preceding sections, may be amended, revised or repealed by the City Council: Provided; That no such ordinance may be so amended, revised or repealed within 2 years after the effective date thereof.

11.01 Exclusive Franchises Prohibited.

No exclusive franchise or privilege shall be granted for the use of any street or other place or any part thereof.

11.02 Franchises And Permits-Streets And Public Ways

Subject to the provisions of this Charter, this City shall have authority to permit and regulate under such restrictions and conditions as it may set by ordinance and to grant nonexclusive franchises for the use of public streets, bridges or other public ways, structures or places above or below the surface of the ground for railroads and other routes and facilities for public conveyances, for poles, conduits, tunnels, towers and structures, pipes and wires and appurtenances thereof for transmission and distribution of electrical energy, signals and other methods of communication, for gas, steam and liquid fuels, for water, sewer and other private and publicly owned and operated facilities for public service. The power hereby granted shall be in addition to the franchise authority granted by general law to cities. No franchise shall be granted, renewed, amended or extended except by ordinance.

11.03 Franchises-Bond

The City Council may require a bond in a reasonable amount for any person or corporation obtaining a franchise from the City conditioned upon the faithful performance of the conditions and terms of the franchise and providing a recovery on the bond in case of failure to perform the terms and conditions of the franchise.

11.04 Franchises-Restrictions And Limitations

Every grant of a franchise right or privilege shall be subject to the right of the City Council, or the people of the City acting for themselves by initiative or referendum, at any time subsequent to the grant, to repeal, amend or modify the said grant with due regard to the rights of the grantee and the interest of the public; and to cancel, forfeit and abrogate any such grant if the franchise granted thereby is not operated in full accordance with its provisions, or at all; and at any time during the grant to acquire by purchase or condemnation, for the use of the City itself, all the property of the grantee within the limits of the public streets, at a fair and just value, which shall not include any valuation of the franchise itself, which shall thereupon terminate; and every ordinance making such grant shall contain a reservation of these rights of the City Council, and of the people of the City acting for themselves by initiative or referendum, to so repeal, amend or modify said ordinance, and to so cancel, forfeit and abrogate the grant, and to so acquire the property of the grantee in the public streets, as hereinabove set forth.

11.05 Renewals-Extensions

The City Council shall not consider or grant any application for the extension of the period of any franchise, nor any new franchise covering all or any substantial part of the rights or privileges of any

existing franchise, until within 3 years of the expiration of the existing grant.

11.06 Procedure For Assignment Or Lease Of Franchise Rights

No franchise heretofore or hereafter granted by the City shall ever be leased, assigned, or otherwise alienated without the express consent of the City by ordinance, and no dealing with the lessee or assignee on the part of the City to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent.

11.07 Term

No franchise shall be granted for a longer period than 25 years.

11.08 Publication

Proposed ordinances for the grant, extension, alteration or renewal of franchises shall be filed with the Finance Director and published once a week for 4 successive weeks in the City official newspaper before they shall be placed on first reading by the Council. Every applicant for a franchise shall bear all expenses of advertising the proposed ordinance.

12.01 City Council Investigative Powers

The City Council may, in connection with the legislative process, make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.

12.02 Claims Against City For Damages

All claims for damages against the City must be filed with the Finance Director within the time limit as prescribed by state law, and shall be presented to the City Council, and no ordinance shall be passed allowing any such claim, or any part thereof, or appropriating money or other property to pay or satisfy the same, until such claim has been first referred to the proper department, board, commission, agency or committee, not until such department, board, commission, agency or committee has made its report to the City Council thereon, pursuant to such reference. No action shall be maintained against the City for any claim for damages until the same has been presented to the City Council and 60 days has elapsed after

such presentation.

All such claims for damages must accurately locate and describe the defect that caused the injury, accurately describe the injury, give the residence for 6 months past of the claimant, contain the items of damages claimed, and be sworn to by the claimant. All such claims must comply with any additional requirements provided by state law.

12.03 Severability Clause

The provisions, sections, subdivisions and articles of this Charter, shall be considered to be severable, so that if any provision, section, subdivision or article, or its application to any person or circumstance, is altered, amended, abrogated, repealed, superseded by state law or held invalid, the remainder of the particular provision, section, subdivision, article or Charter, or the application thereof to other persons or circumstances, shall not be deemed affected.

12.04 Campaign Expenditure Reports

The City Council shall establish, by ordinance, regulations requiring the reporting of all campaign contributions made to the election campaigns of all candidates for City office and to all campaigns concerning ballot issues.

12.05 City Property-Public Records

The official books, papers and records of all the officers of the City are City property, and shall be kept by such officers during their continuance in office, and then delivered to their successors.

The City Council shall establish by ordinance procedures to make City records available to the public

12.06 Sale Of Lake Padden Prohibited

Nothing in this Charter shall be construed to permit the City of Bellingham to sell all or any portion of any of the real property it now owns or may hereafter acquire for water supply purposes in Township 37 N. Range 3 E. of Willamette Meridian, and more generally known as Lake Padden, Ruby Creek and Silver Creek Watersheds, whether or not used for water supply purposes, unless a question of such proposed sale shall have been first submitted to the qualified electors of the City at a general or special election called for that purpose and assented to by two-thirds of said electors voting on such question.

12.07 Appointments-Lack Of Confirmation

Where Council approval for any appointment by the Mayor is required by this Charter, and the City Council shall refuse to confirm such appointment, then the Mayor shall within 1 week thereafter make a second appointment for the same position. If the Council shall refuse to confirm the second appointment, then the Mayor shall fill such appointment with an appointee other than the previous 2, without confirmation of the City Council.

13.01 Amendments Proposed By City Council

Any amendment or amendments to this Charter may be proposed in the City Council, and, if the same shall be agreed to by a majority of all the members thereof, such proposed amendment or amendments shall be submitted to the electors of the City for their ratification, at the next state or municipal general election, which shall be at least 60 days after the adoption of such proposed amendment or amendments to the city Council; and if at such election any such amendment shall be ratified by a majority of all the qualified electors voting thereon, the same shall thereby become a part of this Charter, and be in full force and effect, and be published in the City official newspaper within 10 days after the official canvass of the ballots pursuant to law: Provided; That if more than one amendment be submitted at the same election, the same shall be submitted in such manner that each proposed amendment may be voted on separately without prejudice to others.

13.02 Amendments Proposed By Petition

This Charter may be amended by the petition method as provided by the laws of the State of Washington.

13.03 Amendments-Publication Of

All proposed amendments of this Charter shall be published once a week for 4 successive weeks in the City official newspaper before the election at which they are submitted to be voted upon.

14.01 New Charter-Effective Date

This Charter shall take effect on the 1st day of January in the year following its adoption, and, on that date, shall become the Charter of the City of Bellingham and the organic law thereof, superseding the existing Charter, pursuant to the laws of the State of Washington. All provisions of this Charter substantially identical with provisions of the Charter superseded hereby, shall be construed as continuation of such former provisions and not as new enactments: Provided; That Article VIII of this Charter, insofar as it pertains to the creation of the position of finance Director and his duties therein

prescribed, shall not take effect until January 1, 1974. Wherever the words Finance Director shall appear in this Charter, until January 1, 1974, it shall be assumed to mean Comptroller or Treasurer as their duties may be defined in the superseded Charter. The office of Comptroller and the office of Treasurer shall carry over until January 1, 1974 when the Finance Director takes office. The incumbent Comptroller and Treasurer shall remain in office until January 1, 1974. The Finance Director will be elected for a 2 year term at the municipal general election in 1973 so that his election (which is to be for a 4 year term) will coincide with the election of the Mayor in 1975.

14.02 Effect Of Revised Charter-Savings Provisions

The adoption of this Charter shall not affect any right, obligation or liability, either in favor of or against the City, existing at the time of its effective date, nor any pending civil, criminal or administrative proceeding involving or relating to the City. All rights and property of every description and location which were vested in the City immediately prior to the effective date of this Charter, shall continue to be vested in the City, and all monies in the City treasury on the date this Charter takes effect shall be credited to the several funds to which they belong.

14.03 Ordinances, Resolutions And Regulations.

All ordinances, resolutions, rules, regulations or orders lawfully in force in the City on the effective date of this Charter shall, to the extent not inconsistent with or repugnant to this Charter, continue in full force and effect until amended, repealed, abrogated or rescinded pursuant to law, or until they expire by limitation.

14.04 Governmental Bodies, Offices And Positions

All governmental bodies, offices or positions not provided for by this Charter, together with the emoluments thereof, shall immediately cease to exist on the effective date of this Charter. Any new office or position created by or pursuant to this Charter shall be filled after its effective date in the manner provided by law and this Charter. Every elective officer of this City in an office not abolished or dispensed with by this Charter, on its effective date, shall continue in office for the remainder of his term and until his successor shall have qualified. Every appointive officer in an office not abolished or dispensed with by this Charter shall continue to hold and exercise his office under, and in accordance with, the terms, provisions and obligations of this Charter, until the appointment and qualification of his successor.

14.05 Local Improvements-Completion

All improvements of streets, alleys and public places in the City which were begun prior to, and remain uncompleted on the effective date of this Charter, shall be completed in accordance with the applicable laws and ordinances in effect at the time such improvements were ordered.

14.06 Special Assessments-Payment And Collection

All special assessments levied and remaining unpaid on the date this Charter takes effect shall be paid and be collected in accordance with the applicable laws and ordinances in effect at the time the same were levied.