

Amended and replaced on 7/23/2019

PROPOSED BY: **BROWNE**
INTRODUCTION DATE: May 21, 2019

ORDINANCE NO. _____

**AMENDING WHATCOM COUNTY CHARTER SECTIONS
4.20 (QUALIFICATIONS) AND 6.90 (ILLEGAL CONTRACTS)**

WHEREAS, the Whatcom County Charter Section 4.20 currently reads "Each County officer holding an elective office shall be, at the time of his appointment" [Emphasis added]; and

WHEREAS, the Whatcom County Charter Section 6.90 currently reads "Except as otherwise provided by ordinance, any contract in excess of an appropriation shall be null and void; and any officer, agent or employee of the County knowingly responsible shall be personally liable to anyone damaged by his action" [Emphasis added]; and

WHEREAS, the citizens of Whatcom County overwhelming support equal rights and recognition for women; and

WHEREAS, Section 8.23 (Amendments by the County Council) of the County Charter states: "The County Council by unanimous vote of the entire Council may effect amendments to the language of the Charter where the passage of time has rendered language moot or obsolete. Such changes shall be made by ordinance, and have a public hearing".

NOW, THEREFORE, BE IT RESOLVED, that Section 4.20 and Section 6.90 of the County Charter shall be amended as detailed in the attached Exhibit A; and

ADOPTED this ____ day of _____, 2019.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Rud Browne, Council Chair

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

Jack Louws, County Executive

() Approved () Denied

Date Signed: _____

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EXHIBIT A
(clean version)

4 **Section 4.20 Qualifications.**

5 Each County officer holding an elective office shall be, at the time of her or his appointment or
6 election and at all times while holding office, a citizen of the United States and a resident and
7 registered voter of Whatcom County and councilmembers shall be residents of the districts
8 which they represent. Any change in the boundaries of the councilmember's district which shall
9 cause that member to be no longer a resident of the district which that councilmember represents
10 shall not disqualify that councilmember from holding office during the remainder of the term for
11 which that councilmember was elected or appointed. (Amended by referendum 1986; Amended
12 by Ord. 2005-075 Exh. A).

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14 **Section 6.90 Illegal Contracts.**

15 Except as otherwise provided by ordinance, any contract in excess of an appropriation shall be
16 null and void; and any officer, agent or employee of the County knowingly responsible shall be
17 personally liable to anyone damaged by her or his action. The County Council when requested to
18 do so by the County Executive may adopt an ordinance permitting the County to enter into
19 contracts requiring the payment of funds from appropriations of subsequent budget cycles, but
20 real property shall not be leased to the County for more than one year, unless it is included in a
21 capital budget appropriation ordinance. (Amended by ballot measure 1997 [refer to Ord. 97-
22 042]; Amended by Ord. 2005-075 Exh. A).

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EXHIBIT A
(redline/strikeout version)

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Section 4.20 Qualifications.

Each County officer holding an elective office shall be, at the time of her or his appointment or election and at all times while holding office, a citizen of the United States and a resident and registered voter of Whatcom County and councilmembers shall be residents of the districts which they represent. Any change in the boundaries of the councilmember's district which shall cause that member to be no longer a resident of the district which that councilmember represents shall not disqualify that councilmember from holding office during the remainder of the term for which that councilmember was elected or appointed. (Amended by referendum 1986; Amended by Ord. 2005-075 Exh. A).

Section 6.90 Illegal Contracts.

Except as otherwise provided by ordinance, any contract in excess of an appropriation shall be null and void; and any officer, agent or employee of the County knowingly responsible shall be personally liable to anyone damaged by her or his action. The County Council when requested to do so by the County Executive may adopt an ordinance permitting the County to enter into contracts requiring the payment of funds from appropriations of subsequent budget cycles, but real property shall not be leased to the County for more than one year, unless it is included in a capital budget appropriation ordinance. (Amended by ballot measure 1997 [refer to Ord. 97-042]; Amended by Ord. 2005-075 Exh. A).