

ORDINANCE NO. \_\_\_\_\_

**AMENDING WHATCOM COUNTY CODE 3.08 (PURCHASING SYSTEM) TO INCLUDE  
NONDISCRIMINATION BY COUNTY CONTRACTORS**

**WHEREAS**, Whatcom County residents value all people without regard to race, color, creed, religion, national origin, sex, sexual orientation, gender identity or expression, age, marital status, neurodiversity, disability, political affiliation, or veteran status; and

**WHEREAS**, Whatcom County residents entrust the County Council and Executive to procure goods and services with entities that reflect our values; and

**WHEREAS**, Whatcom County General Conditions Paragraphs 35.1 Non-Discrimination in Employment and 35.2 Non-Discrimination in Client Services have been included in most contracts by practice, but have not been required in all contracts by policy or ordinance; and

**WHEREAS**, The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate because of a person's race, color, religion, sex (including pregnancy, transgender status, and sexual orientation), national origin, age (40 or older), disability or genetic information; and

**WHEREAS**, the Revised Code of Washington Chapter 49.60, establishes the Washington State Human Rights Commission (WSHRC) and its responsibility for administering and enforcing the Washington Law Against Discrimination; and

**WHEREAS**, Whatcom County seeks to ensure that contractors observe non-discrimination laws in all contracts proposed by the County.

**NOW, THEREFORE, BE IT ORDAINED**, that the County Code shall hereby be amended to include a new section as detailed in the attached Exhibit A.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

**WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON**

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Council Chair

**APPROVED AS TO FORM:**

**WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON**

Karen Frakes by email 2/26/2021  
Civil Deputy Prosecutor

\_\_\_\_\_  
Satpal Sidhu, County Executive

( ) Approved      ( ) Denied

Date Signed: \_\_\_\_\_

1  
2  
3  
4 **EXHIBIT A**

5  
6 **3.08.125 Nondiscrimination**

7 Whatcom County endeavors to secure for all individuals within the county the freedom from  
8 discrimination because of race, color, religion, national origin, gender, sexual orientation  
9 (including gender identity), age, marital status, or disability in connection with employment,  
10 and thereby to promote the interests, rights and privileges of individuals within the county.

11 A. All contracts proposed by County staff shall incorporate equal employment  
12 opportunity clauses which shall read as follows, or as subsequently amended to be  
13 consistent with existing law:

14  
15 1. Non-Discrimination in Employment:

16  
17 The County's policy is to provide equal opportunity in all terms, conditions and  
18 privileges of employment for all qualified applicants and employees without  
19 regard to race, color, creed, religion, national origin, sex, sexual orientation  
20 (including gender identity), age, marital status, disability, or veteran status.  
21 The Contractor shall comply with all laws prohibiting discrimination against any  
22 employee or applicant for employment on the grounds of race, color, creed,  
23 religion, national origin, sex, sexual orientation (including gender identity),  
24 age, marital status, disability, political affiliation, or veteran status, except  
25 where such constitutes a bona fide occupational qualification.

26  
27 Furthermore, in those cases in which the Contractor is governed by such laws,  
28 the Contractor shall take affirmative action to ensure that applicants are  
29 employed, and treated during employment, without regard to their race, color,  
30 creed, religion, national origin, sex, age, marital status, sexual orientation  
31 (including gender identity), disability, or veteran status, except where such  
32 constitutes a bona fide occupational qualification. Such action shall include,  
33 but not be limited to: advertising, hiring, promotions, layoffs or terminations,  
34 rate of pay or other forms of compensation benefits, selection for training  
35 including apprenticeship, and participation in recreational and educational  
36 activities. In all solicitations or advertisements for employees placed by them  
37 or on their behalf, the Contractor shall state that all qualified applicants will  
38 receive consideration for employment without regard to race, color, religion,  
39 sex or national origin.

40  
41 The foregoing provisions shall also be binding upon any subcontractor, provided  
42 that the foregoing provision shall not apply to contracts or subcontractors for  
43 standard commercial supplies or raw materials, or to sole proprietorships with  
44 no employees.

45  
46 2. Non-Discrimination in Client Services:

47  
48 The Contractor shall not discriminate on the grounds of race, color, creed,  
49 religion, national origin, sex, age, marital status, sexual orientation (including  
50 gender identity), disability, or veteran status; or deny an individual or business  
51 any service or benefits under this Agreement unless otherwise allowed by  
52 applicable law; or subject an individual or business to segregation or separate  
53 treatment in any manner related to his/her/its receipt any service or services  
54 or other benefits provided under this Agreement unless otherwise allowed by

1 applicable law; or deny an individual or business an opportunity to participate  
2 in any program provided by this Agreement unless otherwise allowed by  
3 applicable law.

4  
5 B. Noncompliance with the non-discrimination in employment and client services  
6 provisions will be grounds for terminating a contract and may hinder a contractor's  
7 eligibility for future contracts.