



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Report

File Number: AB2023-778

File ID:	AB2023-778	Version:	1	Status:	Adopted
File Created:	11/15/2023	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance		
Assigned to:	Council Committee of the Whole			Final Action:	12/05/2023
Agenda Date:	12/05/2023	Enactment #:	ORD 2023-083		
Related Files:					

Primary Contact Email: DBrown@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance submitting to the qualified voters of Whatcom County a proposal to amend Whatcom County Charter Section 4.30 to expand the standards for conflict of interest

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance submits a proposal the Whatcom County Auditor for inclusion on the 2024 General Election ballot that, if approved, would amend Whatcom County Charter Section 4.30 to expand the standard for conflict(s) of interest to include language prohibiting County elected official from holding any other public office at any level of government during their term of office.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
11/21/2023	Council	SUBSTITUTE INTRODUCED	Council Committee of the Whole
		Aye: 5 Buchanan, Donovan, Frazey, Galloway, and Kershner	
		Nay: 1 Elenbaas	
		Absent: 1 Byrd	
12/05/2023	Council Committee of the Whole	RECOMMENDED FOR ADOPTION	
		Aye: 6 Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner	
		Nay: 1 Elenbaas	
12/05/2023	Council	ADOPTED	
		Aye: 6 Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner	

Nay: 1 Elenbaas

Attachments: Proposed Ordinance, Substitute Ordinance

ORDINANCE NO. 2023-083

**SUBMITTING TO THE QUALIFIED VOTERS OF WHATCOM COUNTY A PROPOSAL TO
AMEND WHATCOM COUNTY CHARTER SECTION 4.30 TO EXPAND THE STANDARDS
FOR CONFLICT OF INTEREST**

WHEREAS, the Whatcom County Charter Section 4.30 – Conflict of Interest, states that “The County Council, Executive, Assessor, Auditor, Treasurer, Sheriff and Prosecuting Attorney shall hold no other office or employment within County government”; and

WHEREAS, this section does not address holding of offices in other levels of government;

WHEREAS, persons holding more than one public office cannot fully perform the duties of multiple elected positions, which is contrary to the public interest; and

WHEREAS, according to the National Conference of State Legislatures, most other states do not permit lawmakers to simultaneously hold two elected positions.

WHEREAS, Washington State allows county charters to set a more exacting standard than the state standard.

WHEREAS, in 2016, with over 83% support, Pierce County voters amended section 9.45 of their county charter to read, “Members of the Council, the Executive, the Assessor-Treasurer, the Auditor, the Sheriff and the Prosecuting Attorney are prohibited from holding another elected public office during their term of office except this prohibition does not apply to the elected office of political party precinct committee officer.”

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

1. BALLOT PROPOSITION SUBMITTAL: The County Auditor shall cause notice of the proposed proposition to be published in accordance with the state constitution and general law and shall submit to the qualified electors of the County the proposition hereinafter set forth on the ballot of the county-wide general election to be held on November 5, 2024. The Clerk of the Council shall certify that proposition to the County Auditor in substantially the following form:

WHATCOM COUNTY, WASHINGTON
PROPOSITION NUMBER 2024-___

EXPAND CHARTER REQUIREMENTS FOR CONFLICT OF INTEREST

The Whatcom County Council adopted Ordinance No. 23-083 proposing amendments to Section 4.30 of the Whatcom County Charter which concerns conflicts of interest of County elected officials. The current provision prohibits County elected officials from holding any other office or employment only within County government. If approved, this amendment would add language which would also prohibit County elected officials from holding “any other public office at any level of government during their term of office” and would amend the title of the section to “Conflicts of Interest.” Should this proposition be approved?

___ Yes

___ No

2. CORRECTIONS AND EXPLANATORY STATEMENT: The Prosecuting Attorney is authorized to make such minor adjustments to the wording of this proposition as may be required that do not change its substantive meaning and are consistent with the intent of this ordinance, and the Prosecuting Attorney shall prepare an explanatory statement based on this ordinance for use in the Voters Pamphlet.

3. AMENDMENTS AND SEVERABILITY: If the ballot measure proposed herein passes by a majority vote, the Whatcom County Charter shall be amended to reflect the approved language. Provided that it is consistent with state law, the Council may, through its inherent authority, otherwise amend this ordinance if it determines that circumstances warrant such amendment. If any provision of this ordinance or its application to any person or circumstance is determined to be invalid, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

BE IT FINALLY ORDAINED that if the ballot measure is approved by majority vote, the Whatcom County Charter shall be amended as outlined in Exhibit A to this ordinance.

ADOPTED this 5th day of December 2023.

ATTEST:


A circular seal for Whatcom County, Washington, featuring a star in the center and the words 'WHATCOM COUNTY WASHINGTON' around the perimeter. A signature is written across the seal.
Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

/s/Karen Frakes approved via phone on 12/1/2023/MR

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

A handwritten signature in black ink.
Barry Buchanan, Council Chair

Approved () Denied

A handwritten signature in black ink.
Satpal Sidhu, County Executive

Date: 12/8/23

EXHIBIT A

Section 4.30 Conflicts of Interest.

The County Council, Executive, Assessor, Auditor, Treasurer, Sheriff and Prosecuting Attorney shall hold no other office or employment within County government or any other elected public office during their term of office. (Amended by referendum 1986; Amended by Ord. 93-046 (part)).