



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-634

File ID:	AB2019-634	Version:	1	Status:	Approved
File Created:	12/02/2019	Entered by:			
Department:		File Type:	Resolution		
Assigned to:	Council			Final Action:	12/03/2019
Agenda Date:	12/03/2019			Enactment #:	RES 2019-064

TITLE FOR AGENDA ITEM:

Resolution respectfully requesting that the Whatcom County Prosecutor ask the Washington State Attorney General for an update on Opinion Docket No. 19-04-03

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Resolution respectfully requesting that the Whatcom County Prosecutor ask the Washington State Attorney General for an update on Opinion Docket No. 19-04-03

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
12/03/2019	Council	APPROVED	
		Aye: 5	Browne, Buchanan, Donovan, Frazey, and Sidhu
		Nay: 2	Brenner, and Byrd
		Absent: 0	

RESOLUTION NO. 2019-064

**RESPECTFULLY REQUESTING THAT THE WHATCOM COUNTY PROSECUTOR
ASK THE WASHINGTON STATE ATTORNEY GENERAL FOR AN UPDATE ON
OPINION DOCKET NO. 19-04-03**

WHEREAS, article II, section 7 of the Washington Constitution establishes the sole qualifications for state legislative office: such persons must be citizens of the United States and qualified voters in the district where he or she is selected; and

WHEREAS, there is no law prohibiting sitting County Councilmembers and Commissioners from standing for nomination for a Vacant position in Washington State House of Representatives or Washington State Senate; and

WHEREAS, yet for years Washington Attorney General Opinions culminating in AGO 1987 No. 21 have been used by one or more political parties to rule sitting County Councilmembers and Commissioners ineligible to stand for nomination for vacant positions in Washington State House of Representatives and/or Washington State Senate; and

WHEREAS, in on February 12, 2019 in response to the confusion created during the process to appoint someone to replace Senator Kevin Ranker the Whatcom County Council passed Resolution AB2019-013 (attached) requesting the Whatcom County Prosecuting Attorney seek an updated Attorney General's Opinion on the question of "*Is a sitting county commissioner or councilmember eligible for appointment to a vacant state legislative position?*"; and

WHEREAS, the Whatcom County Council believes any current or future sitting Councilmember who seeks nomination should be eligible for such provided they recuse him or herself from any vote and discussion about filling that legislative vacancy; and

WHEREAS, in April this year the Attorneys General opened a file and subsequently started work on what is referred to as Opinion Docket No. 19-04-03; and

WHEREAS, the recent resignation of Rep. Jeff Morris from his position in the 40th Legislative District will require the Council to repeat the same process it did a year ago sometime in the next few weeks; and

WHEREAS, Rep. Morris' resignation has significantly increased the urgency surrounding the questions raised in Opinion Docket No. 19-04-03 and the Whatcom County Council is seeking clearer guidance as to how to proceed; and

WHEREAS, therefore any rule prohibiting a sitting County Councilmember from being appointed to the State Legislature often eliminates the most qualified candidates from consideration for appointment, and is not in the best interests of the County's constituents; and

1 **WHEREAS**, the Whatcom County Council represents citizens in the 40th and 42nd
2 Districts and could be required to deal with another legislative appointment again in the
3 immediate future for any number of reasons (as Rep. Morris' resignation has shown); and
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5 **NOW, THEREFORE, BE IT RESOLVED** that the Whatcom County Council
6 respectfully request that the Whatcom County Prosecuting Attorney ask the Attorney
7 General for the State of Washington to provide an update on this matter without delay; and
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9 **BE IT FURTHER RESOLVED** that the Whatcom County Council respectfully requests
10 the Whatcom County Prosecuting Attorney ask the Attorney General's office to expedite a
11 resolution by either: (a) publishing a new opinion that factors in the recent State Supreme
12 Court decisions, or (b) withdrawing the prior opinions pending the completion of the new
13 one.
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16 **APPROVED** this 3rd day of December, 2019.

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19 ATTEST:

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23 Dana Brown-Davis, Clerk of the Council
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WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair

APPROVED AS TO FORM:

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Civil Deputy Prosecutor