

RESOLUTION NO. _____

**CONFIRMING SUPPORT TO CONSIDER AMENDING
THE WHATCOM COUNTY CHARTER TO DEFINE
THE SHERIFF AS AN APPOINTED RATHER THAN ELECTED POSITION**

WHEREAS, the Revised Code of Washington (RCW) 36.16.030 provides that, in non-charter counties the following positions must be elected: county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer; and

WHEREAS, Article 11, Section 4 of the Washington State Constitution provides the option for counties to adopt home rule charters; and

WHEREAS, Whatcom County adopted a home rule charter in 1978; and

WHEREAS, home rule charter counties may make any elected county official, except the prosecuting attorney and superior court judges, an appointed rather than an elected position; and

WHEREAS, RCW 36.28 outlines the general duties and authority of the sheriff; and

WHEREAS, the county sheriff is the chief executive officer and conservator of the peace of the county; and

WHEREAS, the sheriff has a number of duties, including law enforcement and public safety, and operating jails and confinement facilities; and

WHEREAS, under RCW 70.48.090(4) counties have the option of creating a department of corrections to be in charge of a jail, rather than being operated by an elected sheriff; and

WHEREAS, Section 1.10 of the Whatcom County Charter states that the County shall have all powers that a County may have under the Constitution and laws of the United States and the State of Washington; and

WHEREAS, Article 11, Section 4 of the Washington State Constitution provides that, after adoption of a charter, the powers, authority, and duties of county officers provided for by state law, except for the prosecuting attorney, are vested in the county legislative body, unless expressly vested in specific officers by the charter; and

WHEREAS, ~~the Municipal Research and Services Center (MRSC) states that the duties of the board of county commissioners and other Washington charter counties may establish by charter -which positions are elected and the number of elected officers may be modified by charter, and commissioners and other elected officers may be entirely replaced, subject to certain restrictions with the exception of the election of the prosecuting attorney, county superintendent of schools, and judges;~~ and

WHEREAS, upon adoption of the initial Whatcom County Charter in 1978, the County exercised its power under the home rule charter to modify the duties of the board of county

1 commissioners and other elected officers, transforming the commission form of government
2 into a council-executive form of government; and

3
4 **WHEREAS**, Whatcom County, through the Charter, is empowered to continue to
5 exercise this power to transform and modify elected positions; and

6
7 **WHEREAS**, the sheriff is an appointed position in other jurisdictions; and

8
9 **WHEREAS**, it is the norm in most cities that the chief law enforcement official is not
10 an elected position; and

11
12 ~~**WHEREAS**, the administration and implementation of law enforcement should be insulated
13 from the forces of partisan politics; and~~

14
15 ~~**WHEREAS**, any sheriff seeking re-election will likely need to spend time raising
16 campaign funds, soliciting endorsements, and campaigning, which is time not spent on law
17 enforcement; and~~

18
19 ~~**WHEREAS**, the operation of a jail should be directed by an appointed administrator, rather
20 than an elected politician; and~~

21
22 ~~**WHEREAS**, residency requirements related to running for office limit the pool of
23 candidates for an elected sheriff to the population of registered voters in Whatcom County,
24 creating a smaller pool of potential candidates than is available for other County departments;
25 and~~

26
27 ~~**WHEREAS**, broadening the pool of potential candidates for sheriff via an appointive
28 process increases the potential for the County to reexamine and reform its criminal justice
29 system; and~~

30
31 ~~**WHEREAS**, candidates for an elected sheriff position are not required to have any
32 background or training in law enforcement prior to seeking the office; and~~

33
34 ~~**WHEREAS**, Council may stipulate that candidates for an appointed sheriff position
35 have previous experience as uniformed law enforcement officers; and~~

36
37 ~~**WHEREAS**, through an appointive process, the selection of a sheriff can include a
38 diverse range of stakeholders in a rigorous, inclusive process that includes all perspectives,
39 rather than an elective process that is limited to producing someone capable of campaigning
40 and fundraising to win a popular vote; and~~

41
42 **WHEREAS**, the Whatcom County Charter presently defines the sheriff as an elected
43 position; and

44
45 **WHEREAS**, the Whatcom County Charter Article 8 grants the County authority to
46 redefine the sheriff as an appointed position;

47
48 **NOW, THEREFORE, BE IT RESOLVED**, that the Whatcom County Council is
49 interested in considering an Charter be amended amendment to the Whatcom County Charter
50 to define the sheriff as an appointed rather than elected position, as described in Exhibit A;
51 and

52
53 **BE IT FURTHER-FINALLY RESOLVED**, that this proposed amendment would be
54 brought forward by ordinance, including a public hearing, and if adopted by super majority as

1 required by Whatcom County Charter Section 8.23 would appear on the November 2024
2 general election ballot, and if approved, would take effect beginning December 31, 2027.
3 ~~and~~

4
5 ~~—BE IT FINALLY RESOLVED, that if this the voters of Whatcom County approve a~~
6 ~~amendment is approved the charter amendment, the Whatcom County Council will form a~~
7 ~~diverse group of stakeholders will to be involved in a process to recommend candidates for~~
8 ~~sheriff to the County Executive for appointment and ultimate approval of a candidate for~~
9 ~~sheriff will be by five votes from County Council.~~

10
11
12 **APPROVED this _____ day of _____, 2023.**

13
14
15
16 **ATTEST:**

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

17
18 _____
19 Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

20
21
22 **APPROVED AS TO FORM:**

23
24 —Karen Frakes (by email 8/4/2023)_____
25 Civil Deputy Prosecutor
26

1 **Exhibit A**

2
3 **Article 3. The Executive Branch.**

4 **Section 3.50 Other Elected Officials.**

5 Other elected officials include the Assessor, Auditor, **and** Treasurer **and Sheriff**.

6 **Section 3.51 Election and Term of Office.**

7 There is hereby created by the adoption of this Charter the office of County
8 Assessor, County Auditor, **and** County Treasurer **and County Sheriff**. These elected
9 officers shall be nominated and elected by the voters of the county, and their terms
10 of office shall be four years and until their successors are elected and qualified.
11 *(Amended by ballot measure 2011 [refer to Ord. 2011-026]; Amended by Ord.*
12 *2005-075 Exh. A).*

13 **Article 4 Elections.**

14 **Section 4.10 Election Procedures.**

15 Except as provided in this Article, the nominating primaries and elections of the
16 Assessor, Auditor, **and** Treasurer **and Sheriff** shall be conducted in accordance with
17 general law governing the election of non-partisan County officers.

18 **Section 4.30 Conflict of Interest.**

19 The County Council, Executive, Assessor, Auditor, Treasurer, **Sheriff** and
20 Prosecuting Attorney shall hold no other office or employment within County
21 government.

22 **Article 6. Financial Administration.**

23 **Section 6.100 Salaries of Elected Officials.**

24 The county council shall establish by ordinance and in accordance with law an
25 independent "citizens' commission on salaries for elected officials" which shall fix
26 the salaries for the county council, executive, assessor, auditor, prosecuting
27 attorney, **sheriff** and treasurer. Salary commission members shall serve two-year
28 terms ending December 31, 2014 and every two years thereafter. Members of the
29 salary commission shall serve without compensation, but may receive
30 reimbursement for mileage to and from meetings and for other such expenses
31 directly related to their service as provided by ordinance.

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