

Clark County Charter

CHARTER INDEX

Separation of Powers

CLARK COUNTY CHARTER

ARTICLE # - POWERS OF THE COUNTY

Section #. General Powers.

The county shall have all of the powers which it is possible for a home rule county to have under the state constitution.

Section #. Intergovernmental Relations.

The county may, in the exercise of its powers and the performance of its functions and services, agree by contract or otherwise to participate jointly or in cooperation with any one or more other governments, governmental agencies, and municipal corporations, and to share the costs and responsibilities of such powers, functions, and services.

Section #. Construction.

The powers of the county granted by this charter shall be liberally construed, and the specific statement of particular powers shall not be construed as limiting the general powers. Reference to the state constitution and general law in this charter shall be construed as a continuing reference to them as they may be amended from time to time. This charter and the ordinances enacted hereunder shall supersede special and general laws which are inconsistent with the charter and ordinances to the extent permitted by the state constitution.

Section #. Name, Boundaries, County Seat

The corporate name of this County shall remain Clark County, and the county seat of the county shall remain as on the date of the enactment of this charter until changed. The county shall have those boundaries provided by the legislature.

Section #. Separation of Powers and Cooperation of Branches

There shall be separation of powers into two branches of government: executive and legislative. Both branches are to dutifully fulfill their responsibilities and refrain from overextending their authority, as defined in this Charter.

ARTICLE # - THE LEGISLATIVE BRANCH

Section #. The County Council.

#.10 Composition.

The legislative power of the County not reserved to the people or to the executive branch shall be vested in a County Council (“Council”). The legislative branch shall be composed of the county council. The Council shall consist of five councilmembers. The voters of each district shall elect one council member to represent their district. The fifth councilmember shall be elected at large by the voters of the entire county.

#.20 Organization

a. The councilmember elected at-large shall be the Chair of the Council.

b. As the head of Council, the Chair shall preside over Council meetings, determine Council agendas, and ensure the orderly and efficient conduct of Council meetings. The Chair,

or his/her designee, will: be the county's spokesperson to articulate Council policies, vision, strategies, and plans to the public; represent the county before the Governor, state legislature, and other state and federal agencies; meet and greet important visitors to the county; supervise constituent response processes for the Council as a whole; and serve as the county's lead representative at dedications, ceremonial activities, and other public events.

c. The Chair of the Council shall serve on all boards and commissions which must include at least two councilmembers. The Council shall vote to appoint its members to other boards and commissions.

d. The Council shall annually elect one of its members as Vice-Chair who shall provisionally act as head of Council to preside over Council meetings, determine Council agendas, and ensure the orderly and efficient conduct of Council meetings.

e. A majority of the Council shall constitute a quorum at all meetings, except where a five-member quorum is required by this Charter.

f. The Council shall take action by and pursuant to the vote of at least a majority of its [members/quorum], except where two-thirds vote is required.

#.30 Terms of Councilmembers

The term of office of each councilmember shall be four years and until his or her successor is elected and qualified.

#.40 Powers of the Council.

The enumeration of particular legislative powers shall not be construed as limiting the legislative powers of the Council. The Council shall be the policy determining body of the county. The Council shall exercise its legislative power by the adoption and enactment of ordinances. It shall have the power to:

- a. Levy taxes, appropriate revenue, and adopt budgets for the county.
- b. Establish the compensation to be paid to all county officers and employees and shall provide for the reimbursement of expenses.
- c. Except as otherwise provided herein, establish, abolish, combine, and divide Administrative Offices and executive departments and to establish their powers and responsibilities.
- d. Adopt by ordinance comprehensive plans and land development codes including improvement plans for the present and future development of the county.
- e. Conduct public hearings on matters of public concern to assist it in performing its legislative responsibilities.
- f. Carry out other legislative duties as authorized and required by law.

#.50 Clerk of Council.

The Council shall appoint a Clerk of Council to maintain its records.

#.60 Rules of Procedure.

- a. Subject to and within limitations provided by this charter, the Council shall adopt by ordinance rules of procedure governing the time, place, and conduct of its meetings and hearings and the introduction, publication, consideration, and adoption of ordinances.
- b. All meetings shall be open to the public except to the extent that executive sessions are authorized by law, and a verbatim public record shall be kept by the Council Clerk of each meeting and the votes taken therein in the form, and for a reasonable period of time, as provided by ordinance and subject to state law. Written minutes shall be promptly recorded, said minutes to include a summation of the actions forthcoming from each council meeting, as well as a record of the vote of each councilmember.

c. The Council shall meet regularly throughout the calendar year no fewer than twenty-two times.

#.70 Relationship with Other Branches.

Councilmembers and their staff shall not interfere in the administration of the executive branch. They shall not issue orders to or direct, either publicly or privately, any officer, agent, employee, contractor, or vendor subject to the direction and supervision of the County Manager, executive branch, or other elected official. Violations of this subsection of the Charter shall constitute malfeasance in accordance with Section 33 of the Constitution of the State of Washington. Nothing contained herein shall prohibit a councilmember from referring a citizen complaint or request to the County Manger.

ARTICLE # - THE EXECUTIVE BRANCH

Section #. Composition and Powers.

#.10 Composition.

The executive branch shall be composed of the County Manager, the County Assessor, the County Auditor, the County Clerk, the County Prosecuting Attorney, the County Sheriff, the County Treasurer, and the officers and employees of Administrative Offices and Elected Executive Departments established by this Charter or created by the Council.

***.20 Powers**

The executive branch shall have all executive powers of the County under this Charter.

Section #. The County Manager.

#.10 Appointment of the County Manager

a. The County Manager shall be appointed by a two-thirds majority vote of the Council where all five Councilmembers are present. The County Manager shall be terminated by the Council by a two-thirds majority vote where all five Councilmembers are present.

b. The County Manager shall be selected on the basis of his or her executive experience and professional administrative qualifications.

c. No member of the Council shall, during the time for which he or she was elected, be appointed as County Manager.

d. The Council shall, by resolution, establish the County Manager's contract or terms of employment, including compensation, provided that the contract shall be at will and terminable in accordance with such terms and this Charter.

e. Employment of a County Manager shall not be construed as changing the relationship of the councilmembers or other elected officials to their constituents, or the relationship of the councilmembers to other elected officials.

f. It shall be the responsibility of the County Manager to designate a qualified employee of the County as his or her Deputy County Manager. In the case of extended absence or disability of the County Manager, the Deputy County Manager shall perform the duties of the County Manager during such absence or disability.

#.20 Powers and Duties of the County Manager

The County Manager shall be the chief executive officer of the county and have all the executive powers of the county which are not expressly vested in other elected officers by this Charter. The County Manager shall have the power to:

- a. Supervise all Administrative Offices established by this Charter or created by the Council.
- b. Execute and enforce all ordinances and state statutes within the county.
- c. Present to the Council an annual statement of the financial and governmental affairs of the county and any other report which he or she may deem necessary.
- d. Annually prepare and present to the Council budgets and a budget message setting forth proposals for the county during the forthcoming fiscal year.
- e. Prepare and present to the Council comprehensive plans including capital improvement plans for the present and future development of the county.
- f. Assign duties to Administrative Offices and other non-elected executive agencies which are not specifically assigned by this Charter or by ordinance.
- g. Sign, or cause to be signed, on behalf of the county all deeds, contracts, and instruments not otherwise reserved to others by this Charter or state law.

The specific statement of particular executive powers shall not be construed as limiting the executive powers of the County Manager.

#.30 Appointments by the County Manager

- a. The County Manager shall appoint the chief officer of each Administrative Office.
- b. The County Manager shall appoint the members of all boards and commissions except as otherwise provided in this Charter, by state law, or by intergovernmental agreement.
- c. Appointments by the County Manager shall be presented to the Council during a regular Council meeting. Said appointments shall take effect within fifteen days of such presentation unless rejected by a two-thirds majority vote of the Council where all five

Councilmembers are present, in which event the rejection shall apply to that office, board, or commission position only and be applicable for a period not to exceed one year from date of rejection.

d. There is no time limitation on the term of office for appointed chief officers to executive and administrative departments.

e. Chief officers appointed by the County Manager shall be appointed on the basis of their abilities, qualifications, integrity, and prior experience concerning the duties of the office to which they are appointed.

f. The term of office of any board or commission member appointed by the County Manager shall not be longer than twelve consecutive years.

Section #. Administrative Offices.

a. The Administrative Offices shall consist of those non-elected departments and agencies of the executive branch.

b. The chief officer of each Administrative Office shall appoint all officers and employees of the office or department and shall comply with the rules of the county's personnel system when appointing officers and employees to positions covered by the personnel system.

Section #. Elected Executive Departments.

The Elected Executive Departments shall consist of the Department of Assessment, the Department of Audit, the Department of Clerk, the Department of Prosecuting Attorney, the Department of Sheriff, and the Department of Treasurer.

Section #. Other Elected Officials.

Other Elected Officials include the Assessor, Auditor, Clerk, Prosecuting Attorney, Sheriff, and Treasurer.

Section #. Appointments by Other Elected Officials.

Other Elected Officials shall hire all officers and employees of their respective Elected Executive Departments and shall comply with the rules of the county's personnel system when appointing officers and employees to positions covered by the county's personnel system. The chief officers appointed by Other Elected Officials shall be appointed on the basis of their abilities, qualifications, integrity, and prior experience concerning the duties of the office to which they are appointed.

Section #. County Medical Examiner.

The Clark County Medical Examiner shall be appointed by the County Manager from applicants who shall be either certified as a forensic pathologist (physician) by the American Board of Pathology, or be a pathologist eligible to take the examination for certification within one year of appointment and pass the exam within three years. The Medical Examiner shall perform duties as prescribed by general law or by ordinances or resolutions adopted by the Council and shall receive compensation as determined by the Council.