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**COMPILED  
DRAFT CHARTER  
AS OF APRIL 1, 2014**

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## **ARTICLE 1- POWERS OF THE COUNTY**

### **Section 1      General powers**

The county shall have all powers possible for a home rule county under the state constitution.

### **Section 2      Intergovernmental relations**

The county may, in the exercise of its powers and 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 or municipal corporations, and share the costs and responsibilities of such powers, functions and services.

### **Section 3      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 4      Name, boundaries, county seat**

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

**Section 5      Separation of powers and cooperation of branches**

The legislative and executive powers shall be separated into two branches of government. Each branch is to dutifully fulfill its responsibilities, and shall not extend its authority into the other branch, as defined in this charter.

## **ARTICLE 2 - THE LEGISLATIVE BRANCH**

### **Section 1 County Council composition**

The legislative power of the county not reserved to the people or executive branch shall be vested in a County Council. The council shall consist of five (5) members. The voters of each district shall nominate councilmember candidates in a partisan primary election. Councilmembers shall be elected at large by voters of the entire county in a general election.

### **Section 2 Organization**

- a. The council shall annually elect the chair from its membership.
- b. The chair shall preside over council meetings, determine council agendas, and ensure the orderly and efficient conduct of council meetings. The chair, or a designee, will: be the county's spokesperson to articulate council policies, vision, strategies and plans; 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 council shall annually elect one of its members as vice-chair who shall act in the absence of the chair.
- d. The council shall vote to appoint its members to boards and commissions requiring council representation.
- e. A majority of the council shall constitute a quorum at all meetings.
- f. Councilmembers shall serve as citizen legislators, in a part-time capacity.
- g. The council shall take action by and pursuant to the vote of at least a majority of its members, except where a different vote is required by this charter. A two thirds majority of members is the same as 4 (four) votes.

h. Except as otherwise provided in this charter, the council shall be responsible for its organization and rules of conduct for business.

**Section 3 Terms of councilmembers**

The term of office of each councilmember shall be four years, and until a successor is elected and qualified.

**Section 4 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, resolutions and motions. Subject to state and federal law, it shall have the power to:

- a. Levy taxes, appropriate revenue, and adopt budgets for the county.
- b. Establish compensation for all county officer and employees and provide for the reimbursement of expenses.
- c. Except as otherwise provided herein, establish by ordinance administrative departments and their powers and responsibilities.
- d. Adopt by ordinance comprehensive plans and land development codes, including improvement plans for present and future development in the county.
- e. Conduct public hearings on matters of public concern to assist in performing its legislative responsibilities.
- f. Carry out other legislative duties as authorized and required by law.
- g. Confirm or reject appointments to boards and commissions forwarded by the county manager.
- h. Have concurrent authority with the county manager to nominate members to the following boards and commissions. Members are appointed by the council.

- 1. Clark County Planning Commission
- 2. Clark County Historic Preservation Commission

### 3. Board of Equalization of Assessment

#### **Section 5 Clerk of council**

The council shall appoint a clerk of council to maintain its records.

#### **Section 6 Rules of procedure**

- a. Subject to 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 executive sessions are authorized by law. A verbatim public record of each public meeting shall be kept by the council clerk. The record shall be retained in the form provided by ordinance and subject to state law for a reasonable period of time. Written minutes shall be promptly recorded and will include a summation of the actions from each council meeting and a record of votes by each councilmember.
- c. The council shall meet regularly and no fewer than 22 (twenty two) times in a calendar year.

#### **Section 7 Relationship with other branches**

Councilmembers 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 or other elected official. Nothing contained herein shall prohibit a councilmember from referring a citizen complaint or submitting a request for information to the county manager. Nothing contained herein shall prohibit a councilmember from requesting information pertinent to the legislative deliberations and actions of the council. Violations of this subsection of the charter shall constitute malfeasance, and therefore may subject the violator to recall, in accordance with Article 1 Section 33 of the Constitution of the State of Washington.

**Deleted: i.** The council shall not re-appoint a member to a board, commission or task force resulting in service for more than 12 (twelve) consecutive years.¶

## **ARTICLE 3 THE EXECUTIVE BRANCH**

### **Section 1 Composition and powers**

The executive branch shall be composed of the county manager, Assessor, Auditor, Clerk, Prosecuting Attorney, Sheriff, Treasurer and the officers and employees of administrative departments and elected executive offices established by state law or this charter or created by the council. The executive branch shall have all executive powers of the county under this charter.

### **Section 2 The county manager**

#### **2.1 Appointment of the county manager**

- a. Appointment of a county manager shall require a minimum of four (4) affirmative votes of the council. The county manager shall be terminated by a minimum of four (4) affirmative votes of the council.
- 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 county manager.
- d. The county manager shall serve at-will. The council shall establish the county manager's contract or terms of employment, including compensation, provided the contract shall be at-will and terminable in accordance with contract 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. The county manager shall designate a qualified employee of the county as his or her deputy county manager. The deputy county manager shall perform the duties of the county manager during the county manager's extended absence or disability.

#### **2.2 Powers and duties of the county manager**

The county manager shall be the county's chief executive officer and have all executive powers of the county which are not expressly vested in other elected officers by state law or this charter. The county manager shall have the power to:

- a. Supervise all administrative departments established by this charter or created by the council.
- b. Execute and enforce in the county all ordinances and state statutes not assigned to other elected officials.
- c. Present to the council an annual statement of the county's fiscal and governmental affairs, 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 forthcoming fiscal year.
- e. Prepare and present to the Planning Commission comprehensive plans, including capital improvement plans, and development ordinances for present and future development. Present the Planning Commission's recommendations on these matters to the council.
- f. Determine the organizational structure of and assign duties to administrative departments which are not specifically assigned by this charter or ordinance.
- g. Sign or cause to be signed, on behalf of the county, all deeds, contracts, collective bargaining agreements and instruments not otherwise reserved to others by this charter or state law.
- h. Conduct collective bargaining on behalf of the county, subject to state and federal law and budget direction provided by the council.
- i. Manage properties owned by the county.

The specific statement of particular executive powers shall not be construed as limiting the executive powers of the county manager.

### **Section 3 Appointments by the county manager**

- a. The county manager shall appoint the chief officer of each administrative department.
  - 1. Appointments by the county manager shall be presented to the council during a regular council meeting. Appointments shall take effect within 15 business days of the presentation,

unless rejected by a two-thirds majority vote of the council. The rejection shall apply only to that department.

2. The county manager shall appoint chief officers on the basis of their abilities, qualifications, integrity and experience concerning the duties of the office to which they are appointed.

3. No time limitation shall be imposed on the term of employment for appointed chief officers of administrative departments.

b. The county manager shall appoint members of boards, commissions and task forces, except as provided by state law, intergovernmental agreement or this charter.

1. Appointments by the county manager shall be presented to the council during a regular council meeting. Within 30 calendar days, the council shall accept or reject the appointment by a majority vote. Failure to act within 30 days constitutes acceptance of the appointment. A rejection applies to that board, commission or task force position only.

▼  
**Section 4 Administrative departments.**

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

b. The chief officer of each administrative department shall appoint all officers and employees of his or her department. The chief officer shall comply with the county's Human Resources policies and procedures when appointing officers and employees to positions covered by Human Resources policies and procedures.

**Section 5 Other elected officials.**

Other elected officials include the Assessor, Auditor, Clerk, Prosecuting Attorney, Sheriff and Treasurer.

**Section 6 Appointments by other elected officials.**

**Deleted:** 2. The county manager shall not re-appoint a member to a board, commission or task force resulting in service for more than 12 (twelve) consecutive years. . ¶

Other elected officials shall hire all officers and employees of their respective elected executive offices, and shall comply with the county's Human Resources policies when appointing officers and employees to positions covered by the county's Human Resources policies. The chief officers shall be appointed on the basis of their abilities, qualifications, integrity and experience concerning the duties of the office to which they are appointed.

**Section 7      Medical examiner.**

The Clark County medical examiner shall be appointed by the county manager from applicants who shall be certified as a forensic pathologist (physician) by the American Board of Pathology or a pathologist eligible to take the certification examination 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.

## **ARTICLE 4 FINANCIAL ADMINISTRATION**

### **Section 1. Financial administration.**

A. For the purposes of budget preparation, presentation to the council, and monitoring, under Chapter 36.40, the County Manager is designated as the chief financial officer of the county.

B. The County Auditor shall be responsible for financial administration of the county, in accordance with RCW 36.22.010 and this Charter; provided, that the County Auditor is not responsible for those duties assigned by this Charter to the Treasurer, the County Manager, or the Clerk of the Council.

C. The duties of the Treasurer are those specified in RCW 36.29.010 and this Charter.

### **Section 2 Presentation of proposed budget**

A. By the second Monday in July, all agencies of county government shall submit to the county manager information the county manager deems necessary to prepare a proposed budget. The budget period may be a single calendar year or a biennium, as specified by council by resolution.

B. By the first Monday in October, the county manager shall present to the council a complete proposed budget and budget message. The budget and budget message will include an annual budget resolution which identifies proposed operating and capital appropriations and estimated revenues and reserves necessary to balance the budget.

C. The county manager shall present to the council proposed tax and revenue resolutions necessary to generate additional resources not collected in the current year.

D. Copies of the proposed budget, budget message, resolutions and capital improvement program shall be delivered to each councilmember and other elected official. Copies of the proposed budget, budget message and resolutions shall be available to the public.

E. The proposed budget shall be presented in a form specified by resolution, and shall include all funds, revenues and reserves. The proposed budget shall be divided into categories, projects and objects of expense, and shall include supporting data specified by the county manager. The proposed budget shall indicate

for each category, project or object of expense the actual expenditures of the preceding budget period, the current budget and budget modifications after original adoption, and requested appropriations for the next budget period.

F. Appropriations included in the budget for the ensuing budget period shall not exceed the estimated revenues and reserves.

### **Section 3 Budget message**

The budget message shall explain the budget in fiscal terms and in terms of the county's goals, and shall relate the requested appropriations to the financial plans of the county.

### **Section 4 Consideration and adoption of the budget**

A. By the end of the first week of December, the council shall adopt budget, tax and revenue resolutions for the next budget period. Before adoption, the council shall hold a public hearing. The council may hold additional hearings on the budget or any portion of the budget.

B. The council considering the budget resolution may delete or add items, may reduce or increase the proposed appropriations, and may restrict expenditure of appropriations.

C. Appropriations included in the adopted budget resolution shall not exceed the estimated revenues of the county for each fund, including surpluses and reserves for the next budget period. However, the council may increase the estimated revenues in the proposed budget by using reserves in a manner not proposed by the county manager, or by creating additional sources of revenue not included in the proposed tax and revenue resolutions presented by the county manager. Increasing revenues requires a council motion, and approval requires majority vote of the council.

### **Section 5 Budget control**

At the beginning of each quarterly period during a budget period, and more often as deemed necessary by the county manager, the county manager shall submit to the council a report showing estimated income and expenses and actual income and expenses to date.

**Section 6 Contingency appropriations**

The budget resolution may include contingency appropriations within funds which shall be expended in accordance with instructions in the budget resolution.

**Section 7 Budget revisions and supplemental appropriations**

The council may adopt budget resolutions to reduce or increase spending authority beyond the original adopted budget, in accordance with RCW36.40.

**Section 8 Emergency appropriations**

The council may adopt emergency resolutions to appropriate contingency funds from any source available to the county to respond to a public emergency. A public emergency could not reasonably have been foreseen at the time of budget preparation and adoption. A public emergency may be caused by fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection. Response to a public emergency may be necessary for: the immediate preservation of order or public health; the restoration to usefulness of any public property the usefulness of which has been destroyed by accident or act of God; relief of a stricken community overtaken by a calamity; settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the county; or, mandatory expenditures required by law

**Section 9 Lapses of appropriations**

Unless otherwise provided by a budget resolution, all unexpended and unencumbered non-capital appropriations in the budget resolution shall lapse at the end of the budget period.

**Section 10 County finance committee**

The county treasurer, the county auditor, and the chair of the county legislative authority shall constitute the County Finance Committee. The County Treasurer shall act as the chair of the committee. The committee shall keep a full and complete record of all its proceedings. All records and correspondence relating to the committee shall be kept by the county auditor and shall be open to public inspection. The committee shall approve the county investment policy and debt policy and shall make appropriate rules and regulations for carrying out RCW 36.48.010 through RCW 36.48.060.

**Section 11 County finance team**

The County Manager, Budget Manager, Chief Deputy Auditor, (Finance Director) and the Chief Deputy Treasurer (Deputy Treasurer) shall comprise the County Finance Team. The team shall meet regularly and provide advice to the County Manager on the county's budget (both operating and capital) and financial management.

## **ARTICLE 5 HUMAN RESOURCES**

### **Section 1 Applicability**

The council shall, by resolution, establish and maintain Human Resources policies as defined in this article. The policies shall promote effective personnel practices, create a standardized system for personnel management and ensure that personnel actions and decisions comply with federal, state and local laws.

Pursuant to the council's budgetary authority in Article 4, policies concerning employee compensation and benefits are applicable to all county employees, including employees reporting to other elected officials offices.

Other elected officials may adopt alternate administrative policies for their offices. If alternative policies are not adopted, the policies developed for the departments reporting to the county manager apply.

### **Section 2 Council authority**

The county manager shall recommend and the council shall approve polices in the areas below. A simple majority of councilmembers present is required for approval.

- a) Amendments to pay structures
- b) Compensation policies including, but not limited to, base pay, incentive and premium compensation
- c) Overall design of merit pay and step increase programs
- d) Overall design of benefits and eligibility
- e) Overall design of insurance benefit plans eligibility and employee contributions

### **Section 3 County manager authority**

The county manager shall develop and administer all human resource policies. Approval by the council is not required for the following.

- a. Recruitment and selection practices
- b. Job classification policies, new classifications and resulting pay ranges, reclassifications and realignments
- c. Pay practices and salary administration
- d. Work hours, overtime and employee scheduling policies
- e. Employment standards and rules of conduct
- f. Other employment relations policies including grievance procedures

### **Section 4 Exclusions from the personnel policies**

Personnel policies shall apply to all county employees except:

- a. Contractors
- b. Members of boards, commissions and task forces who are not otherwise employees
- c. Other elected officials
- d. The county manager
- e. Employees excluded by state law
- f. Other employees designated by ordinance
- g. Areas directly subject to the Civil Service Rules promulgated by the county's Civil Service Commission. Otherwise, countywide policies apply to all Civil Service positions and employees.

#### **Section 5 Elected official salaries and compensation**

##### **A. Councilmember**

- a. The salary of councilmembers shall be \$53,000 in 2015, and shall be adjusted biennially based on percentage changes established for state legislators by the Washington State Salary Commission.
  - i. If, in any year, the Washington State Salary Commission increases salaries to reflect a change from a part-time to full-time legislature, the percent change applied to the Executive Branch of Washington state government shall apply.
- b. The chair of the council shall receive a salary 15 (fifteen) percent higher than council members in recognition of the additional responsibilities of that position.

##### **B. Other elected officials**

- a. The salary of the Sheriff is \$106,224 in 2014, and shall change biennially based on percentage change established for state legislators by the Washington State Salary Commission.
- b. The salary of the Assessor, Auditor, County Clerk and Treasurer is \$100,920 in 2014, and shall change biennially based on percentage changes established for state legislators by the Washington State Salary Commission.

##### **C. Judges and Prosecuting Attorney**

- a. The terms of this charter do not apply to the salaries of judges or the Prosecuting Attorney.

**Section 6 Employment and status as elected official**

No county elected official shall hold any other office or employment within county government during a term of office. No county employee shall hold a partisan, elected office at the county, state or federal level while employed by Clark County.

**Section 7 Nondiscrimination**

- a. The county will comply with state and federal laws against discrimination.
- b. In the exercise of its powers or performance of its duties, the county shall ensure no person is discriminated against because of age, sex, marital status, sexual orientation, race, creed or color. No person shall be discriminated against because of national origin, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability, or any other legally protected status, unless based upon a bona fide occupational qualification. The prohibition against discrimination because of disability shall not apply if the particular disability prevents the proper performance of the particular worker involved.

**Section 8 Privilege**

County elected officials, appointed officials and personnel shall not use their positions to secure employment, special employment privileges or employment policy exemptions for themselves or others.

They shall not solicit or accept any benefit, profit or advantage, directly or indirectly, from or by reason of the discharge of his or her county responsibilities and duties.

## **ARTICLE 6- ELECTIONS AND DISTRICTS**

### **Section 1 Election procedures**

Except as provided in this charter, nominating primaries and elections shall be conducted in accordance with general law governing the election of partisan county officials.

### **Section 2 Offices designated**

The offices of councilmember, Assessor, Auditor, Clerk, Sheriff and Treasurer shall be partisan offices. Elections for the offices shall be conducted in the manner provided for partisan local elections under state law.

### **Section 3 Qualifications — Limitations**

Each county official holding an elective office shall be, at the time of filing for office, appointment or election and at all times while holding office, a citizen of United States, at least 21 years old, and a resident and registered voter of Clark County.

In addition, candidates for county council shall be residents of the district in which they file for the primary election.

### **Section 4 Conflict of interest**

No county elected official shall hold any other office or employment within county government during a term of office. No county employee shall hold a partisan, elected office at the county, state or federal level while employed by Clark County.

### **Section 5 District boundaries**

The boundary of each council district shall be established as nearly as practical in accordance with the criteria set forth in state law. The initial districts under this charter are established as set forth in Article ##### and Attachment A.

**Section 6         Redistricting Committee**

Within 60 (sixty) days of receipt of federal decennial census data from the state redistricting commission or its successor, the council shall establish a five-member districting committee. The council shall appoint four (4) persons to the committee, two (2) from each major political party from a list of five (5) submitted by the party's central committee. The four members of the districting committee shall appoint a fifth member who shall be chair. Members of the districting committee shall serve without salary but shall be compensated for reasonable out-of-pocket expenses. The districting committee shall, within 30 (thirty) calendar days of its appointment, meet and appoint a districting master. The districting master shall be qualified by education, training and experience to draw a redistricting plan. If the districting committee cannot agree upon the appointment of a districting master within 30 (thirty) calendar days, the council shall appoint a districting master.

**Section 7         Districting plan**

Within two (2) months after appointment, the districting master shall draw a districting plan for the county and submit the plan to the committee for adoption. The committee shall conduct a public hearing at least one week before proposed adoption. The districting committee shall adopt the districting plan within 30 (thirty) days of submission to the committee. The districting plan shall be adopted as submitted or as amended by two-thirds majority vote of the districting committee. Upon adoption, the plan shall be filed by the districting committee with the council. After submission of the plan, the council shall have 30 (thirty) calendar days to amend the committee's plan. If the council amends the committee's plan, the council's amendment must be approved by an affirmative vote of two-thirds of councilmembers, and the area amended may not include more than two (2) percent of the population of any council district. No later than eight (8) months after receipt of the census data, the council shall adopt by ordinance a districting plan.

**Section 8         Vacancies or abandonment of elected office**

1. An elective office shall become vacant on the death, resignation or recall of the elected officer, abandonment of office for more than thirty (30) days after issuance of a declaratory judgment of abandonment by the Clark County Superior Court under RCW 36.16.125, or if the officer fails to meet the residency requirements of this charter.
2. Partisan office vacancies. If the elected officer designated a political party preference on the ballot in which he or she was elected, the council shall fill a vacancy from a list of three (3) people submitted by the county central committee of that party, if the political party has an organized central committee at the time of the vacancy. If the elected official did not designate a political party preference or designated a preference for a political party without an organized county central committee, the vacancy shall be filled by the council.
3. Non-partisan office holder vacancies. The council shall fill vacancies in non-partisan offices under RCW 36.16.110.
4. Vacancies in all elective offices shall be filled at the next November general election, unless the vacancy occurs after the last day for filing declarations of candidacy. In that case, the vacancy shall be filled at the succeeding November general election. The person elected shall take office upon certification of the results of the election and qualification by posting the required bond and taking the required oath or affirmation. The person shall serve the unexpired term of the vacated office. A majority of the council shall fill the vacancy by appointment until a successor has been elected and certified. All persons appointed to fill vacancies shall meet the qualifications for office set forth in this charter.

#### **Section 9 Commencement of terms of office**

The election of county officers provided for in this charter shall be held in even-numbered years as provided by general law and the provisions of this charter. The terms of office of elected county officers shall commence on the first day of January immediately following the November general election.

#### **Section 10 Oath of office and bonds**

Before beginning the duties of office, each elected officer shall file with the county Auditor an oath or affirmation to support the constitutions and laws of United States and the state of Washington and the charter and ordinances of Clark County. The oath or affirmation shall contain a declaration of intent to perform faithfully, impartially and honestly the duties of office. A surety bond shall be required for all elected officers and county employees as designated by ordinance. Bonds shall be in the form and amount required by ordinance and the cost borne by the county.

## **ARTICLE 7 – INITIATIVE AND REFERENDUM**

### **Section 1 Direct government**

The people of Clark County reserve the power to make certain proposals at their option, and to approve or reject them at the polls, independent of the council.

### **Section 2 Initiative**

The people reserve the power of initiative. An ordinance or amendment to an ordinance, except as limited by this charter or by state or federal law, may be proposed by filing an initiative petition with the Auditor. No ordinance enacted as a result of initiative shall be amended or repealed within two (2) years after enactment, except as a result of a subsequent initiative or referendum or as required by state or federal law.

#### **A. Initiative Limitations.**

The following may not be proposed or adopted by initiative:

1. Ordinances providing for compensation or working conditions of county employees or elected officials
2. Redistricting council districts
3. Authorizing or repealing an appropriation of money or any portion of the annual budget
4. Authorizing or repealing taxes or fees
5. Authorizing or repealing any provision of a service or program provided by the county
6. Amending or repealing this charter

#### **B Initiative requirements**

1. Initiatives that require new or additional sources of revenue shall include a recommended revenue source adequate to fund the result of the initiative.

#### **C. Initiative procedures.**

1. Any registered voter of Clark County may file an initiative proposal with the county Auditor, who shall transmit a copy to the Prosecuting Attorney. Within 10 (ten) business days of the filing date, the Prosecuting Attorney shall formulate a true and impartial ballot title, posed as a positive question, not to exceed 50 words.

2. Within 10 (ten) business days of the filing date, the Prosecuting Attorney shall evaluate the initiative proposal and issue a written statement to the petitioner as to whether the initiative proposal is within or outside the scope of local initiative powers, or whether the Prosecuting Attorney has an opinion.

OPTION A FOR SECTIONS 3 and 4.

3. The Prosecuting Attorney shall transmit the initiative petition to the Auditor, who shall give the proposed initiative a number, which shall be the identifying number for the measure. Within an additional five (5) business days, the Auditor shall confer with the petitioner to review and establish the form and style of the initiative petition as required by the Auditor or ordinance. The Prosecuting Attorney shall evaluate the petition and provide the petitioner and Auditor with the following statement: "In the opinion of the Clark County Prosecuting Attorney, the subject of this initiative is within the scope of local initiative powers. Yes [ ] No [ ] No opinion at this time [ ]," with a mark in the box that reflects the Prosecuting Attorney's opinion. The petitioner shall include this statement on the petition.

**Comment [JM1]:** Shall include

4. The petitioner shall have 120 (one hundred twenty) days after conferring with the Auditor to collect signatures of registered voters of the county. Valid signatures collected shall number no less than 10 (ten) percent of the number of votes cast in the county in the last gubernatorial election. Each petition shall contain the warning clause prescribed by state law, full text of the proposed measure, ordinance or amendment to an ordinance, and ballot title.

OPTION B FOR SECTIONS 3 and 4

3. The Prosecuting Attorney shall transmit the initiative petition to the Auditor, who shall give the proposed initiative a number, which shall be the identifying number for the measure. Within an additional five (5) business days, the Auditor shall confer with the petitioner to review and establish the form and style of the initiative petition as required by the Auditor or ordinance. The Prosecuting Attorney shall evaluate the petition and provide the petitioner and Auditor with the following statement: "In the opinion of the Clark County Prosecuting Attorney, the subject of this initiative is within the scope of local initiative powers. Yes [ ] No [ ] No opinion at this time [ ]," with a mark in the box that reflects the Prosecuting Attorney's opinion. The petitioner may include this statement on the petition.

**Comment [JM2]:** May include

4. The petitioner shall have 120 (one hundred twenty) days after conferring with the Auditor to collect signatures of registered voters of the county. Valid signatures collected shall number no less than 10 (ten) percent of the number of votes cast in the county in the last gubernatorial election. Each petition shall contain the warning clause prescribed by state law, full text of the proposed measure, ordinance or amendment to an ordinance, and ballot title.

5. The Auditor shall verify the number of signatures on the petition, and, if a sufficient number of valid signatures have been submitted, place the proposal on the ballot for the next general election.

a. Signatures on the petition must be submitted to the Auditor no less than 135 (one hundred thirty-five) days before the date of the next general election

b. If the council enacts the proposal without change or amendment not less than 60 (sixty) days prior to said election, the proposal shall be removed from the ballot.

c. If the council does not adopt the proposed measure but adopts a substitute measure not more than 15 (fifteen) days after petition validation, the substitute measure shall be placed on the same ballot with the initiative proposal.

6. When a ballot contains an initiative petition and a substitute measure, or multiple initiative measures on the same topic, the voters shall be given the choice of rejecting or accepting each initiative. If the voters accept more than one initiative on the same topic, the initiative receiving the highest number of affirmative votes shall be approved. If the voters reject all initiatives, none shall be approved. If the voters approve one initiative and reject the others, the approved initiative shall be approved.

### **Section 3 Mini-initiative**

The people reserve the power of mini-initiative, except as limited by state or federal law, and subject to Article 7, Section 2.A. Ordinances or amendments to an existing ordinance may be proposed to the council by transmitting the proposal to the Auditor. An initiative petition shall bear signatures of qualified voters totaling no less than three (3) percent of the number of votes cast in the county in the last gubernatorial election. The Auditor shall have 20 (twenty) business days to validate signatures. If a sufficient number of signatures is verified, the Auditor shall transmit the initiative petition to the county legislative council. The council shall hold a public hearing on the proposed ordinance within 60 ( sixty) days, and enact, reject or modify the proposed ordinance within 30 (thirty) calendar days of the hearing.

### **Section 4 Referendum**

The people reserve the power of referendum. Referendum may be ordered on any ordinance, or any part thereof, passed by the council, except as limited by this charter or by state or federal law.

A. Referendum limitations

The following ordinances, in whole or in part, are not subject to referendum:

1. Emergency ordinances
2. Ordinances providing for compensation or working conditions of county employees or working conditions of elected officials
3. Ordinances authorizing or repealing an appropriation of money or any portion of the annual budget
4. Ordinances authorizing or repealing taxes or fees
5. Ordinances required by state or federal law

B. Referendum procedure

A referendum shall be filed within 10 (ten) days of passage of an ordinance by council. Except as set forth in this section, a referendum may be filed against an ordinance or any portion of an ordinance. Any registered voter of Clark County may file with the Auditor a referendum petition signed by at least 100 (one hundred) registered voters of Clark County.

1. The Auditor shall verify the signatures on the referendum petition within 10 (ten) calendar days. After 100 signatures are validated, the ordinance or portion of the ordinance subject to referendum is suspended until:
  - a. Sufficient valid signatures are collected within the time prescribed by this section to place the measure on the ballot and voters have voted on the measure.
  - b. Insufficient valid signatures are collected within the time prescribed by this section to place the measure on the ballot.
  - c. Filing a referendum petition against a portion of an ordinance shall not delay the remainder of the ordinance from taking effect.

2. Within five (5) business days of filing the referendum petition, the Auditor shall confer with the petitioner to review the proposal as to form and style, as required by the Auditor or ordinance. The Auditor shall give the referendum petition an identifying number and transmit a copy of the petition to the Prosecuting Attorney. Within ten (10) business days after receipt, the Prosecuting Attorney shall write a ballot title not to exceed 50 words and posed as a positive question, which shall express a true and impartial statement of the measure. The Prosecuting Attorney shall transmit the referendum petition to the Auditor.

3. The petitioner shall have 100 (one hundred) calendar days from registration to collect signatures of registered Clark County voters. The number of valid signatures collected shall equal no less than 10 (ten) percent of the total votes cast in the county in the last gubernatorial election. Each petition shall contain the full text of the referred measure and ballot title.

a. The Auditor shall verify the number of signatures on the petition and, if valid, submit the measure to voters at the next general election. Petition signatures must be submitted to the Auditor for verification no less than 120 (one hundred twenty) calendar days before the date of the next general election.

#### **Section 5 Recall**

The people reserve the power of recall, as provided in the constitution and laws of the State of Washington.

## **ARTICLE 8 GENERAL PROVISIONS**

### **Section 1 Ordinances Form**

No ordinance shall contain more than one subject. The subject shall be clearly expressed in the title. Ordinances may, by reference, adopt Washington state statutes or any recognized printed codes or compilations in whole or in part. All ordinances of the county shall be incorporated into and become part of Clark County Code. The council shall establish by ordinance procedures to codify ordinances, correct deficiencies and conflicts, make technical revisions, and remove obsolete provisions from the code.

### **Section 2 Ordinances Enactment**

Proposed ordinances may be introduced by any councilmember, mini-initiative or initiative. Every proposed ordinance shall be introduced in its entirety in writing. Brief summaries of proposed ordinances shall be published before consideration. The council shall hold at least one public hearing after due notice to consider the proposed ordinance. A proposed ordinance may be amended by motion at hearing without publication, provided the amendments do not change the scope and object of the proposed ordinance. Final passage by council requires a roll call vote by yeas and nays, with a minimum of three (3) affirmative votes required to adopt an ordinance. Ordinances, or summaries of them, shall be published after enactment. Except as otherwise provided by this charter, ordinances shall take effect 10 (ten) days after enactment, or at a later date if stated in the ordinance.

### **Section 3 Ordinances amendment, repeal**

Amendment of an ordinance requires presentation of the amended section, in writing, at full length. Ordinances repealing laws shall include ordinance references to the law affected.

### **Section 4 Emergency ordinances**

Any proposed ordinance may be enacted as an emergency ordinance if the council finds as a fact, and states in the ordinance, the ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions. A minimum of four (4) affirmative votes shall be required to enact an emergency ordinance. All emergency ordinances shall be effective immediately upon passage by the council.

### **Section 5 Resolutions**

The council may pass resolutions to express its opinion of items of business or administration within its powers. Resolutions shall not have the force of law and the council, in passing resolutions, need not comply with procedure requirements for the introduction, consideration and passage of ordinances.

### **Section 6 Motions**

The council may pass motions to confirm or reject nominations or appointments, approve interfund loans, organize and administer the legislative branch, perform other administrative acts related to their legislative responsibilities, issue rulings in quasi- judicial proceedings except rezone actions, and request information from any other agency of county government. Motions shall not be subject to the requirements for the introduction, consideration and passage of ordinances.

### **Section 7 Nondiscrimination**

In the exercise of its powers and performance of its duties, the county shall ensure no person is discriminated against because of race, creed, color, sex, age, handicap or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose. The council shall take whatever action necessary to accomplish this purpose as defined in the state and federal constitutions and applicable court interpretations.

#### **Section 8 Purchasing, contracts, claims and bonds**

The council shall by ordinance establish procedures for purchasing supplies, services, materials and equipment, awarding contracts, processing claims, and the sale or refunding of bonds. The resolution shall provide direction when bids are required and direction how invitations for bids are advertised.

All purchases, contracts and bonds subject to bid procedures shall be advertised and, unless all bids are rejected, shall be awarded on the basis of sealed bidding to the lowest responsible bidder.

Elected officials, appointed officials or employees shall not directly benefit from contracts made by, through or under their supervision.

#### **Section 9 Franchises**

All franchises granted by the council shall be for a fixed term not to exceed 25 (twenty-five) years, and no exclusive franchise shall be granted for the use of any street, road or public place. All franchises shall be subject to the power of eminent domain and right of the council or people acting through initiative or referendum to repeal, amend or modify the franchise in the interest of the public. Every ordinance granting a franchise shall contain a reservation of these rights. In a proceeding under eminent domain, the franchise itself shall have no value.

#### **Section 10 Public disclosure**

Public disclosure of financial interest of Clark County public officials and employees shall be governed by county ordinance and general law.

#### **Section 11 Conflicts of interest**

No county elected official shall hold any other office or employment within county government or accept any employment or compensation from any county contractor during a term of office.

#### **Section 12 Severability**

If any section, subsection, clause, word or phrase of this charter is held invalid, unconstitutional or inapplicable to any person by a court of competent jurisdiction, such invalidity, unconstitutionality or inapplicability to any person shall not affect the validity or constitutionality or applicability to all other persons of the remaining portions of this charter.

## **ARTICLE 9 - CHARTER REVIEW AND AMENDMENTS**

### **Section 1 Charter Review Commission**

This charter shall be reviewed periodically by a Charter Review Commission ("Commission") as provided in this article.

#### **1.1 Election and period of office**

Five (5) years after adoption of this charter and at least every 10 (ten) years thereafter, the council shall cause an election of a Charter Review Commission. The commission shall consist of 15 (fifteen) persons, elected on a nonpartisan basis, three (3) from each council district. There shall be no filing fee nor shall there be a primary for this election. The election shall be held at the November general election. The member receiving the greatest number of votes shall convene the commission. The term of office for persons elected to the commission shall be one (1) year or until the work of the commission concludes, whichever occurs sooner. The commission may meet at appropriate times and places, as long as meetings are held within the jurisdictional boundaries of Clark County, and public notice of each meeting is provided in a newspaper of general circulation throughout the county and by posting on the county's website at least 14 (fourteen) days in advance of the meeting.

#### **1.2 Vacancy**

Vacancies on the commission shall be filled by the remaining members of the commission within 30 (thirty) calendar days of declaration of the vacancy, provided that within 10 (ten) days of the declaration, notice shall be given residents of the district in which the vacancy occurs in a manner determined by the commission. The person selected to fill the vacancy shall reside in the district in which there is a vacancy. Selection requires a simple majority vote of the commission.

#### **1.3 Financial Support**

Members of the commission shall serve without salary, but shall be reimbursed for reasonable out-of-pocket expenses. The council shall provide the commission with reasonable and necessary money, facilities and services to effectively and efficiently fulfill its purpose.

**Section 2 Commission responsibility and duty**

The commission is bound by responsibility and duty to review the charter to determine its adequacy and suitability to the needs of the county and propose necessary and appropriate amendments.

**Section 3 Charter amendments general provisions**

Charter amendments may be proposed by the Charter Review Commission, council or public. All amendments are subject to the general provisions below.

**3.1 Filing charter amendments**

Proposed charter amendments shall be transmitted to the Auditor. Amendments shall be submitted to the voters at the next November general election occurring at least 90 (ninety) calendar days after registration of the proposed amendment. If more than one amendment is submitted on the same ballot, amendments shall be submitted so the people may vote for or against the amendments separately. An amendment which embraces a single or interrelated subject may be submitted as a single proposition even though it includes changes to different sections of one or more articles.

**3.2 Approval of charter amendments by the electorate**

Amendments approved by a majority of the voters shall be effective 10 (ten) calendar days after the results of the election are certified, unless a later date is specified in the amendment. Implementing ordinances required by a charter amendment shall be enacted by the council within 180 (one hundred eighty) calendar days after the charter amendment is effective, unless the charter amendment provides otherwise.

When a ballot contains multiple amendments on the same topic, the voters shall be given the choice of rejecting or accepting each amendment. If the voters accept more than one amendment on the same topic, the amendment receiving the highest number of affirmative votes shall be approved. If the voters reject all amendments, none shall be approved. If the voters approve one amendment and reject the others, the approved amendment shall be approved.

**Comment [JM3]:** Don't believe addition of word "conflicting" is necessary. Opens the door to having to explain the difference between multiple ideas and conflicting ideas.

**Section 4 Charter amendments by the charter review commission**

The commission may propose amendments to the charter by filing proposed amendments with the Auditor in conformance with Section 3.1 of this Article.

**Section 5 Charter amendments by the public**

5.1 Proposing a public charter amendment

a. A registered voter of Clark County may file a proposed amendment to the charter with the Auditor, who shall transmit a copy to the Prosecuting Attorney. Within 10 (ten) business days of the filing date, the Prosecuting Attorney shall formulate a ballot title not to exceed fifty (50) words, posed as a positive question, which shall be a true and impartial statement.

b. The Prosecuting Attorney shall transmit the proposed ballot title to the Auditor. The Auditor shall give the proposed charter amendment an identifying number.

c. Within 10 (ten) business days of receiving the proposed ballot title, the Auditor shall confer with the petitioner to establish the form and style of the charter amendment petition as required by the Auditor or by ordinance.

5.2 Submission of a public charter amendment

A proposed charter amendment petition must bear the valid signatures of registered voters of the county equal to, but not less than, twenty percent of the number of votes cast in the county in the last gubernatorial election. Signatures shall be submitted to the Auditor not more than 120 (one hundred twenty) calendar days following the date of conference with the petitioner to establish the form and style of the petition, and at least 150 (one hundred fifty) calendar days before the next general election.

**Section 6 Charter amendments by the council**

The council may propose amendments to the charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least 90 (ninety) days after enactment. A minimum of four (4) affirmative votes of the council shall be required to enact such an ordinance. The amendment shall be submitted to the Auditor in compliance with Section 3.1 of this Article.

**Section 7 Codification**

Amendments to the charter shall be incorporated in the text of the original charter and published. The text of the transition article shall appear only in the initial charter as published.

## **Article 10 — Transitional provisions**

### **Section 1 Purpose of article**

Transitions from the existing form of government to the form of government established by this charter are guided by this article. Where this article is inconsistent with other articles of this charter, the provisions of this article shall constitute exceptions.

### **Section 2 Form of government established**

The form of government provided in this charter shall be established on Jan. 1, 2015 in accordance with Article XI, Section 4, of the Washington State Constitution. This date shall be known as the "effective date." On the effective date, county commissioners holding office shall become council members.

The Board of County Commissioners shall become the County Council on the effective date. The Board of County Commissioners' executive authority will transfer from the board to the county administrator, who shall become the acting county manager on the effective date. The council shall not appoint a permanent county manager until all five (5) council members are elected and sworn into office. If the county administrator position is vacant, the council may appoint a qualified individual to hold the position on an interim basis until a county manager is selected as per the provisions of this transition article.

Actions specified by charter to require approval or rejection by 4 of 5 councilmembers requires action by 2 of 3 council members in 2015.

### **Section 3 Continuation of ordinances and vested rights**

All ordinances, administrative rules and resolutions in force immediately prior to the effective date, to the extent they are not inconsistent with the provisions of this charter, shall remain in full force and effect until amended or repealed. All contracts, rights, claims, obligations, proceedings and liabilities in favor of or against the county, and criminal proceedings existing immediately prior to the effective date, are not affected by adoption or effectiveness of this charter, and shall remain in full force and effect.

### **Section 4 Boards and commissions**

All boards, commissions and task forces existing on the effective date shall continue until modified or abolished by ordinance.

### **Section 5 Budget**

The budget approved by the Board of County Commissioners for 2015-2016 shall remain in effect through the end of the budget period, unless revised by the council.

### **Section 6 Initial Elections, districts and terms of office**

- A. Five (5) county legislative districts are established. Precincts composing each district are listed as Appendix A of this charter.
  - a. As of the effective date, the council will consist of five (5) members, one representing each district established by this charter.
  - b. No vacancy on the council shall exist in 2015 by virtue of the creation of five legislative districts, as long as the three (3) council members representing former commissioner districts hold office.
  
- B. Each incumbent county commissioner residing on the effective date in a district established under

Section 2 and Subsection 6.A shall continue in office for the remainder of the term to which he or she was elected and shall represent that council district.

- C. The person elected in the 2014 general election for Commissioner District 3 shall continue in that office until Dec. 31, 2018, when the term of that position expires.
- D. If more than one (1) councilmember lives within a district on the effective date, the councilmember living closest to the boundary of a district without an incumbent shall be deemed to live in that adjoining district through the expiration of the term for which the councilmember was elected as a commissioner.
- E. Voters in council districts without a resident incumbent on the effective date shall elect a councilmember to an initial term in the 2015 primary and general election. These newly elected councilmembers shall take office upon their election and qualification. Their terms shall expire on Dec. 31, 2018.
- F. The Assessor, Auditor, Clerk, Sheriff and Treasurer elected before the adoption of this charter shall continue in office for the terms to which they were elected.

#### **Section 7 Salaries, benefits and reimbursements**

- A. The salaries of the Assessor, Auditor, Clerk, Sheriff and Treasurer elected in 2014 or before the adoption of this charter shall not be affected by this charter during the terms to which they were previously elected.
- B. The salaries of incumbent commissioners who become councilmembers shall be retained at the commissioner level until the expiration of their terms. The commissioner elected in November 2014 from Commissioner District 3 shall not be considered an incumbent commissioner and shall be compensated at the councilmember salary level.

#### **Section 8 Code revisions**

On or about Dec. 31, 2015, the Prosecuting Attorney shall propose amendments to the Clark County Code that are necessary to make code consistent with this charter.