

CLARK COUNTY
BOARD OF FREEHOLDERS
UPDATED....REGULAR MEETING AGENDA....UPDATED

Saturday, February 22, 2014 -- 9:00 a.m.
Clark County Public Services Center (Hearing Room)
1300 Franklin Street, Downtown Vancouver

1. Call to Order
 - a. Confirmation of Quorum
 - b. Public Comments (15 minute maximum)*
 - c. Approval of Minutes (February 14, 2014)
2. First Deliberation on Charter Element
 - a. Initiative and referendum
 - b. Direction to staff
3. Second Review of Charter Element
 - a. Separation of powers
 - b. Previous direction to staff
 - i. Prepare a draft with a county manager, five commissioner districts, nomination by district in primary and election at large in general election, partisan election
4. Discussion:
 - a. Do you want to include other charter elements?
5. Proposed Topic for March 8 Meeting
 - a. Transitional Provisions
6. Close of Business
 - a. Good of the Order
 - b. Extended public comments if needed*
 - c. Adjourn

* Note that public comments at the beginning of the meeting are limited to three minutes per person with a cumulative total of fifteen minutes. In event public comments may cumulatively exceed fifteen minutes at the beginning of the meeting, extended time is allowed at the end of the meeting.

BOARD OF FREEHOLDERS MEETING RECORD
FEBRUARY 15 2014

The Board of Freeholders convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington.

Call to Order

Nan Henriksen, Chair called the meeting to order at 9:01 a.m.

Public Comment

1. John Caton
2. Karen Hengerer
3. Jackie Marsden
4. David Hentz

Approval of Minutes

Draft minutes for January 25, 2014 were amended under the separation of powers to add: staff was instructed to draft county manager and legislative sections of charter for board review and changes at the next meeting. Moved by Marc Boldt to approve minutes as amended, seconded by Temple Lentz. **Motion Passed**

Legal Briefing

Christine Cook, Clark County Prosecuting Attorney's office gave a legal briefing regarding the Public Records Act.

Charter Element Deliberation

Election of legislative body, by district and/or at large, Partisan/nonpartisan

Each board member gave their viewpoint regarding election of legislative body, by district and/or at large, partisan/nonpartisan, four or five districts. By a straw poll: 9 board members voted to have 5 candidates nominated by district and elected at large. By another straw poll: 9 members voted to have position as partisan. Staff was instructed to: draft language on five districts positions nominated by district elected at large, and keeping them partisan.

GIS depiction of four and five commissioner districts

Board members reviewed the depiction of the five commissioner district map.

Charter Element Draft Review

The Board reviewed the Separation of Powers: County Manager section of the draft charter. Discussion will continue at the next meeting on February 22, 2014.

Good of the Order

- Request from Cheryl Bledsoe to participate in Hockinson Community Night (BOF booth) on Thursday, February 27, 2014 from 6-8 p.m.
- Upcoming meetings:
 - Last meeting in March (Mar. 22, 2014) will be held at Battle Ground Fire Station #26.
 - First meeting in April will be held at Camas Community Center.

Primary Agenda Items for Next Meeting

- Continue discussion of Separation of Powers.
- Section on election, and partisan offices.
- Initiative and referendum deliberation.
- Discussion of other keys issues to include in charter.

Next Meeting Date/Location

February 22, 2014, 9:00 a.m., Commissioners' Hearing Room, 6th Floor, Public Service Center.

Do you want to include other charter elements?

Freeholder Perspectives: Key Issues/Perspectives Summary

Perspective on Change	Key Issue						-- Percent for Line Item --		
	Count	Percent	Lean Toward	Neutral/ Need Info	Lean Oppose	Total Respond	Pct. Lean	Pct. Neutral/ Need Info	Pct. Lean Oppose
Increase number of comm./council to five	9	90.0%	6	1	0	7	85.7%	14.3%	0.0%
Increase number comm./council to more than five	2	20.0%	1	3	2	6	16.7%	50.0%	33.3%
Select commission/council by district	8	80.0%	5	2	0	7	71.4%	28.6%	0.0%
Change commission/council positions to nonpartisan	2	20.0%	2	2	2	6	33.3%	33.3%	33.3%
Change Assessor to appointed	0	0.0%	0	5	1	6	0.0%	83.3%	16.7%
Change Auditor to appointed	0	0.0%	0	4	2	6	0.0%	66.7%	33.3%
Change Clerk to appointed	0	0.0%	1	2	3	6	16.7%	33.3%	50.0%
Change Sheriff to appointed	0	0.0%	0	1	5	6	0.0%	16.7%	83.3%
Change Treasurer to appointed	0	0.0%	0	3	2	5	0.0%	60.0%	40.0%
Combine one/more current elected offices	0	0.0%	1	3	2	6	16.7%	50.0%	33.3%
Change one or more electeds to nonpartisan	1	10.0%	2	3	1	6	33.3%	50.0%	16.7%
Transfer executive powers to an elected executive	10	100.0%	3	2	2	7	42.9%	28.6%	28.6%
Transfer executive powers to appointed county manager	7	70.0%	2	2	3	7	28.6%	28.6%	42.9%
Term limits	0	0.0%	1	1	4	6	16.7%	16.7%	66.7%
Initiative and referendum	8	80.0%	6	1	0	7	85.7%	14.3%	0.0%
Binding code of ethics/ethics commission	3	30.0%	3	2	1	6	50.0%	33.3%	16.7%
Other (Public Defender was specified by one Freeholder)	0	0.0%	1	0	0	1	100.0%	0.0%	0.0%
Total Times Key Issue Selected	50		34	37	30	101			
Freeholders Responding	10								

Other issues suggested by public:
Establish a boundary review board.

Updated Charter Review Calendar: Proposed

Staff proposes review of the following sections on the dates noted. This will allow staff sufficient time to draft the material as per Board direction, review it with legal counsel and distribute to the Freeholders with time for review.

Topic	Proposed date for initial review	Proposed date for second review
Powers of County	February 17	February 22
County Council	February 17	February 22
County Manager	February 17	February 22
Powers of People	February 22	March 8
Transitional provisions	March 8	March 22
Charter review	March 22	April 8
Financial administration	March 22	April 8
Personnel system	March 22	April 8
Elections	March 22	April 8
Legislation	March 22	April 8
Other elected officials	March 22	April 8
General provisions	March 22	April 8
Charter: rough draft	April 22	
Charter: approved as to form	May 13	
Charter approval	May 27	

April 8 and April 22 are proposed dates for extended public comment at the regular meeting.

Response to Freeholder question about the types of board and commissions in the county

Summary of Existing Advisory Committees, Boards and Commissions

The following Advisory Committees, Boards and/or Commissions are mandated by Clark County Code. Below is a summary of the current groups, which part of the County Code requires it, and when the code was created and last amended.

Table 1: Advisory Committees, Boards and Commissions mandated by County Code

	Name:	Active	Clark County Code:	Date Created/Last Amendment	State or Federal Requirement
1	Planning Commission	YES	Chapter 2.06	1995/2009	Quasi judicial
2	Social Services Planning Commission	NO	Chapter 2.25	1980/1980	
3	Historic Preservation Commission	YES	40.250.030	1996/2009	Quasi judicial
4	Clean Water Commission	YES	13.30A.040	1999/	
5	Animal Control Board	YES	8.01.030	1993/	
6	Weed Control Board	YES	Chapter 7	1974/2009	
7	Solid Waste Advisory Commission	YES	Chapter 24.16	1977/1977	
8	Telecommunications Commission	NO	36.04A.200	1998/2005	
9	Traffic Safety Commission	NO	Chapter 2.21	1977/1977	
10	Traffic Management Advisory Committee	NO	Chapter 2.22	1993/1999	
11	Heritage Commission	NO	3.22.010	1986/1986	
12	Emergency Alarm System Advisory Committee	?	5.60.110	1994/1994	
13	Orchards Community Advisory Committee	NO	Chapter 2.63	1976/1976	
14	Conservation Futures Fund Advisory Committee	YES	3.24.040	1985/1989	
15	Railroad Advisory Board	YES	2.20.010	1995/2008	
16	Audit Oversight Committee	YES	2.14.070	1999/1999	
17	Developmental Disabilities Advisory Board	YES	Chapter 2.26	1980/1980	State Statute: RCW 71A.14.020
18	Mental Health Advisory Board	YES	Chapter 2.27	1980/1980	State Statute: RCW 71.34.300; WAC 388-865-0222
19	Substance Abuse Advisory Board	YES	Chapter 2.28	1980/1980	State Statute: RCW 70.96A.300
20	Overall Economic Program Development Committee	NO	Chapter 2.34.010	1972/1972	
21	Board of Equalization and Assessment	YES	Chapter 2.44	1979/2001	Quasi-judicial

22	Clark County Regional Planning Council	NO	Chapter 2.52	1968/1968	
23	Boundary Review Board	NO	Chapter 2.54	1970/1970	
24	Southwest Air Pollution Control Authority	YES	Chapter 2.56	1968/1968	
25	Community Action Advisory Board	YES	Chapter 2.57	1996/1996	Federal CSBG Act, Tripartite Boards Section 676B 42 U.S.C. 9910
26	Parks Advisory Board	YES	Chapter 2.61	1979/1979	
27	Records Management Advisory Board	NO	Chapter 2.71	1976/1984	
28	Emergency Medical Services Advisory Board	YES	Chapter 5.48A	1992/2003	
29	Public Health Advisory Board	YES	NONE	NONE	
30	Veterans Resource Committee	YES	Chapter 2.29.025		State RCW 73.08.035
31	Mosquito Control District Board	YES	NONE	NONE	
32	Urban County Policy Board	YES	NONE	NONE	Federal - 24 CFR Part 570.307(a)

Summary of Existing Task Forces and Planning Groups

A second category of groups convened to obtain public and community input are Task Forces and planning groups (planning area committees, steering committees, etc). Unlike the first category where there is a regulatory requirement to convene the group, task forces and plan groups are discretionary. They usually are created to address a specific concern, problem or issue brought to the County’s attention. Below is a summary of task forces and planning groups convened in 2011 for various purposes. In some cases, the groups listed are committees formed by other groups where the county has representation:

Table 2: 2011 Task Forces and Plan Groups

	Name
1	Aging Readiness Task Force
2	Healthy Communities
3	Sustainability Issues Task Force
4	Rural Lands Comp Plan Update
5	Urban Reserve Area
6	Equestrian Plan
7	Three Creeks Special Planning Area
8	Urban Holding Removal
9	Bicycle and Pedestrian Program
10	Community Choices
11	Transportation Standards
12	Retooling our Code
13	Economic Development Implementation

14	Regional Planning
15	Employment Lands
16	Small Wind Energy Systems
17	Development Engineering Advisory Board
18	Private Bridges Work Group (of DEAB)
19	Arts Commission
20	Assessor Farm Advisory Committee
21	Bicycle Advisory Committee
22	Camp Bonneville Advisory Group
23	ADA Advisory Committee
24	Clark County Youth Commission
25	Fairgrounds Site Management Group
26	Historical Promotion Grants Advisory Committee
27	Jail Industry Advisory Board
28	Law and Justice Council
29	North County Emergency Medical Advisory Board
30	TIP Involvement Team
31	Neighborhood Council

The list of task forces varies from year to year. This list is presented as an example of the number and breadth of groups.

ARTICLE # - POWERS OF THE COUNTY

Section #. General Powers.

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

Section #. 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 and municipal corporations, and 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 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 the legislative and executive powers into two branches of government. Each branch is to dutifully fulfill its responsibilities and refrain from overextending its 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 the executive branch shall be vested in a County Council. The legislative branch shall be composed of the County Council ("Council"). The Council shall consist of five members. The voters of each district shall nominate councilmember candidates in a partisan primary election. Council members shall be elected at large by voters of the entire county in a general election.

#.20 Organization

- a. The council shall annually?? elect the Chair of the Council 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, 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 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 act in the absence of the chair.
- 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 a two-thirds vote is required.
- g. Except as otherwise provided in this Charter, the Council shall be responsible for its organization and rules of conduct for business.

#.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, 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 the compensation to be paid to all county officers and employees, and provide for the reimbursement of expenses.
- c. Except as otherwise provided herein, establish by ordinance administrative offices 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 it in performing its legislative responsibilities.
- f. Carry out other legislative duties as authorized and required by law.
- g. Confirm or reject nominations to boards and commissions forwarded by the County Manager.

Comment [JM1]: Requires freeholder decision and direction. I don't remember an instruction.

#.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 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 times throughout the calendar year.

#.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. 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 council member 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 be subject the violator to recall, in accordance with Article 1Section 33 of the Constitution of the State of Washington..

ARTICLE # - THE EXECUTIVE BRANCH

Section #. Composition and Powers.

#.10 Composition.

The executive branch shall be composed of the County Manager, Assessor, Auditor, Clerk, Prosecuting Attorney, Sheriff, 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 vote of the Council where all five Councilmembers are present. The County Manager shall be terminated by a two-thirds vote of the council 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 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. It shall be the County Manager's responsibility to designate a qualified employee of the County as his or her Deputy County Manager. In the case of the County Manager's extended absence or disability, 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 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 not assigned to Other Elected Officials.

c. Present to the Council an annual statement of the county's financial 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 Council comprehensive plans, including capital improvement plans, for present and future development in the county.

f. Determine the organizational structure of and assign duties to administrative offices 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, 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 budget direction provided by the Council,

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.

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 where all five Councilmembers are present. In that event, the rejection shall apply only to that office,
2. The County Manager shall appoint chief officers on the basis of their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they are appointed.
3. No time limitation shall be imposed on the term of office for appointed chief officers to administrative departments.

b. The County Manager shall nominate members of all boards and commissions, to the Council except as provided, by state law or by intergovernmental agreement.

1. Nominations 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 nomination by a majority vote. Failure to act within 30 days constitutes acceptance of the nomination. A rejection applies to that, board or commission position only.
2. The term of office for a board or commission member appointed by the County Manager shall be limited to 12 consecutive years.

Section #.40? 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 his or her office or department, and shall comply with the county's personnel policies and procedures when appointing officers and employees to positions covered by the personnel policies and procedures.

Section #.50? Elected Executive Departments.

The elected executive departments shall consist of the departments or offices of Assessment, Auditor, County Clerk, Prosecuting Attorney, Sheriff and Treasurer.

Section #. 60? Other Elected Officials.

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

Section #.70? 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 county's personnel policies and procedures when appointing officers and employees to positions covered by the county's personnel policies and procedures. 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 #.80? 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.