
**COMPILED
DRAFT CHARTER
AS OF MARCH 14, 2014**

1	
2	
3	Contents
4	Article 1: Page 1: Powers of the County
5	Article 2: Page 3: Legislative Branch
6	Article 3: Page 6: Executive Branch
7	Article 4: Page 10: Finance
8	Article 5: Page 14: Human Resources
9	Article 6: Page 18: Elections
10	Article 7: Page 21: Initiative and Referendum
11	Article 8: Page 26: General Provisions
12	Article 9: Page 27: Charter Amendments
13	Article 10: Page 30: Transition
14	

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

16

17 **Section 1 General powers**

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

19

20 **Section 2 Intergovernmental relations**

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

25

26 **Section 3 Construction**

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

32

33 **Section 4 Name, boundaries, county seat**

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

37

38

39

40

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

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

45

46

47 **ARTICLE 2 - THE LEGISLATIVE BRANCH**

48

49 **Section 1 County Council composition**

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

54

55 **Section 2 Organization**

- 56 a. The council shall annually elect the chair from its membership.
- 57 b. The chair shall preside over council meetings, determine council agendas, and ensure the orderly
58 and efficient conduct of council meetings. The chair, or a designee, will: be the county's spokesperson to articulate
59 council policies, vision, strategies and plans; represent the county before the governor, state legislature and other
60 state and federal agencies; meet and greet important visitors to the county; supervise constituent response
61 processes for the council as a whole; and, serve as the county's lead representative at dedications, ceremonial
62 activities and other public events.
- 63 c. The council shall annually elect one of its members as vice-chair who shall act in the absence of the
64 chair.
- 65 d. The council shall vote to appoint its members to boards and commissions requiring council
66 representation.
- 67 e. A majority of the council shall constitute a quorum at all meetings.
- 68 f. Council members shall serve as citizen legislators, in a part-time capacity.
- 69 g. The council shall take action by and pursuant to the vote of at least a majority of its members,
70 except where a two-thirds vote is required.
- 71 h. Except as otherwise provided in this charter, the council shall be responsible for its organization
72 and rules of conduct for business.

73

74 **Section 3 Terms of councilmembers**

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

77

78 **Section 4 Powers of the council**

79 The enumeration of particular legislative powers shall not be construed as limiting the legislative powers
80 of the council. The council shall be the policy-determining body of the county. The council shall exercise its
81 legislative power by the adoption and enactment of ordinances, resolutions and motions. Subject to state and
82 federal law, it shall have the power to:

83 a. Levy taxes, appropriate revenue, and adopt budgets for the county.

84 b. Establish compensation for all county officers and employees, and provide for the
85 reimbursement of expenses.

86 c. Except as otherwise provided herein, establish by ordinance administrative offices and their
87 powers and responsibilities.

88 d. Adopt by ordinance comprehensive plans and land development codes, including improvement
89 plans for present and future development in the county.

90 e. Conduct public hearings on matters of public concern to assist in performing its legislative
91 responsibilities.

92 f. Carry out other legislative duties as authorized and required by law.

93 g. Confirm or reject appointments to boards and commissions forwarded by the county manager.

94 h. Have concurrent authority with the county manager to nominate members to the following boards
95 and commissions. Members are appointed by the council.

96 1. Clark County Planning Commission

97 2. Clark County Historic Preservation Commission

98 3. Board of Equalization of Assessment

99 i. Not re-appoint a member to a board, commission or task force resulting in service for more than twelve
100 consecutive years.

101

102 **Section 5 Clerk of council**

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

104

105 **Section 6 Rules of procedure**

106 a. Subject to and within limitations provided by this charter, the council shall adopt by ordinance
107 rules of procedure governing the time, place and conduct of its meetings and hearings and the introduction,
108 publication, consideration and adoption of ordinances.

109 b. All meetings shall be open to the public, except to the extent executive sessions are authorized
110 by law. A verbatim public record of each public meeting shall be kept by the council clerk. The record shall be
111 retained in the form provided by ordinance and subject to state law for a reasonable period of time. Written
112 minutes shall be promptly recorded and will include a summation of the actions from each council meeting and a
113 record of votes by each councilmember.

114 c. The council shall meet regularly and no fewer than 22 times in a calendar year.

115

116 **Section 7 Relationship with other branches**

117 Councilmembers shall not interfere in the administration of the executive branch. They shall not issue
118 orders to or direct, either publicly or privately, any officer, agent, employee, contractor or vendor subject to the
119 direction and supervision of the county manager or other elected official. Nothing contained herein shall prohibit a
120 councilmember from referring a citizen complaint or submitting a request for information to the county manager.
121 Nothing contained herein shall prohibit a councilmember from requesting information pertinent to the legislative
122 deliberations and actions of the council. Violations of this subsection of the charter shall constitute malfeasance,
123 and therefore may subject the violator to recall, in accordance with Article 1 Section 33 of the Constitution of the
124 State of Washington.

125

126 **ARTICLE 3 THE EXECUTIVE BRANCH**

127

128 **Section 1 Composition and powers**

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

133

134 **Section 2 The county manager**

135 2.1 Appointment of the county manager

136 a. Appointment of a county manager shall require a minimum of four affirmative votes of the
137 council. The county manager shall be terminated by a minimum of four affirmative votes of the council.

138 b. The county manager shall be selected on the basis of his or her executive experience and
139 professional administrative qualifications.

140 c. No member of the council shall, during the time for which he or she was elected, be appointed
141 county manager.

142 d. The county manager shall serve at-will. The council shall establish the county manager's contract
143 or terms of employment, including compensation, provided the contract shall be at-will and terminable in
144 accordance with contract terms and this charter.

145 e. Employment of a county manager shall not be construed as changing the relationship of the
146 councilmembers or other elected officials to their constituents, or the relationship of the councilmembers to other
147 elected officials.

148 f. It shall be the county manager's responsibility to designate a qualified employee of the county as
149 his or her deputy county manager. The deputy county manager shall perform the duties of the county manager
150 during the county manager's extended absence or disability.

151 2.2 Powers and duties of the county manager

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

- 155 a. Supervise all administrative departments established by this charter or created by the council.
- 156 b. Execute and enforce in the county all ordinances and state statutes not assigned to other elected
157 officials.
- 158 c. Present to the council an annual statement of the county's fiscal and governmental affairs, and
159 any other report which he or she may deem necessary.
- 160 d. Annually prepare and present to the council budgets and a budget message setting forth
161 proposals for the forthcoming fiscal year.
- 162 e. Prepare and present to the Planning Commission comprehensive plans, including capital
163 improvement plans, and development ordinances for present and future development. Present the Planning
164 Commission's recommendations on these matters to the council.
- 165 f. Determine the organizational structure of and assign duties to administrative departments which
166 are not specifically assigned by this charter or ordinance.
- 167 g. Sign or cause to be signed, on behalf of the county, all deeds, contracts, collective bargaining
168 agreements and instruments not otherwise reserved to others by this charter or state law.
- 169 h. Conduct collective bargaining on behalf of the county, subject to state and federal law and budget
170 direction provided by the council,

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

173

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

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

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

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

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

184

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

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

191 2. The county manager shall not re-appoint a member to a board, commission or task
192 force resulting in service for more than 12 consecutive years.

193

194 **Section 4 Administrative departments.**

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

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

200

201 **Section 5 Other elected officials.**

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

203

204

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

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

210

211 **Section 7 Medical examiner.**

212 The Clark County medical examiner shall be appointed by the county manager from applicants who shall
213 be certified as a forensic pathologist (physician) by the American Board of Pathology or a pathologist eligible to
214 take the certification examination within one year of appointment and pass the exam within three years. The
215 medical examiner shall perform duties as prescribed by general law or by ordinances or resolutions adopted by the
216 council, and shall receive compensation as determined by the council.

217

218

219

220 **ARTICLE 4 FINANCIAL ADMINISTRATION**

221

222 **Section 1 Budget information.**

223 A. For the purposes of RCW 36.40 (Budget), the chief financial officer of the county is the county
224 manager.

225

226 **Section 2 Presentation of proposed budget**

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

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

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

235 B. Copies of the proposed budget, budget message, resolutions and capital improvement program
236 shall be delivered to each councilmember and other elected official. Copies of the proposed budget, budget
237 message and resolutions shall be furnished by the county manager to interested persons for a reasonable fee as
238 established by resolution, and shall be available for public inspection at the office of the county manager.

239 C. The proposed budget shall be presented in a form specified by resolution, and shall include all
240 funds, revenues and reserves. The proposed budget shall be divided into categories, projects and objects of
241 expense, and shall include supporting data specified by the county manager. The proposed budget shall indicate
242 for each category, project or object of expense the actual expenditures of the preceding budget period, the current
243 budget and budget modifications after original adoption, and requested appropriations for the next budget period.

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

246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272

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. In the first week of December before the end of the budget period, 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 the 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.

273 **Section 7 Budget revisions and supplemental appropriations**

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

276

277 **Section 8 Emergency appropriations**

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

286

287 **Section 9 Lapses of appropriations**

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

290

291 **Section 10 Finance team**

292 The county manager shall assemble a county finance team comprised of the Auditor, Treasurer or their
293 designees, and executive department staff. The team shall meet regularly, and provide advice to the county
294 manager on the county's budget and financial management.

295

296 **ARTICLE 5 HUMAN RESOURCES**

297

298 **Section 1 Applicability**

299 The Council shall, by resolution, establish and maintain human resource policies as defined in the Charter. The
300 policies shall create a standardized system for personnel management and ensure that personnel actions and
301 decisions comply with federal, state, and local laws.
302

303 Pursuant to the Council's budgetary authority in Article 4, policies concerning employee compensation and
304 benefits are applicable to all County employees, including employees reporting to Other Elected Official's offices.
305

306 Other Elected Officials may adopt alternate administrative policies for their offices. If alternative policies are not
307 adopted, the policies developed for the departments reporting to the County Manager apply.
308

309 **Section 2 Council Authority**

310 The County Manager shall recommend and the Council shall approve polices in the following areas. Approval shall

311 be by resolution. A simple majority of council members present is required for approval.

- 312 a) Amendments to pay structures
313 b) Amendments to collective bargaining agreements
314 c) Compensation policies including but not limited to base pay, incentive and premium compensation
315 d) Overall design of merit pay and step increase programs.
316 e) Overall design of benefits and eligibility.
317 f) Design of insurance benefit plan design, eligibility, and employee contributions.
318
319

320 **Section 3 County Manager Authority**

321 The County Manager shall develop and administer policies in the following areas. Approval by the Council is
322 not required.
323

- 324 a. Recruitment and selection practices.
325
326 b. Job classification policies, new classifications and resulting pay ranges, reclassifications and
327 realignments.
328 c. Pay practices and salary administration.
329
330 d. Work hours, overtime and employee scheduling policies.
331 e. Employment standards and rules of conduct.
332 f. Other employment relations policies including grievance procedures,
333

334

335 **Section 4 Exclusions from the Personnel Policies**

336 Personnel policies shall apply to all county employees except:

Comment [GH1]: Holley stopped here Monday afternoon.

- 337 a. Contractors ;
- 338 b. Members of boards, commissions and task forces who are not otherwise employees;
- 339 c. Other Elected Officials;
- 340 d. The County Manager;
- 341 e. Employees excluded by state law;
- 342 f. Other employees designated by ordinance.
- 343 g. Areas directly subject to the Civil Service Rules promulgated by the County's Civil Service
- 344 Commission. Otherwise, county-wide policies apply to all Civil Service positions and employees.
- 345

346

347 **OPTION A: USING STATE SALARY COMMISSION**

348 **Section 5 Elected Official Salaries and Compensation**

349 A. Council Member

- 350 a. The salary of council members shall be \$50,000 in 2015 and shall be adjusted biennially based
- 351 on percentage changes established for state legislators by the Washington State Salary
- 352 Commission. Benefits shall be commensurate with those of a full-time county employee.
- 353 i. If, in any year, the Washington State Salary Commission increases salaries to reflect a
- 354 change from a part time to full time legislature, the percent change applied to the
- 355 Executive Branch of Washington State government shall apply.
- 356 b. The chair of the council shall receive a salary fifteen (15) percent higher than council members in
- 357 recognition of the additional responsibilities of chair.

Comment [JM2]: BOF to determine starting value

358 B. Other Elected Officials

- 359 a. The salary of the Sheriff shall be \$\$\$\$% in 2015 and shall change biennially based on percentage
- 360 change established for state legislators by the Washington State Salary Commission. Benefits
- 361 shall be commensurate with those of a full-time county employee.
- 362 b. The salary of the Assessor, Auditor, County Clerk and Treasurer shall be \$\$\$\$ in 2015 and shall
- 363 change biennially based on percentage changes established for state legislators by the

Comment [JM3]: Based on number provided by Budget Office for 2015 salary

Comment [JM4]: Based on number provided by Budget office for 2015 salary

364 Washington State Salary Commission. Benefits shall be commensurate with those of a full time
365 county employee.

366 C. Judges and Prosecuting Attorney

367 a. The terms of this charter do not apply to the salaries of judges or the prosecuting attorney.

368

369

370 **OPTION B: USING LOCAL SALARY COMMISSION**

371 **Section 5 Elected Official Salaries and Compensation**

372 A. Council Member

373 a. The salary of council members shall be \$50,000 in 2015 and shall change based on percentage
374 changes established by the Citizen's Salary Commission. Benefits shall be commensurate with
375 those of a full time county employee.

376 b. The chair of the council shall receive a fifteen (15) percent bonus for the additional
377 responsibilities of chair.

378 B. Other Elected Officials

379 a. The salary of the Sheriff shall be \$\$\$\$% in 2015 and shall change based on percentage changes
380 established by the Citizen's Salary Commission. Benefits shall be commensurate with those of a
381 full time county employee.

382 b. The chair of the council shall receive a salary fifteen (15) percent higher than council members in
383 recognition of the additional responsibilities of chair.

384 c. The salary of the Assessor, Auditor, County Clerk and Treasurer shall be \$\$\$\$ in 2015 and shall
385 change based on percentage changes established by the Citizen's Salary Commission. Benefits
386 shall be commensurate with those of a full time county employee.

387 C. Judges and Prosecuting Attorney

388 a. The terms of this charter do not apply to the salaries of judges or the prosecuting attorney.

389

390 D. Citizen's Salary Commission

- 391
- 392 a. Increases in compensation for the Council, Assessor, Auditor, County Clerk, Sheriff and Treasurer
- 393 shall be commensurate with their duties and shall be set by a duly appointed Citizens' Salary
- 394 Commission (RCW 36.17.024 and 36.17.020). Members of the salary commission shall serve
- 395 without compensation, shall serve for two year terms, and may receive reimbursement for
- 396 mileage to and from meetings and for other such expenses directly related to their service as
- 397 provided by ordinance.
- 398 b. The salary commission shall meet biennially and shall file the salary schedule with the county
- 399 council and county auditor no later than May 1 of even numbered years beginning in 2016. The
- 400 salary schedule shall become effective January 1 of the following calendar year and incorporated
- 401 into the county budget without further action of the county council, county manager or salary
- 402 commission.
- 403

404 **Section 6 Nondiscrimination**

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

414

415 **Section 7 Privilege**

416 County elected officials, appointed officials and personnel shall not use their positions to secure

417 employment, special employment privileges or employment policy exemptions for themselves or others.

418 They shall not solicit or accept any benefit, profit or advantage, directly or indirectly, from or by reason of

419 the discharge of his or her county responsibilities and duties.

420

421 **ARTICLE 6- ELECTIONS AND DISTRICTS**

422

423 **Section 1 Election Procedures**

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

426

427 **Section 2 Offices Designated**

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

430

431 **Section 3 Qualifications — Limitations**

432 Each county official holding an elective office shall be, at the time of filing for office, appointment or
433 election and at all times while holding office, a citizen of the United States, over the age of twenty-one, and a
434 resident and registered voter of Clark County.

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

437

438 **Section 4 Conflict of Interest**

439 No county elected officer shall hold any other office or employment within county government during a
440 term of office.

441

442 **Section 5 District Boundaries**

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

446

447

448 **Section 6 Redistricting Committee**

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

458

459 **Section 7 Districting Plan**

460 Within two months after appointment, the districting master shall draw a districting plan for the county
461 and submit the plan to the committee for adoption. The committee shall conduct a public hearing at least one
462 week before proposed adoption. The districting committee shall adopt the districting plan within thirty days of
463 submission to the committee. The districting plan shall be adopted as submitted or as amended by two-thirds
464 majority vote of the districting committee. Upon adoption, the plan shall be filed by the districting committee
465 with the Council. After submission of the plan the Council shall have thirty(30) calendar days to amend the
466 committee's plan. If the Council amends the committee's plan the Council's amendment must be approved by an
467 affirmative vote of two-thirds of council members, and the area amended may not include more than two (2)
468 percent of the population of any council district. No later than eight (8) months after receipt of the census data,
469 the Council shall adopt by ordinance a districting plan. If the districting committee fails to approve and submit a
470 plan within the time limitations provided in this section, the Clark County Superior Court shall adopt a plan no later
471 than eight months after receipt of the census data.

472

473 **Section 8 Vacancies or Abandonment of Elected Office**

474 1. An elective office shall become vacant on the death, resignation or recall of the elected officer,
475 abandonment of office for more than thirty (30) days after issuance of a declaratory judgment
476 of abandonment by the Clark County Superior Court, or if the officer fails to meet the residency
477 requirements of this charter.

478
479 An elected office may be declared abandoned subject to a declaratory judgment in Clark County
480 Superior Court. The county legislative authority may file in Superior Court for a finding that a
481 county elected official has abandoned his or her responsibilities if there is absence from the
482 county and failure to perform official duties for a period of at least thirty consecutive days.
483 Abandonment does not include absences approved by the county legislative authority or
484 absences arising from leave taken for legitimate medical or disability purposes.

485
486 If a declaratory judgment is issued, the county official is not eligible to receive compensation
487 from the date the declaratory judgment is issued until the court issues a subsequent declaratory
488 judgment finding the county official has commenced responsibilities.

489
490 2. Partisan Office Vacancies. If the elected officer designated a political party preference on the ballot in
491 which he or she was elected, the Council shall fill a vacancy from a list of three people submitted by the
492 county central committee of that party if the political party has an organized central committee at the
493 time of the vacancy. If the elected official did not designate a political party preference or designated a
494 preference for a political party without an organized county central committee, the vacancy shall be filled
495 by the Council.

496
497 3. Non-Partisan Office Vacancies. The Council shall fill vacancies in non-partisan offices.

498
499 4. Vacancies in all elective offices shall be filled at the next November general election, unless the vacancy
500 occurs after the last day for filing declarations of candidacy, in which case the vacancy shall be filled at the
501 succeeding November general election. The person elected shall take office upon certification of the
502 results of the election and shall serve the unexpired term of the vacated office. A majority of the council
503 shall fill the vacancy by appointment until a successor has been elected and certified. All persons
504 appointed to fill vacancies shall meet the qualifications for office set forth in this Charter.
505

506 **Section 9 Commencement of Terms of Office**

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

510

511 **Section 10 Oath of Office and Bonds**

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

518
519
520

521

522

523

524

525

526

527

528

529

530

531

532

533

534

535

536

537

538

539

540

541

542

543

544

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 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.

545 C. Initiative Procedures.

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

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

553 3. The Prosecuting Attorney shall transmit the initiative petition to the Auditor, who shall give the
554 proposed initiative a number, which shall be the identifying number for the measure. Within an additional five
555 business days, the Auditor shall confer with the petitioner to review and establish the form and style of the
556 initiative petition as required by the Auditor or ordinance.

557 4. The petitioner shall have 120 days after conferring with the Auditor to collect signatures of
558 registered voters of the county. Valid signatures collected shall number no less than ten (10) percent of the
559 number of votes cast in the county in the last gubernatorial election. Each petition shall contain the warning clause
560 prescribed by state law, full text of the proposed measure, ordinance or amendment to an ordinance, ballot title,
561 and the following statement: "In the opinion of the Clark County Prosecuting Attorney, the subject of this initiative
562 is within the scope of local initiative powers. Yes [] No [] No opinion at this time []," with a mark in the box that
563 reflects the Prosecuting Attorney's opinion.

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

566 a. Signatures on the petition must be submitted to the Auditor no less than 135 days before the
567 date of the next general election

568 b. If the Council enacts the proposal without change or amendment not less than 60 days prior to
569 said election the proposal shall be removed from the ballot.

Comment [JM5]: 3 choices
1. Do it and put on petition, 2. do it but don't put
on petition, 3 don't do it at all.

570 c. If the Council does not adopt the proposed measure but adopts a substitute measure not
571 more than 15 days after petition validation, the substitute measure shall be placed on the ballot
572 with the initiative proposal.

573 6. When a ballot contains an initiative petition and a substitute measure, or multiple initiative
574 measures on the same topic, the voters shall be given the choice of rejecting or accepting each initiative.
575 If the voters accept more than one initiative on the same topic, the initiative receiving the highest
576 number of affirmative votes shall be approved. If the voters reject all initiatives, none shall be approved.
577 If the voters approve one initiative and reject the others, the approved initiative shall be approved.
578

579

580 **Section 3 Mini-Initiative**

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

589

590 **Section 4 Referendum**

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

593 A. Referendum Limitations

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

- 595 1. Emergency ordinances;
- 596 2. Ordinances providing for compensation or working conditions of county employees or working
597 conditions of elected officials;

- 598 3. Ordinances authorizing or repealing an appropriation of money or any portion of the annual
599 budget;
- 600 4. Ordinances authorizing or repealing taxes or fees;
- 601 5. Ordinances required by state or federal law.
602

603 B. Referendum Procedure

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

608

609 1. The Auditor shall verify the signatures on the referendum petition within ten (10) calendar days. After
610 one hundred (100) signatures are validated, the ordinance or portion of the ordinance subject to
611 referendum is suspended until:

- 612 a. Sufficient valid signatures are collected within the time prescribed by this section to place the
613 measure on the ballot and voters have voted on the measure.
- 614 b. Insufficient valid signatures are collected within the time prescribed by this section to place the
615 measure on the ballot.
- 616 c. Filing a referendum petition against a portion of an ordinance shall not delay the remainder of
617 the ordinance from taking effect.

618

619

620 2. Within five (5) business days of filing the referendum petition, the Auditor shall confer with the petitioner
621 to review the proposal as to form and style, as required by the Auditor or ordinance. The Auditor shall give the
622 referendum petition an identifying number and transmit a copy of the petition to the Prosecuting Attorney.
623 Within ten (10) business days after receipt, the Prosecuting Attorney shall write a ballot title not to exceed 50

624 words and posed as a question, which shall express a true and impartial statement of the measure. The
625 Prosecuting Attorney shall transmit the referendum petition to the Auditor.

626
627 3 The petitioner shall have one hundred (100) calendar days from registration to collect signatures
628 of registered Clark County voters. The number of valid signatures collected shall equal no less than ten
629 (10) percent of the total votes cast in the county in the last gubernatorial election. Each petition shall
630 contain the full text of the referred measure and ballot title.

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

634
635

636 **Section 5 Recall**

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

639
640
641
642

643 **ARTICLE 8 GENERAL PROVISIONS**

644 .

645 **Section 1 Ordinances Form**

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

651

652 **Section 2 Ordinances Enactment**

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

662 **Section 3 Ordinances Amendment, Repeal**

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

665 **Section 4 Emergency Ordinances**

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

671 **Section 5 Resolutions**

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

675 **Section 6 Motions**

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

681 **Section 7 Nondiscrimination**

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

686 **Section 8 Purchasing, Contracts, Claims, and Bonds**

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

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

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

694 **Section 9 Franchises**

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

701 **Section 10 Public Disclosure**

702
703 Public disclosure of financial interest of Clark County public officials and employees shall be governed by County
704 ordinance and general law.
705

706
707 **Section 11 Conflicts of Interest**

708 No County elected official shall hold any other office or employment within County government or accept any
709 employment or compensation from any County contractor during a term of office.
710

711
712 **Section 12 Severability**

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

717
718
719

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

721

722 **Section 1 Charter Review Commission**

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

725 1.1 Election and Period of Office

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

735 1.2 Vacancy

736 Vacancies on the Commission shall be filled by the remaining members of the Commission within thirty
737 calendar days of declaration of the vacancy; provided that, within ten days of the declaration of a vacancy, notice
738 shall be given to the residents of the district in which the vacancy occurs in a manner determined by the
739 Commission. The person selected to fill the vacancy shall reside in the district in which there is a vacancy.
740 Selection requires a simple majority vote of the Commission.

741

742 1.3 Financial Support

743 Members of the Commission shall serve without salary, but shall be reimbursed for reasonable out-of-
744 pocket expenses. The Council shall provide the Commission with reasonable and necessary funds, facilities, and
745 services to effectively and efficiently fulfill its purpose.

746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772

Section 2 Commission Responsibility and Duty

It shall be the responsibility and duty of the Commission to review the charter to determine its adequacy and suitability to the needs of the county, and to propose necessary and appropriate amendments.

Section 3 Charter Amendments General Provisions

Charter amendments may be proposed by the Charter Review Commission, the Council, or the Public. All amendments are subject to the following general provisions.

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 ninety (90) 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 ten (10) 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 one hundred eighty (180) calendar days after the charter amendment is effective, unless the charter amendment provides otherwise.

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.

Comment [JM6]: What happens if there are 2 solutions on the same problems.

773 **Section 5 Charter Amendments by the Public**

774 5.1 Proposing a Public Charter Amendment

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

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

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

784 5.2 Submission of a Public Charter Amendment

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

Comment [JM7]: BOF needs to define this value

791 **Section 6 Charter Amendments by the Council**

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

796

797 **Section 7 Codification**

798 Amendments to the Charter shall be incorporated in the text of the original Charter and published. The text of the
799 Transition Article shall appear only in the initial Charter as published.

800 **Article 10 — Transitional Provisions**

801 **Section 1 Purpose of Article**

802 Transitions from the existing form of government to the form of government established by this Charter are
803 guided by this Article. Where this Article is inconsistent with other Articles of this Charter, the provisions of this
804 Article shall constitute exceptions.

805 **Section 2 Form of Government Established**

806 The form of government provided in this Charter shall be established on Jan. 1, 2015 in accordance with Article XI,
807 Section 4, of the Washington State Constitution. This date shall be known as the "Effective Date." On the Effective
808 Date, county commissioners holding office shall become Council members.

809
810 The Board of County Commissioners shall become the County Council on the Effective Date. The Board of County
811 Commissioners' executive authority will transfer from the Board to the County Administrator, who shall become
812 the acting County Manager on the Effective Date. The council shall not appoint a permanent County Manager until
813 all five council members are elected and sworn into office. If the County Administrator position is vacant, the
814 Council may appoint a qualified individual to hold the position on an interim basis until a County Manager is
815 selected as per the provisions of this Transition Article.

816
817
818

Section 3 Continuation of Ordinances and Vested Rights

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

824 **Section 4 Boards and Commission**

825 All boards, commissions and task forces existing on the Effective Date shall continue until modified or abolished by
826 ordinance.

827 **Section 5 Budget**

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

830 **Section 6 Initial Elections, Districts and Terms of Office**

- 831 A. Five county legislative districts are established. Precincts composing each district are listed as Appendix A
832 of this Charter.
- 833 a. As of the Effective Date, the Council will consist of five members, one representing each district
834 established by this Charter.
 - 835 b. No vacancy on the Council shall exist in 2015 by virtue of the creation of five legislative districts
836 as long as the three Council members representing former Commissioners' districts hold office.
837
- 838 B. Each incumbent county commissioner residing on the Effective Date in a district established under
839 Section 2 and Subsection 6.A shall continue in office for the remainder of the term to which he or she was
840 elected and shall represent that Council District.
841

- 842 C. The person elected in the 2014 general election for Commissioner District 3 shall continue in that office
843 until Dec. 31, 2018, when the term of that position expires.
844
845
846 D. If more than one councilmember lives within a district on the Effective Date, the Councilmember living
847 closest to the boundary of a district without an incumbent shall be deemed to live in the adjoining district
848 through the expiration of the term for which the Councilmember was elected as a commissioner.
849
850 E. Voters in council districts without a resident incumbent on the Effective Date shall elect a Councilmember
851 to an initial term in the 2015 primary and general election. These newly elected councilmembers shall
852 take office upon their election and qualification. Their terms shall expire on Dec. 31, 2018.
853
854 F. The Assessor, Auditor, Clerk, Sheriff and Treasurer elected before the adoption of this Charter shall
855 continue in office for the terms to which they were elected.
856
857

858 **Section 7 Salaries and Compensation**

- 859 A. The salaries of the Assessor, Auditor, Clerk, Sheriff and Treasurer elected in 2014 or before the adoption
860 of this Charter shall not be affected by this Charter during the terms to which they were previously
861 elected.
862 B. The salaries of incumbent commissioners who become councilmembers shall be retained at the
863 commissioner level until the expiration of their terms. The commissioner elected in November 2014
864 from Commissioner District 3 shall not be considered an incumbent Commissioner and shall be
865 compensated at the Councilmember salary level.
866

867
868 **Section 8 Code Revisions**

869 On or about Dec. 31, 2015, the Prosecuting Attorney shall propose amendments to the Clark County Code that are
870 necessary to make Code consistent with this Charter.
871
872
873

