

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

2

3 **Section #. General Powers.**

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

6

7 **Section #. Intergovernmental Relations.**

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

12

13 **Section #. Construction.**

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

20

21 **Section #. Name, Boundaries, County Seat**

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

25

26 **Section #.    Separation of Powers and Cooperation of Branches**

27           There shall be separation of the legislative and executive powers into two branches of  
28 government. Each branch is to dutifully fulfill its responsibilities and refrain from  
29 overextending its authority, as defined in this Charter.

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32 **ARTICLE # - THE LEGISLATIVE BRANCH**

33

34 **Section #. The County Council.**

35 #.10 Composition.

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

41 #.20 Organization

42 a. The council shall annually?? elect the Chair of the Council from its membership.

43 b. The Chair shall preside over Council meetings, determine Council agendas, and  
44 ensure the orderly and efficient conduct of Council meetings. The Chair, will be the county's  
45 spokesperson to articulate Council policies, vision, strategies, and plans; represent the county  
46 before the governor, state legislature and other state and federal agencies; meet and greet  
47 important visitors to the county; supervise constituent response processes for the Council as a  
48 whole; and, serve as the county's lead representative at dedications, ceremonial activities and  
49 other public events.

50 c. The Council shall vote to appoint its members to other boards and commissions.

51 d. The Council shall annually elect one of its members as Vice-Chair who shall act  
52 in the absence of the chair.

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

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

57 g. Except as otherwise provided in this Charter, the Council shall be responsible for  
58 its organization and rules of conduct for business.

59 #.30 Terms of Councilmembers

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

62 #.40 Powers of the Council.

63 The enumeration of particular legislative powers shall not be construed as limiting the  
64 legislative powers of the Council. The Council shall be the policy determining body of the  
65 county. The Council shall exercise its legislative power by the adoption and enactment of  
66 ordinances, resolutions and motions. Subject to state and federal law, it shall have the power to:

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

68 b. Establish the compensation to be paid to all county officers and employees, and  
69 provide for the reimbursement of expenses.

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

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

74 e. Conduct public hearings on matters of public concern to assist it in performing its  
75 legislative responsibilities.

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

**Comment [JM1]:** Requires freeholder decision and direction

77 g. Confirm or reject nominations to boards and commissions forwarded by the County  
78 Manager.

79 #.50 Clerk of Council.

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

81 #.60 Rules of Procedure.

82 a. Subject to and within limitations provided by this charter, the Council shall adopt  
83 by ordinance rules of procedure governing the time, place and conduct of its meetings and  
84 hearings and the introduction, publication, consideration and adoption of ordinances.

85 b. All meetings shall be open to the public except to the extent executive sessions  
86 are authorized by law. A verbatim public record of each public meeting shall be kept by the  
87 Council Clerk. The record shall be retained in the form provided by ordinance and subject to  
88 state law for a reasonable period of time. Written minutes shall be promptly recorded and will  
89 include a summation of the actions from each council meeting and a record of votes by each  
90 councilmember.

91 c. The Council shall meet regularly and no fewer than 22 times throughout the  
92 calendar year.

93 #.70 Relationship with Other Branches.

94 Councilmembers and their staff shall not interfere in the administration of the executive  
95 branch. They shall not issue orders to or direct, either publicly or privately, any officer, agent,  
96 employee, contractor or vendor subject to the direction and supervision of the County Manager,  
97 executive branch or other elected official. Nothing contained herein shall prohibit a  
98 councilmember from referring a citizen complaint or submitting a request for information to the  
99 County Manager. Nothing contained herein shall prohibit a council member from requesting

100 information pertinent to the legislative deliberations and actions of the council. Violations of  
101 this subsection of the Charter shall constitute malfeasance, and therefore may be subject the  
102 violator to recall, in accordance with Article 1Section 33 of the Constitution of the State of  
103 Washington..

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105

106 **ARTICLE # - THE EXECUTIVE BRANCH**

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108 **Section #. Composition and Powers.**

109 #.10 Composition.

110 The executive branch shall be composed of the County Manager, Assessor, Auditor,  
111 Clerk, Prosecuting Attorney, Sheriff, Treasurer and the officers and employees of administrative  
112 offices and elected executive departments established by this Charter or created by the Council.

113 \*.20 Powers

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

115

116 **Section #. The County Manager.**

117 #.10 Appointment of the County Manager

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

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

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

125 d. The County Manager shall serve at will. The Council shall establish the County  
126 Manager's contract or terms of employment, including compensation, provided the contract shall  
127 be at will and terminable in accordance with contract terms and this Charter.

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

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

135 #.20 Powers and Duties of the County Manager

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

139 a. Supervise all administrative offices established by this Charter or created by the  
140 Council.

141 b. Execute and enforce all ordinances and state statutes within the county not  
142 assigned to Other Elected Officials.

143 c. Present to the Council an annual statement of the county's financial and  
144 governmental affairs and any other report which he or she may deem necessary.

145 d. Annually prepare and present to the Council budgets and a budget message setting  
146 forth proposals for the forthcoming fiscal year.

147 e. Prepare and present to the Council comprehensive plans, including capital  
148 improvement plans, for present and future development in the county.

149 f. Determine the organizational structure of and assign duties to administrative  
150 offices which are not specifically assigned by this Charter or by ordinance.

151 g. Sign or cause to be signed, on behalf of the county, all deeds, contracts, collective  
152 bargaining agreements, and instruments not otherwise reserved to others by this Charter or state  
153 law.

154 h. Conduct collective bargaining on behalf of the county, subject to budget direction  
155 provided by the Council,

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

158 #.30 Appointments by the County Manager

159 a. The County Manager shall appoint the chief officer of each administrative office.

160 1. Appointments by the County Manager shall be presented to the Council during  
161 a regular Council meeting. Appointments shall take effect within 15 business days  
162 of the presentation unless rejected by a two-thirds majority vote of the Council  
163 where all five Councilmembers are present. In that event, the rejection shall  
164 apply only to that office,

165 2. The County Manager shall appoint chief officers on the basis of their abilities,  
166 qualifications, integrity and prior experience concerning the duties of the office to which  
167 they are appointed.

168 3. No time limitation shall be imposed on the term of office for appointed chief  
169 officers to administrative departments.

170

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

173                   1.       Nominations by the County Manager shall be presented to the Council  
174 during a regular Council meeting. Within 30 calendar days, the council shall accept or  
175 reject the nomination by a majority vote. Failure to act within 30 days constitutes  
176 acceptance of the nomination. A rejection applies to that, board or commission position  
177 only.

178                   2.       The term of office for a board or commission member appointed by the  
179 County Manager shall be limited to 12 consecutive years.

180

181 **Section #.40? Administrative Offices.**

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

184           b.       The chief officer of each administrative office shall appoint all officers and  
185 employees of his or her office or department, and shall comply with the county's personnel  
186 policies and procedures when appointing officers and employees to positions covered by the  
187 personnel policies and procedures.

188

189 **Section #.50? Elected Executive Departments.**

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

192

193 **Section #. 60? Other Elected Officials.**

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

196

197 **Section #.70? Appointments by Other Elected Officials.**

198 Other elected officials shall hire all officers and employees of their respective elected  
199 executive departments, and shall comply with the county's personnel policies and procedures  
200 when appointing officers and employees to positions covered by the county's personnel policies  
201 and procedures. The chief officers appointed by other elected officials shall be appointed on the  
202 basis of their abilities, qualifications, integrity and prior experience concerning the duties of the  
203 office to which they are appointed.

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205 **Section #.80? County Medical Examiner.**

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

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