

Section 1. Amendatory. 2.06.010

Section 2. Repealer. Res. dated May 14, 1951 and codified as CCC 2.08.010 is each hereby repealed.

Section 3. Repealer. Ordinance 1979-05-90, amended by Sec. 1 of Res. 1985-12-72 and codified as CCC 2.08.020, are each hereby repealed.

Section 4. Repealer. Ordinance 2007-03-10 codified as sections CCC 2.15.010 through CCC2.15.080 are each hereby repealed.

Section 5. Amendatory. Res. 59-19, 1959 and codified as CCC 2.16.010 are each amended to read:

2.16.010 Position created.

There is established the position of weight control supervisor to be employed by the county road engineer to enforce the laws and regulations in accordance with the following provisions:

- (1) The official title of the position shall be weight control supervisor.
- (2) He shall be sworn into office by the chairman of the ~~((board of county commissioners))~~ Board of County Councilors .
- (3) He shall be appointed to serve at the pleasure of the board.
- (4) He is authorized as a representative of the county to make complaints for the following:
 - (A) Violation of the motor vehicle laws of the state of Washington.
 - (B) Violations of county regulations relating to roads; deputize the weight control supervisor, then he shall have such authority as delegated to him by the county sheriff.

Section 6. Amendatory. Sec. 1 of Ord. 2002-07-21 and codified as CCC 2.19.020 are each amended to read:

2.19.020 Board of directors.

The board shall consist of five (5) members. Two (2) of the members of the board shall be selected and appointed by the ~~((board of county commissioners))~~ Board of County Councilors and two (2) of the members shall be selected and appointed by the legislative authority of the city of Vancouver. The members appointed by the county and the city shall select the fifth member of the board. The members shall serve four (4) year terms. The members appointed by the county and the city shall serve

staggered four (4) year terms provided, of the initial members, two (2) shall be appointed for two (2)-year terms, and the remainder shall be appointed for four (4)-year terms.

Vacancies shall be filled in the same manner as the original appointment and the person appointed shall serve the remainder of the unexpired term of the position to which he or she was appointed.

A director may be removed from office by a two-thirds (2/3) vote of the body that appointed the director to office. (Sec. 1 of Ord. 2002-07-21)

Section 7. Amendatory. Sec. 1 of Ord. 1995-01-01, amended by Sec. 1 of Ord. 2008-06-02 and codified as CCC 2.20.010, are each amended to read:

2.20.010 Railroad advisory board.

There is established a Clark County railroad advisory board to provide advice on maximizing utilization of the Lewis and Clark Railroad and its associated right-of-way.

(1) The advisory board shall provide recommendations to the director of public works and the ~~((board of commissioners))~~ Board of County Councilors on achieving the maximum long-term return to the county from its investment in the railroad, including promotion of new uses and users such as freight, tourism, transit, open space, beautification, trails, water quality and utilities. In addition, the advisory board shall provide community-wide railroad and right-of-way advocacy, and shall promote public/private partnerships that will enhance the asset. The advisory board shall not, however, act as a forum for negotiating the business relationship between the railroad operator and the county.

(2) The advisory board shall consist of up to fifteen (15) members appointed by the ~~((chair of the board of county commissioners after consultation with the other commissioners))~~ County Manager. Appointed members shall represent a variety of interests, including nominees from the following organizations: Burlington Northern Railroad; the Greater Vancouver Chamber of Commerce and Visitors Bureau; the Columbia River Economic Development Council; the Clark County parks advisory board; the Battle Ground Chamber of Commerce; the Washington State University Extension Service; the Washington State Department of Transportation; and the United States Forest Service. Appointments shall also include representatives from trail organizations and other interested citizens.

(3) Appointments shall be for staggered three (3) year terms; PROVIDED, that the terms of original appointments shall be determined by lot so that approximately one-third (1/3) shall be for one (1) year terms, one-third (1/3) for two (2) year terms, and one-third (1/3) for three (3) year terms.

(4) The advisory board shall establish a regular monthly meeting time, may elect officers, and may adopt rules for the conduct of its business.

(5) Community planning shall provide staff support to the advisory board. (Sec. 1 of Ord. 1995-01-01; amended by Sec. 1 of Ord. 2008-06-02)

Section 8. Amendatory. Section 2 of Ord. 1977-06-48 and codified as CCC 2.21.020 are each amended to read:

2.21.020 Creation.

A traffic safety commission is established for the purpose of making investigations and recommendations to the ~~((board of county commissioners))~~ Board of County Councilors in matters relating to traffic control and safety. (Sec. 2 of Ord. 1977-06-48)

Section 9. Amendatory. Section 2 of Ord. 1993-06-09, amended by Sec. 2 of Ord. 1999-02-10 and codified as CCC 2.21.020, are each amended to read:

2.21.020 Membership.

The committee shall consist of the following seven (7) members:

- (1) Three (3) citizen members who shall be appointed by the ~~((board))~~ county manager;
- (2) The county transportation system manager;
- (3) The sheriff or designee;
- (4) The prosecuting attorney or designee, who shall be a nonvoting member;
- (5) The director of community development or designee;
- (6) One representative of the Clark County Fire Chief's Association; and
- (7) One representative of the school districts located within unincorporated Clark County.

Section 10. Repealer. Sec. 2 of Res. 1980-12-38 and codified as CCC 2.25.010 are each hereby repealed.

Section 11. Repealer. Sec. 2 of Res. 1980-12-38 and codified as CCC 2.25.020 are each hereby repealed.

Section 12. Repealer. Sec. 2 of Res. 1980-12-38 and codified as CCC 2.25.030 are each hereby repealed.

Section 13. Repealer. Sec. 2 of Res. 1980-12-38 and codified as CCC 2.25.040 are each hereby repealed.

Section 14. Repealer. Sec. 2 of Res. 1980-12-38 and codified as CCC 2.25.050 are each hereby repealed.

Section 15. Repealer. Sec. 2 of Res. 1980-12-38 and codified as CCC 2.25.060 are each hereby repealed.

Section 16. Repealer. Sec. 2 of Res. 1980-12-38 and codified as CCC 2.25.070 are each hereby repealed.

Section 17. Repealer. Sec. 2 of Res. 1980-12-38 and codified as CCC 2.25.080 are each hereby repealed.

Section 18. Amendatory. Sec. 2 of Res. 1980-12-35 and codified as CCC 2.26.020 are each amended to read:

2.26.020 Purpose.

The purpose of the Developmental Disabilities Advisory Board is to:

(a) Advise and make recommendations to the Board of County ~~((Commissioners))~~ Councilors relating to community developmental disabilities services.

(b) Assist the Social Services Planning Commission in the development and maintenance of a comprehensive social service plan.

(c) Provide community leadership on improvement of efficiency and effectiveness of community developmental disabilities programs.

Section 19. Amendatory. Sec. 2 of Res. 1980-12-35 and codified as CCC 2.26.030 are each amended to read:

2.26.030 Duties.

The Developmental Disabilities Advisory Board shall:

(a) Perform the duties prescribed by RCW 71.20.040.

(b) Perform such other duties as may from time to time be directed by the County ~~((Commissioners))~~ Councilors .

Section 20. Amendatory. Sec. 2 of Res. 1980-12-35 and codified as CCC 2.26.040 are each amended to read:

2.26.040 Communicating with County ~~((Commissioners))~~ Councilors .

Advice and/or recommendations to the County ~~((Commissioners))~~ Councilors shall be in written form approved by a majority of the members of the Developmental Disabilities Advisory Board with a copy to the Social Services Planning Commission.

Section 21. Amendatory. Sec. 2 of Res. 1980-12-35 and codified as CCC 2.26.050 are each amended to read:

2.26.050 Staff support to the Advisory Board.

The level of staff support to the Advisory Board is subject to prior approval of the Board of County ~~((Commissioners))~~ Councilors; said approval to be contingent upon:

- (a) An annual staff work program, prepared by the Director of the Human Resources Department or his/her designee in consultation with the Advisory Board.
- (b) The degree to which the staff work program responds to County adopted policies and priorities.
- (c) The availability of funds.

Section 22. Amendatory. Sec. 2 of Res. 1980-12-35 and codified as CCC 2.26.060 are each amended to read:

2.26.060 Selection of members.

(a) The Developmental Disabilities Advisory Board shall consist of nine (9) members, who shall be appointed in accordance ~~((W))~~ with RCW 71.24.060 by the Board of County ~~((Commissioners))~~ Councilors to serve without compensation.

(b) The current members of the Developmental Disability Advisory Council/Committee shall be members of the Developmental Disabilities Advisory Board for the remainder of their unexpired Council/Committee terms.

Section 23. Amendatory. Sec. 2 of Res. 1980-12-35 and codified as CCC 2.26.080 are each amended to read:

2.26.080 Elections, meetings and rules.

The Developmental Disabilities Advisory Board shall:

- (a) Elect its officers, including a chairman and vice-chairman, and such other officers as it requires.
- (b) Hold regular open meetings, announced publicly in advance.
- (c) Adopt rules for transaction of business, and keep a written record of its meetings, resolutions, recommendations, transactions, and findings and determinations, which record shall be a public record.
- (d) Meet with the Board of County ~~((Commissioners))~~ Councilors at its requests. (Sec. 2 of Res. 1980-12-35)

- Section 24.** Repealer. Sec. 2 of Res. 1980-12-37 and codified as CCC 2.27.010 are each hereby repealed.
- Section 25.** Repealer. Sec. 2 of Res. 1980-12-37 and codified as CCC 2.27.020 are each hereby repealed.
- Section 26.** Repealer. Sec. 2 of Res. 1980-12-37 and codified as CCC 2.27.030 are each hereby repealed.
- Section 27.** Repealer. Sec. 2 of Res. 1980-12-37 and codified as CCC 2.27.040 are each hereby repealed.
- Section 28.** Repealer. Sec. 2 of Res. 1980-12-37 and codified as CCC 2.27.050 are each hereby repealed.
- Section 29.** Repealer. Sec. 2 of Res. 1980-12-37 and codified as CCC 2.27.060 are each hereby repealed.
- Section 30.** Repealer. Sec. 2 of Res. 1980-12-37 and codified as CCC 2.27.070 are each hereby repealed.
- Section 31.** Repealer. Sec. 2 of Res. 1980-12-37 and codified as CCC 2.27.080 are each hereby repealed.
- Section 32.** Amendatory. Sec. 2 of Res. 1980-12-36 and codified as CCC 2.28.010 are each amended to read:

2.28.010 Creation.

There is hereby created a Substance Abuse Advisory Board, which shall be the Alcoholism Administrative Board prescribed by RCW ((70.96.160)) 70.96A.300 and the county Drug Abuse Board prescribed by WAC 275-25-830.

- Section 33.** Amendatory. Sec. 2 of Res. 1980-12-36 and codified as CCC 2.28.020 are each amended to read:

2.28.020 Purpose.

The purpose of the Substance Abuse Advisory Board is to:

- (a) Advise and make recommendations to the Board of County ((Commissioners)) Councilors relating to substance abuse services.
- (b) Assist the Social Services Planning Commission in the development and maintenance of a comprehensive social service plan.

(c) Provide community leadership on improvement of efficiency and effectiveness of community substance abuse programs.

Section 34. Amendatory. Sec. 2 of Res. 1980-12-36 and codified as CCC 2.28.030 are each amended to read:

2.28.030 Duties.

The Substance Abuse Advisory Board shall:

(a) Perform the duties prescribed by (~~Chapter 71.96 RCW~~) RCW 70.96A.300 and WAC 275-25-830.

(b) Perform such other duties as may from time to time be directed by the County (~~Commissioners~~) Councilors. (Sec. 2 of Res. 1980-12-36)

Comment [DG1]: Mark picks the members but does the Substance Abuse Advisory Board answer to Mark or the Councilors?

Section 35. Amendatory. Sec. 2 of Res. 1980-12-36 and codified as CCC 2.28.040 are each amended to read:

2.28.040 Communicating with County (~~Commissioners~~) Councilors .

Advice and/or recommendations to the County (~~Commissioners~~) Councilors shall be in written form approved by a majority of the members of the substance abuse advisory board with a copy to the social services planning commission.

Section 36. Amendatory. Sec. 2 of Res. 1980-12-36 and codified as CCC 2.28.050 are each amended to read:

2.28.050 Staff support to the Advisory Board.

The level of staff support to the advisory board is subject to prior approval of the (~~board of county commissioners~~) County Manager ; said approval to be contingent upon:

(a) An annual staff work program, prepared by the director of the human resources department or his/her designee in consultation with the advisory board;

(b) The degree to which the staff work program responds to county adopted policies and priorities;

(c) The availability of funds. (Sec. 2 of Res. 1980-12-36)

Section 37. Amendatory. Sec. 2 of Res. 1980-12-36 and codified as CCC 2.28.050 are each amended to read:

2.28.060 Selection of members.

(a) The substance abuse advisory board shall consist of nine (9) members, who shall be appointed in accordance with RCW (~~70-96-160~~) 70.96A.300 and WAC 275-25-830, by the (~~board of county commissioners~~) county manager to serve without compensation.

(b) At all times there shall not be less than two (2) recovering alcoholics, one (1) recovering drug abuser, and one (1) minority person as members of the board.

(c) The current members of the drug advisory council/committee and the alcohol administrative board shall be members of the substance abuse advisory board for the remainder of their unexpired council/committee terms.

Section 38. Amendatory. Sec. 2 of Res. 1980-12-36 and codified as CCC 2.28.090 are each amended to read:

2.28.090 Elections, meetings and rules.

The substance abuse advisory board shall:

(a) Elect its officers, including a chairman and vice-chairman, and such other officers as it requires;

(b) Hold regular open meetings, announced publicly in advance;

(c) Adopt rules for transaction of business, and keep a written record of its meetings, resolutions, recommendations, transactions, and findings and determinations, which record shall be a public record;

(d) Meet with the board of county (~~commissioners~~) councilors at its requests.

Section 39. Amendatory. Res. 68-35 (part), 1968 and codified as CCC 2.32.010 are each amended to read:

2.32.010 Established—Organization.

A public works department is established as follows:

(1) The department head will be the county engineer and public works director, reporting directly to the (~~board of county commissioners~~) county manager. The department will include county roads, buildings, airports, parks, recreation, flood control, solid wastes, water supply, sanitary sewers, drainage, garbage disposal and other utilities and services as may be added by the board.

(2) The county engineer is appointed as county engineer and director of public works.

(3) Initial planning and preliminary work will be done by engaging consultants and contractual services with the road department on a reimbursable basis.

~~((4) No permanent staffing of the public works department will be made until after adoption of a merits system by the board for the department as required in Chapter 72, Laws of Washington of 1967-))~~

Section 40. Amendatory. Res. 68-35 (part), 1968 and codified as CCC 2.32.020 are each amended to read:

2.32.020 Merit system.

It is the intent of the board to adopt a merit system for the public works department.

Section 41. Amendatory. Res. 68-35 (part), 1968 and codified as CCC 2.32.030 are each amended to read:

2.32.030 Warrant issuance.

The Clark County auditor is authorized to issue warrants on the public works fund beginning with the budget year of 1969 upon certification by the public works director and the board.

Section 42. Amendatory. Res. 68-35 (part), 1968 and codified as CCC 2.32.040 are each amended to read:

2.32.040 Public works fund.

The Clark County treasurer is authorized to set up a public works fund and pay warrants therefrom as funds for these purposes are provided by the board.

Section 43. Amendatory. Res. (part) dated Nov. 13, 1973 and codified as 2.32.060 are each amended to read:

2.32.060 Employment of relatives.

The policy providing for the employment of relatives shall be as follows:

- (1) "Relatives," as used in this policy, means individuals related to an employee or his spouse, by marriage, legal adoption or consanguinity to include spouses, parents, children, sisters and brothers, aunts, uncles, nephews or nieces.
- (2) No employee may appoint a relative of his to a paid position nor make any appointment based on favoritism toward a relative of others.
- (3) No employee may occupy a position under the supervision of his relative or a position for which his relative has the responsibility of reviewing or auditing the work.
- (4) Only one relative may work in any one division of the department. Divisions are defined as follows: engineering, road maintenance, building inspection and accounting. Exceptions may be made only for positions that may be declared by the ~~((Board of County Commissioners))~~ County Manager on a

critical occupation list for positions difficult to fill. When hired as an exception, a relative occupying the same household must be selected on the same basis as other candidates, and subject to the provisions of this policy.

(5) If two employees become relatives and their employment is contrary to the provisions of this policy, the director of public works will make every effort to reassign one of the employees.

(6) The department may employ individuals who have relatives working for other county offices or agencies provided the relationship of their position does not involve review or audit of one's work by the other.

Section 44. Amendatory. Sec. 3 of Ord. No. 1987-03-46 and codified as CCC 2.33A.030 are each amended to read:

2.33A.030 Definitions.

(1) "Board" means the Board of County ~~((Commissioners))~~ Councilors of Clark County.

(2) "County Manager" includes the Clark County Acting Manager.

~~((2))~~ (3) "County" means Clark County, State of Washington.

~~((3))~~ (4) "Worthless ~~((P))~~Property" means that county property whose value at its site is less than its probable fair market value, less the cost of transporting it to the most advantageous place of disposal, as determined by the Property Manager or the custodial office or department.

Section 45. Amendatory. Sec. 4 of Ord. No. 1987-03-46 and codified as CCC 2.33A.040 are each amended to read:

2.33A.040 Property Manager.

There is hereby established the position of Property Manager who shall be appointed by and serve at the pleasure of the ~~((Board))~~ County Manager. The Property Manager shall perform those duties delegated to such position under this chapter.

Section 46. Amendatory. Sec. 5 of Ord. No. 1987-03-46 and codified as CCC 2.33A.050 is each amended to read:

2.33A.050 Property Management Committee.

There is hereby established a property management committee, to be composed of the Property Manager, one representative of the Parks Department, and one representative of the Public Works Department. The Property Manager shall serve as the chair of the committee. The Committee may adopt rules for the conduct of its business, shall establish regular meeting times, and shall provide advice and recommendations to the county council ~~executive board~~.

Section 47. Amendatory. Sec. 8 of Ord. No. 1987-03-46 and codified as CCC 2.33A.080 are each amended to read:

2.33A.080 Personal property—Purchase.

(1) All property acquired for county purposes shall be acquired in accordance with the provisions of:

(a) The “Relocation Assistance Real Property Acquisition Policy,” 8.26, Revised Code of Washington; and

(b) The Clark County Department of Public Works “Uniform Policy on Real Property Acquisition” dated September 30, 1975, and the “Uniform Relocation Assistance Policy,” dated September 30, 1975; and, when applicable,

(c) The “Uniform Relocation Assistance and Land Acquisition Policies Act of 1970,” Public Law 91-646, enacted January 2, 1971, 91st Congress; as amended by Public Law 100-17, Apr. 2, 1987, Title IV, Uniform Relocation Act Amendments of 1987.; as amended by Public Law 102-240, Dec. 18, 1991, Sec. 1055, Relocation Assistance Regulations Relating to the Rural Electrification Administration.; as amended by Public Law 105-117, Nov 21, 1997, Sec.104; an Alien not lawfully present in the United States).

(2) Except as provided for in Section 2.33A.090, county purchases and acquisitions, through Eminent Domain, of real property shall be subject to acceptance by the Board. Gifts, Conveyances, and Easements shall be subject to approval by the County Council and County Engineer. (

Section 48. Amendatory. Sec. 9 of Ord. No. 1987-03-46; amended by Sec. 1 of Ord. 1992-04-61; amended by Sec. 1 of Ord. 1992-04-61 and codified as CCC 2.33A.090 are each amended to read:

2.33A.090 Real estate property—Purchase—Director of Public ~~((Services))~~ Works authority.

(1) The Director of Public ~~((Services))~~ Works is authorized to accept on behalf of Clark County the following conveyances of interest in real property to Clark County:

(a) Conveyances not involving the direct expenditure of county funds made to satisfy conditions of short plat, conditional use permit, site plan or other county land use approval; PROVIDED, that acceptance of plat dedications shall be processed in accordance with RCW 58.17.165 through 58.17.170;

(b) Conveyances of real property for county road projects, road improvement districts, stormwater control, sanitary sewer rights-of-way, park projects, critical/sensitive lands and planned acquisitions/incentive programs approved by the board; PROVIDED:

(i) The purchase price, if any, does not exceed twenty-five thousand dollars (\$25,000), and

(ii) The purchase price, if any, does not exceed the appraised value of the interest being acquired, and

(iii) Sufficient funds for the acquisition have been budgeted.

(2) The Director shall note acceptance on the face of the instrument of conveyance in substantially the form set forth below and thereafter shall promptly cause such instrument to be recorded with the Clark County Auditor:

Accepted on behalf of Clark County
under the authority of CCC Chapter 2.33A ____.

Director of Public Works
Clark County, Washington

(3) The Director shall report to the (~~Board~~) County Manager at least monthly regarding conveyances accepted pursuant to this section. Such report shall include a general description of each parcel acquired, the land use approval or project with which such acquisition is associated, and the purchase price, if any.

Section 49. Amendatory. Sec. 10 of Ord. No. 1987-03-46 and codified as CCC 2.33A.100 are each amended to read:

2.33A.100 Real property—Lease conditions.

(1) If any officer or department shall need any real property which need can be most economically satisfied by leasing property not belonging to the County, it shall advise the Property Manager of its particular needs and the uses which will be made of the property. The Property Manager shall first investigate county properties which might be available for such needs and purposes. If such cannot be satisfied with county property, the Property Manager shall locate and investigate properties which are adaptable to such needs and uses that are available for leasing. The Property Manager shall submit a report to the head of the office or department with respect to the property or properties which can be leased for such use. The report shall include an analysis of rentals and the Property Manager's conclusion of the fair market rental value of the property or properties available for leasing as well as terms and conditions upon which such property or properties can be leased.

(2) If the head of the office or department concerned concurs with the report and any recommendations therein, the report and recommendations shall be submitted to the Board, with the recommendation of the head of the office or department concerned. The Board may approve the leasing of any real property on terms reported and recommended to it.

(3) The Property Manager shall list on a calendar all expiration or renewal dates for leases or permits under which the County uses property owned by others. The Manager shall have the responsibility to notify well in advance the office or department affected, and the (~~Board~~) County

Manager, so that appropriate action can be taken prior to expiration of the lease or permit. (Sec. 10 of Ord. No. 1987-03-46)

Section 50. Amendatory. Sec. 1 of Res. 2000-06-04 and codified as CCC 2.33A.175 are each amended to read:

2.33A.175 Destruction and disposition of recovered, forfeited and surplus firearms.

1. Definitions: As used in this section:

“Antique firearms” means those firearms as defined by RCW 9.41.010 and a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

For purposes of this section only, “Firearms of potential value” means any rifle, shotgun or handgun:

- (a) Accepted as a duty weapon, or any type, make, model and caliber normally used by law enforcement; and
- (b) Manufactured after 1945 which has a current version in production after 1975; and
- (c) Is reasonably expected to have a value at trade-in excess of two hundred dollars (\$200) each; and
- (d) Conditioned to operate legally and safely; and
- (e) Graded as “Good” or better according to National Rifle Association grading scales; and
- (f) Is a handgun manufactured by Smith and Wesson, Colt, Ruger, Beretta, Browning, Walther, Sig/Sauer, Heckler & Koch, Glock, Dan Wesson, Steyer and any nationally recognized brand name of custom manufactured pistols retailing in excess of five hundred dollars (\$500), such as Les Baer, Wilson and the like.

The following firearms are declared to have no potential value for purposes of this section:

- (a) Any forfeited firearm used in a crime of violence, as defined in RCW 9.41.010, regardless of actual or apparent value;
- (b) Any firearm contaminated by biohazardous material, regardless of actual or apparent value;

(c) Any .22 caliber rifle, except those constituting an antique, curio or collector's item;

(d) Handguns manufactured by Charter Arms, Harrington and Richardson, Rohm/RG, Rossi, Taurus, Iver Johnson, High Standard and other similar lower value weapons; handguns considered as "assault" type handguns such as the Ingram/Cobray/RPB models M-10 or M-11, Intratec Tech 9, Wilkinson "Linda" or "Diane" and other similar rapid fire semiautomatic handguns normally manufactured and intended to use magazines with capacities in excess of twenty (20) rounds; or handguns manufactured by another but sold under "house" names by department stores and/or discount stores; and/or all handguns caliber .25ACP or smaller with barrels less than four (4) inches in length, and, which are not classified as antiques or as curios, relics or collectors arms per the list maintained by the United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms, do not have potential value.

"Machine gun" means those firearms as defined in RCW 9.41.010 and any firearm, weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at the rate of five (5) or more shots per second.

"Retired duty weapon" means a surplus firearm, previously purchased, or converted to official use in accordance with RCW 63.40.010 by Clark County and assigned to a particular deputy sheriff as his or her duty weapon and made available to such deputy at retirement.

"Rifles and shotguns" means those firearms defined in RCW 9.41.010 and any firearm with a barrel length of twelve (12) inches or longer and an overall length of twenty-six (26) inches or longer, but shall not include machine guns as defined in this section.

"Surplus firearms" means any firearm previously purchased or converted to official use in accordance with RCW 63.40.010 by Clark County for use by the Clark County Sheriff's Department that are no longer serviceable, will be retired or will become surplus as a result of the department's upgrading to newer weapons for duty service.

2. Inventory, Destruction and Disposition.

(a) Within thirty (30) days of the effective date of this section or by December 31, 2000, whichever shall last occur, the sheriff shall have prepared an inventory of every firearm (i) that has been judicially forfeited; (ii) that has been seized and may be subject to judicial forfeiture; (iii) that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010, 63.35.020, or 63.40.010; (iv) that is no longer needed for evidence; or (v) has been identified as a retired duty weapon. This inventory shall be updated annually and include a report on the destruction, disposal and retirement of firearms included in the inventory.

(b) The sheriff shall destroy every firearm in the inventory, according to the plan in subsection 3 of this section as approved by the board of county ~~((commissioners))~~ councilors, except that:

(1) The sheriff may retain legally forfeited firearms solely for use by the sheriff's office or other law enforcement agency.

(2) The sheriff shall sell, trade, auction or arrange for the auction of legal rifles and shotguns of potential value.

(3) Antique firearms, curios and collector's items are exempt from destruction and shall be disposed of by sale, auction or trade to commercial sellers.

(4) Surplus firearms and handguns of potential value may be offered for sale or as trade-in to licensed law enforcement equipment dealers for the sole purpose of acquiring new firearms and related equipment for use by commissioned deputy sheriffs. If not offered for sale or as trade-in, they shall be destroyed.

(5) Notwithstanding any contrary provision of this chapter, retired duty weapons may be offered for retail value to particular sheriff's deputies upon their retirement. If not retired, such weapons shall be retained for use by the Clark County Sheriff's Department until they are otherwise classified and disposed of as surplus firearms.

(6) All cash proceeds from sales to or by licensed firearms dealers or from retiring deputies shall be paid to the county's general fund.

3. Report Required. The sheriff shall submit a report to the board of county ~~((commissioners))~~ councilors, with in the time specified in subsection 2, on the inventory of firearms under subsection 2 which shall include a plan for the destruction or disposal of all firearms in the inventory.

Section 51. Amendatory. Sec. 18 of Ord. 1987-03-46 as most recently amended by Sec. 1 of Ord. 2007-08-01 and codified as CCC 2.33A.180 are each amended to read:

2.33A.180 Exempted transactions designated.

The following transactions are exempted from the provisions of Sections 2.33A.130 through 2.33A.170:

(1) Worthless Property. Where personal property is determined to be worthless by the property manager, such property may be disposed of by the property manager or the department involved in the most cost-efficient manner. The property may be donated to the public at large, provided a record of the name and address of the recipient and the property disposed of is kept and

forwarded to the property manager; provided, that in no event shall the property be given to any county employee or relative of a county employee.

(2) Intergovernmental Transactions. The Board of County Council (~~board~~) may sell or lease county property to another governmental agency by negotiation, upon such terms as may be agreed upon and for such consideration as may be deemed adequate by the board.

(3) Private Exchange. The board may authorize the exchange of surplus county real property for privately owned real property, subject to the provisions of this subsection; provided, that the exchange of tax title lands shall be governed by RCW 36.35.050. The value of the real property to be exchanged by the county and the value of the real property to be received by the county shall be determined by qualified independent appraiser(s), except that on-staff appraisers may be utilized where the property value does not exceed one hundred thousand dollars (\$100,000). Unless the value of the real property to be exchanged is more than five (5) times the value of the real property to be received, the board may approve the exchange and specify whether the difference in value, if any, shall be paid in cash at closing or be paid pursuant to an appropriate real estate contract or deed of trust.

(4) Trade-ins.

(a) The county may trade in property belonging to the county when purchasing other property. If the county elects to trade in property, it shall include in its call for bids on the property to be purchased a notice that the county has for sale or trade-in property of a specified type, description and quantity which will be sold or traded in on the same day and hour that the bids on the property to be purchased are opened. Any bidder may include in its offer to sell an offer to accept the designated county property in trade by setting forth in the bid the amount of such allowance.

(b) In determining the lowest and best bid, the county shall consider the net cost to the county after trade-in allowances have been deducted. The county may accept the bid of any bidder without trade-in of the county property, but may not require any such bidder to purchase the county property without awarding the bidder the purchase contract. The county shall consider offers in relation to the trade-in allowances offered to determine the next best sale and purchase combination for the county.

(5) Emergency. In the event of an emergency, when the interest or property of the county would suffer material injury or damage by disposition in accordance with the foregoing provisions, the board, upon declaring the existence of such an emergency, may authorize the property manager to sell or lease such property upon such terms and procedures as to the board may appear to be in the public interest.

(6) Unmarketable Parcels. A parcel of surplus real property, which in and of itself would have little utilitarian value because of its size or shape, may be offered and sold to owners of adjoining properties by private negotiation.

(7) Limited-Use Parcels—Covenant Restrictions. Where restrictive covenants, dedication limitations, grant conditions or other legally enforceable restraints, including such restraints placed upon property by the county, limit use of surplus property to a specific public purpose, such property may be conveyed by negotiation upon such terms and conditions as are consistent with such restraint and based upon an opinion of value from a member of the Institute of Real Estate Appraisers or a professional appraiser having similar ethical and professional standards.

(8) Limited-Use Parcels—Restrictive Characteristics. Property determined to be surplus to the immediate needs of the county, but which because of its location, configuration or other characteristic is especially and uniquely suitable for a particular quasi-public use requiring special legal, financial or technical qualifications, all as determined by the board, may be sold or leased through a public request for proposal process.

(9) Public Purpose Leases. The board may enter into rental agreements for the use of county property with bona fide nonprofit organizations wherein the organization is to make improvements or provide services to further a recognized county purpose. The agreement may be for less than fair market rental so long as the general public is not unreasonably restricted from access to the improvements or services so provided.

(10) Short-Term Rentals. The property manager or the custodial officer or department may permit use of county facilities by a third party for up to seventy-two (72) hours upon such terms as may be mutually agreed upon; provided, that such use furthers a county purpose.

(11) Established Rental Value. Where the fair market rental value of county real property has been established by the property manager in the case of rentals of less than one thousand five hundred dollars (\$1,500) per month, or by a member of the American Institute of Real Estate Appraisers, or a professional appraiser having similar ethical and professional qualifications, in the case of rentals of one thousand five hundred dollars (\$1,500) or more per month, in accordance with accepted appraisal methods and standards, such property may be leased by private negotiation at no less than the value so established.

(12) Watchman's Property. Leases that include watchman's responsibility for adjoining county-owned property may be leased by private negotiation.

(13) Real Estate Broker Services. Notwithstanding any other provisions set forth in this chapter, if in the judgment of the (~~board of county commissioners~~) Board of County Councilors the sale of real property of the county would be facilitated and a greater value realized through the use of the services of licensed real estate brokers or by such other method as is determined to most likely result in the receipt of full value for such property, a contract for such services may be negotiated and concluded; provided, that a minimum sales price for such property shall be set by a member of the American Institute of Real Estate Appraisers or professional appraiser having similar ethics and professional qualifications.

(14) Relocation Sales. The board may authorize the direct sale by private negotiation of county-owned residences to a person being relocated by a county project; provided, that the sale price for such property shall not be less than its appraised value as determined by a member of the Institute of Real Estate Appraisers or professional appraiser having similar ethical and professional standards.

(15) Public Purpose Sales.

(a) The board may convey title to county real property to a bona fide nonprofit corporation to be improved and utilized in perpetuity to further a recognized county purpose; provided, the conveyance document(s) shall contain appropriate contract provisions and/or deed or deed of trust restrictions and covenants relating to timing of improvements, disposition of revenue, accessibility by the general public, nondiscrimination, compliance with laws, removal of liens, and reversion of title.

(b) The board may convey title to county personal property no longer needed for county purposes to a bona fide nonprofit corporation to be used to further a recognized county purpose.

(16) Mineral Rights. The sale or lease of mineral rights for extraction of aggregate on county property as a portion of a larger project to prepare such property for future public use may be by request for proposals.

(17) Police Dogs. Where the sheriff of Clark County, in his or her discretion, determines, upon retirement of a police dog from service, that the interest of the animal, its handler, the county or the public would best be served thereby, the sheriff may make any appropriate disposition of such police dog, provided the recipient of the police dog agrees to assume all future liability for its actions, care, maintenance and medical needs.

Section 52. Amendatory. Sec. 2 of Res. dated May 12, 1969 and codified as CCC 2.36.020 are each amended to read:

2.36.020 Purchasing agent appointment.

The (~~board of county commissioners~~) Board of County Councilors will hereafter appoint a county purchasing agent to be the head of this department, which agent shall meet the requirements set out in RCW 36.32.260, and shall be paid such salary as may hereafter be from time to time fixed for the position.

Comment [DG2]: Gives power of appointment to councilors

Section 53. Amendatory. Sec. 3 of Res. dated May 12, 1969 and codified as CCC 2.36.030 are each amended to read:

2.36.030 Establishment of central storerooms—Stocking inventory.

The purchasing department shall hereafter establish such central storerooms and stock such inventory and items as may be needed and required by the various department of county government.

The methods and procedures for handling the accounting shall be as hereafter fixed by the ~~((board of county commissioners))~~ Board of County Councilors .

Section 53. Amendatory. Sec. 2, Ord. No. 1976-12-46 and codified as CCC 2.38.010 are each amended to read:

2.38.010 Human Resources Department.

There is hereby created a Clark County Human Resources Department to oversee the funding and functioning of all human resources, social service and social welfare programs and activities of the county. This department shall be under the control and supervision of the ~~((board of commissioners))~~ County Manager, except as provided in the Clark County Charter ~~((and shall oversee the funding and))~~ who shall administer the functioning of such programs and activities for the ~~((b))~~ Board of County Councilors . Furthermore all requests for funding and grants in aid to be made to the ~~((commissioners))~~ County shall be made directly to the Board and be coordinated by, the county department of human resources. Such department shall be staffed as shown in the department's budget for any one year. (Sec. 2, Ord. No. 1976-12-46)

Section 54. Amendatory. Res. dated April 28, 1970; amended by Sec. 1 of Res. 1979-08-93; amended by Sec. 1 of Res. 1984-02-81; amended by Sec. 1 of Ord. 1992-01-01; amended by Sec. 1 of Res. 2001-07-21 and codified as CCC 2.44.010 are each amended to read:

2.44.010 Formation—Members—Compensation—Meetings—Chairman—Terms.

The board of equalization shall be formed, consisting of three (3) members and up to four (4) alternates, to be nominated by the Clark County Board of Councilors and the County Manager and appointed by the Board of Clark County ~~((commissioners))~~ Councilors , to be paid from the current expense fund of Clark County the sum of seventy-five dollars (\$75) per day for each day of actual attendance at the meeting of the board of equalization convened in accordance with RCW 84.48.010. Said members shall select a chairman who shall conduct the business of said board at the county courthouse, or at such other place that the county ~~((commissioners))~~ manager shall provide. The term for each appointed member shall be for three (3) years, or until their successors are appointed; provided, however, each appointed member may be removed by a majority vote of the ~~((board of county commissioners))~~ Board of County Councilors and they shall carry out the duties and functions of the offices provided by law.

Section 55. Amendatory. Ord. 2005-10-03 and codified as CCC 2.48A.040 are each amended to read:

2.48A.040 Designation of the chair of the Board of County ~~((commissioners))~~ Councilors as executive head for emergency services of the county.

The chair of the ~~board of county commissioners))~~ Board of County Councilors or designate shall serve as the executive head of the county for purposes of emergency management pursuant to Chapter 38.52 RCW.

Comment [DG3]: Chris, RCW 38.52.010 defines executive head as the county executive in those charter counties with an **elective** office of county executive, however designated, and, in the case of other counties, the county legislative authority. [Emphasis added]

Based on this it sounds like the executive head might be the chair of the councilors since the county manager is not an elected position.

Section 56. Amendatory. Ord. 2005-10-03 and codified as CCC 2.48A.050 are each amended to read:

2.48A.050 Continuity of government.

In the event the chair of the (~~board of county commissioners~~) Board of County Councilors is unavailable to exercise the powers and discharge the duties of the office, the vice chair, followed by the (~~commissioner~~) Councilors, followed by the (~~county administrator~~) County Manager shall act as the interim executive head subject to (~~board of county commissioner~~) Board of County Councilors confirmation, modification, or rejection as soon as practicable. Such board confirmation, modification, or rejection shall be by a majority of the board then present and voting. (Ord. 2005-10-03)

Section 57. Amendatory. and codified as CCC is each amended to read:

2.48A.060 General duties of the director of emergency management.

Appointed by and directly responsible to the executive heads of the participating jurisdiction, the director of the Clark Regional Emergency Services Agency shall:

- (1) Administer local emergency management activities to assist the county in the mitigation, preparedness, response, and recovery from major emergencies and disasters.
- (2) Oversee preparation and implementation of the county's comprehensive emergency management plan.
- (3) Submit an annual program paper to the county regarding the previous year's performance and subsequent year's plans regarding emergency management objectives.
- (4) Assist the chair of the (~~board of county commissioners~~) Board of County Councilors or alternate in the issuance of declarations of an emergency pursuant to Section 2.48A.070.
- (5) Request that the Governor proclaim a state of emergency or disaster when, in the opinion of the chair of the (~~board of county commissioners~~) Board of County Councilors, the resources of the county, area or region are inadequate to cope with the emergency or disaster.
- (6) Direct coordination and cooperation between departments, divisions, services and staff in carrying out the provisions of the emergency management plan, and resolve questions of authority and responsibility that may arise among them.
- (7) Act in coordination with the state and other governmental agencies to plan and implement joint jurisdictional planning and disaster services plans and mutual aid agreements.
- (8) Consult with the county attorney in planning and exercise of emergency powers.

(9) Determine the county's contribution to the cost of a joint local emergency management organization upon a fair and equitable basis. (Ord. 2005-10-03)

Section 58. Amendatory. Ord. 2005-10-03 and codified as CCC 2.48A.070 are each amended to read:

2.48A.070 Declaration of emergency.

(1) Whenever an emergency, or the imminent threat thereof, occurs in the county and results in, or threatens to result in, the death or injury of persons or the destruction of or damage to property to such extent as to require, in the judgment of the chair of the (~~board of county commissioners~~) Board of County Councilors, extraordinary and immediate measures to protect the public health, safety and welfare, the chair shall forthwith:

(a) If the (~~board of county commissioners~~) Board of County Councilors is in session, request the board to declare the existence or threatened existence of an emergency; or

(b) If the (~~board of county commissioners~~) Board of County Councilors is not in session, issue such declaration, subject to board ratification and confirmation, modification or rejection as soon as practicable. Such board ratification and confirmation, modification or rejection shall be by a majority of the board then present and voting;

(c) Declarations of emergency issued by the chair of the (~~board of county commissioners~~) Board of County Councilors or alternate shall be presented as soon as practical to the (~~board of county commissioners~~) Board of County Councilors for ratification and confirmation, modification or rejection. Declarations which are rejected shall, after vote, be void. Declarations shall be considered in full force and effect until the board shall act.

(2) Such declaration of emergency may be in addition to or as an alternative to the proclamation of state of emergency by the Governor.

(3) The chair of the (~~board of county commissioners~~) Board of County Councilors or alternate shall terminate the declaration of emergency when order has been restored in the affected area of the county.

Section 59. Amendatory. Ord. 2005-10-03 and codified as CCC 2.48A.080 are each amended to read:

2.48A.080 Notice of declarations of emergency and emergency orders.

When at all practical, the chair of the (~~board of county commissioners~~) Board of County Councilors or alternate shall consult with the director of emergency management on the need for and development of the declaration of emergency or emergency order. The chair of the (~~board of county commissioners~~) Board of County Councilors or alternate shall cause any declaration of emergency or emergency order issued pursuant to the authority of this chapter to be delivered to the director of

emergency management, State Emergency Management, the Governor, the public, and all news media within the general area of the county. The chair of the (~~board of county commissioners~~) Board of County Councilors or alternate shall use available means as shall be necessary in his or her judgment to give notice of such declarations. Such declarations and orders shall be filed with the clerk of the (~~board of county commissioners~~) Board of County Councilors as soon as possible.

Section 60. Amendatory. Ord. 2005-10-03; amended by Sec. 1 of Ord. 2012-07-17; amended by Sec. 1 of Ord. 2012-09-11 and codified as CCC 2.48A.090 are each amended to read:

2.48A.090 Authorized emergency orders.

(1) Upon the declaration of an emergency, and during the existence of such emergency, the chair of the (~~board of county commissioners~~) Board of County Councilors or alternate may make and proclaim any or all of the following orders and delegate enforcement authority therefor to law enforcement officers and designated emergency personnel:

(a) An order imposing a general curfew applicable to the county as a whole, or to such geographical area or areas of the county and during such hours as it deems necessary, and from time to time to modify the hours such curfew will be in effect and the area or areas to which it will apply;

(b) An order requiring any or all business establishments to close and remain closed until further order;

(c) An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages and in which such alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the (~~board of county commissioners~~) Board of County Councilors, be allowed to remain open;

(d) An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of the county;

(e) An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

(f) An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas, and public buildings;

(g) An order prohibiting undue inflationary pricing of goods and services with the intent of maximizing profits as a result of the declared emergency;

(h) Such other orders as are imminently necessary for the protection of life and property.

(2) Emergency orders shall be presented as soon as practicable to the ~~((board of county commissioners))~~ Board of County Councilors for ratification and confirmation, modification or rejection. Orders which are rejected shall, after vote, be void. Emergency orders shall be considered in full force and effect until the board shall act.

Section 61. Amendatory. Ord. 2005-10-03 and codified as CCC 2.48A.100 are each amended to read:

2.48A.100 Emergency procurements.

(1) Upon declaration of an emergency, and during the existence of such emergency, the chair of the ~~((board of county commissioners))~~ Board of County Councilors , alternates as defined in Section 2.48A.050, or the county purchasing manager is authorized to make emergency procurements where the county may suffer a substantial loss or damage to property, bodily injury, or loss of life by reason of the time required for following the regular purchasing procedures.

(2) Such authorization for emergency procurement shall be presented to the ~~((board of county commissioners))~~ Board of County Councilors for ratification and confirmation, modification or rejection. Emergency procurements shall be considered in full force and effect until the board acts.

Section 62. Amendatory. Ord. 2005-10-03 and codified as CCC 2.48A.110 are each amended to read:

2.48A.110 Emergency powers under Governor's proclamation of emergency or disaster.

In addition to or as an alternative to those emergency powers prescribed by this chapter upon the declaration of an emergency, the chair of the ~~((board of county commissioners))~~ Board of County Councilors or alternate shall have, upon proclamation of a state of emergency or disaster by the Governor pursuant to Chapters 38.52 and 43.06 RCW, the authority to exercise on behalf of the county all emergency powers set forth in RCW 38.52.070(2), including without limitation:

(1) To accept and receive, with the consent of the Governor, on behalf of the county, offers from the federal government of services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of emergency management, the state, acting through the Governor.

(2) In cases where there is damage to the equipment borrowed from other jurisdictions under a mutual aid agreement, to receive the filing of claims for such damage within sixty (60) days after the damage is incurred.

(3) To utilize existing services and facilities to the maximum extent practicable notwithstanding any other provision of law, in the event of a disaster, after proclamation by the Governor of the existence of such disaster, to have the power to command the service and equipment

of as many citizens as considered necessary in the light of the disaster proclaimed; provided, that citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by Chapter 38.52 RCW and federal and state emergency management regulations for registered emergency workers. (Ord. 2005-10-03)

Section 63. Amendatory. Ord. 2005-10-03 and codified as CCC 2.48A.130 are each amended to read:

2.48A.130 Continuance of existing agreements.

Nothing in this chapter shall be deemed to affect any existing interlocal agreements entered into by the county or other cities and towns of Clark County pursuant to Chapter 38.52 RCW regarding emergency planning and the giving of mutual aid; provided, that for the purposes of such agreements, the chair of the (~~board of county commissioners~~) Board of County Councilors shall exercise all powers as executive head of the county under such agreements in conformity with RCW 38.52.070.

Section 64. Amendatory. Sec. 2.49.010 of Res. No. 1976-04-61 and codified as CCC 2.49.010 are each amended to read:

2.49.010 Relation to public health, safety and general welfare.

The (~~board of county commissioners~~) Board of County Councilors of the County of Clark finds that the adoption of this chapter is necessary for the protection of the public health, safety and general welfare of the citizens of Clark County and for the protection of the county's existing public institutions.

Section 65. Amendatory. Sec. 2.49.020 of Res. 1976-04-61 and codified as CCC 2.49.020 are each amended to read:

2.49.020 Acceptance.

The designation of the County of Clark as a community action agency is hereby accepted. The personnel director, subject to supervision by the (~~county administrator~~) County Manager is hereby directed to proceed with the implementation of the community action agency administering board as proposed in the request for designation.

Section 66. Amendatory. Sec. 3 of Res. 1979-05-56; amended by Res. 1982-05-38; amended by Sec. 2 of Ord. 2009-10-19 and codified as CCC 2.51.030 are each amended to read:

2.51.030 Appointment and terms.

The Clark (~~County board of county commissioners, hereinafter referred to as "board,")~~ County Manager shall appoint one (1) or more examiners for terms which shall initially expire six (6) months following the date of original appointment and thereafter expire one (1) year following the date of each reappointment. Such appointments may be by professional service contract.

Section 67. Amendatory. Sec. 5 of Ord. 2009-10-19 and codified as CCC 2.51.160 are each amended to read:

2.51.160 Reconsideration of examiner's decision.

(1) Motion for Reconsideration.

(a) Time for Filing. Any party of record to a proceeding before the hearings examiner, including Clark County by and through its community development department upon approval (~~of the board of county commissioners~~) by the County Manager, may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision.

(b) Fee. The motion must be accompanied by the applicable fee, except that no fee shall be charged to the community development department.

(c) Grounds. A motion for reconsideration shall identify specific authority within the Clark County Code or other applicable law, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects the rights of the moving party:

(i) Procedural irregularity or error, clarification, or scrivener's error, for which no fee will be charged;

(ii) Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiner;

(iii) The decision is not supported by substantial evidence in the record; or

(iv) The decision is contrary to law.

(d) Response to Motion. Within fourteen (14) calendar days of the filing of a motion for reconsideration, the community development department staff and any other party of record may file with the responsible official a written response to the motion. No reply to a response is permitted.

(2) Decision on Motion.

(a) Time for Issuance. Within twenty-eight (28) calendar days of the filing of a motion for reconsideration, the examiner shall issue a decision on the motion.

(b) Contents of Decision. The examiner's decision on a motion for reconsideration shall state whether the motion is granted or denied, in whole or in part, and shall state the factual and/or legal reasons for the decision.

(c) Finality. The examiner's decision on a motion for reconsideration shall be final unless timely appealed to Clark County Superior Court by a party of record to the proceedings before the examiner.

Section 68. Amendatory. Sec. 1 of Res. adopted Aug. 2, 1968 and codified as CCC 2.52.010 are each amended to read:

2.52.010 Authorization.

The chairman of the board of county (~~commissioners~~) councilors is authorized to sign for and on behalf of Clark County that certain document entitled "Clark County Regional Planning Council Agreement," which document is marked "Exhibit A" and is by this reference incorporated and made a part hereof and by such signature Clark County shall become a member of the council. (Sec. 1 of Res. adopted Aug. 2, 1968)

Comment [DG4]: Since this is an agreement that was signed before the charter should it still be changed to councilors?

Section 69. Amendatory. Sec. 3 of Ord. 1996-07-39 and codified as CCC 2.57.020 is each amended to read:

2.57.020 Purpose.

The purpose of the community action advisory board is to:

- (a) Advise and make recommendations to the (~~board of county commissioners~~) Board of County Councilors relating to the community action program plans and priorities;
- (b) Involve (~~the poor~~) low income persons in the planning and development of community action programs and strategies. (Sec. 3 of Ord. 1996-07-39)

Section 70. Amendatory. Sec. 4 of Ord. 1996-07-39 and codified as CCC 2.57.030 is each amended to read:

2.57.030 Duties.

The community action advisory board shall perform the following duties:

- (a) Determine the priority needs of Clark County's low income population;
- (b) Develop and recommend to the (~~board of county commissioners~~) Board of County Councilors an annual priorities plan for the community action program; and
- (c) Recommend community services block grant strategies that are responsive to the priorities plan; assess the progress of the community action programs through quarterly review of performance; advise the (~~board of county commissioners~~) Board of County Councilors on the allocation of community

service block grant resources; act in an advocate role in the public/private sectors in the interest of the low income population of Clark County; maximize the extent and quality of low income participation in the programs of the department; and, make recommendations or provide information to the (~~county commissioners~~) County Councilors in a written form approved by a majority of the members of the community action advisory board. (Sec. 4 of Ord. 1996-07-39)

Section 71. Amendatory. Sec. 5 of Ord. 1996-07-39 and codified as CCC 2.57.040 is each amended to read:

2.57.040 Selection—Payment of members—Quorum.

(a) The community action advisory board shall consist of nine (9) members who shall be appointed by the (~~board of county commissioners~~) County Manager .

(b) The membership of the community action advisory board shall be representative of the community. At least one-third (1/3) of the members shall be appointed in accordance with federal law using procedures adequate to assure that they are representative of the (~~poor~~) low income in the area served. Where possible, one-third of the members shall be elected public officials or their representatives and one-third (1/3) of the members shall be representative of major community interests. Where possible, members shall also be representative of geographic regions of the county.

(c) The members shall not be compensated for the performance of their duties, but may be paid subsistence rates and mileage in the amount authorized pursuant to RCW 36.17.030 or as hereafter amended.

(d) A simple majority of non-vacant positions on the community action advisory board shall constitute a quorum. (Sec. 5 of Ord. 1996-07-39)

Section 72. Repealer. Sec. 1 of Res. dated July 20, 1951 and codified as CCC 2.60.010 is each hereby repealed.

Section 73. Repealer. Sec. 2 of Res. dated July 20, 1951 and codified as CCC 2.60.020 is each hereby repealed.

Section 74. Repealer. Sec. 3 of Res. dated July 20, 1951 and codified as CCC 2.60.030 is each hereby repealed.

Section 75. Repealer. Sections 4, 5 of Res. dated July 20, 1951 and codified as CCC 2.60.040 is each hereby repealed.

Section 76.Repealer. Sections 6 of Res. dated July 20, 1951 and codified as CCC 2.60.050 is each hereby repealed.

Section 77.Repealer. Sections 7 of Res. dated July 20, 1951 and codified as CCC 2.60.060 is each hereby repealed.

Section 78.Repealer. Sections 8 of Res. dated July 20, 1951 and codified as CCC 2.60.070 is each hereby repealed.

Section 79. Amendatory. Sec. 2 of Res. 1979-07-103; amended by Sec. 2 of Ord. 2014-06-0 and codified as CCC 2.61.020 is each amended to read:

2.61.020 Purpose.

The purpose of the Clark County parks advisory board is to:

- (1) Advise and make recommendations to Clark County staff and the (~~county commissioners~~) County Councilors relating to acquisition, planning and development of Clark County parks;
- (2) Maintain communication with other organizations, associations and citizens regarding Clark County parks;
- (3) Advocate to decision makers and the public for parks purposes. (Sec. 2 of Res. 1979-07-103; amended by Sec. 2 of Ord. 2014-06-04)

Section 80. Amendatory. Sec. 2 of Res. 1979-07-103; amended by Sec. 3 of Ord. 2014-06-04 and codified as CCC 2.61.030 is each amended to read:

2.61.030 Duties and responsibilities.

The Clark County parks advisory board, with access to staff support services, shall advise and make recommendations to the (~~board of county commissioners~~) Board of County Councilors , which shall include but not be limited to the following:

- (1) Advise Clark County staff and the (~~board of county commissioners~~) Board of County Councilors on the selection of design consultants, new park designs and locations.

(2) Recommend appropriate policies to be adopted by the (~~board of county commissioners~~) Board of County Councilors which establish:

- (a) Criteria for park land acquisition, development and improvement;
 - (b) Criteria for the function of approved park developments;
 - (c) Rules and regulations governing the use of park facilities.
- (3) Participate in the review of the biennial county budget for the parks division.
- (4) Participate in the screening selection for the administrative official responsible for parks administration.
- (5) Review proposals for changes in the structural organization and/or functions of the parks division.
- (6) Recommend development, adoption, and revision, as necessary, of the Clark County comprehensive parks, recreation and open space plan, policies and standards. The parks plan will be included as an element of the Clark County comprehensive growth management plan.
- (7) Serve as members and representatives of the county on any regional or specialized parks advisory commissions or committees when appointed by and approved by the (~~board of county commissioners~~) Board of County Councilors or its designee.
- (8) Guide and support any fund development efforts including grant applications and facility sponsorships.
- (9) Participate in any specialized studies and analyses regarding the standards or systems of providing parks, trails and open space to residents and visitors.
- (10) Attend and testify at public meetings, hearings and other speaking engagements as necessary.
(Sec. 2 of Res. 1979-07-103; amended by Sec. 3 of Ord. 2014-06-04)

Section 81. Amendatory. Sec. 2 of Res. 1979-07-103; amended by Sec. 4 of Ord. 2014-06-04 and codified as CCC 2.61.040 is each amended to read:

2.61.040 Communicating with (~~county commissioners~~) County Councilors .

Comments by way of advising the (~~commissioners~~) County Councilors should be in written form approved by a majority of the members of the Clark County parks advisory board. (Sec. 2 of Res. 1979-07-103; amended by Sec. 4 of Ord. 2014-06-04)

Section 82. Amendatory. Sec. 2 of Res. 1979-07-103; amended by Sec. 5 of Ord. 2014-06-04; amended by Sec. 1 of Ord. 2014-07-24 and codified as CCC 2.61.050 is each amended to read:

2.61.050 Selection of members.

(1) Voting Members. The Clark County parks advisory board shall consist of seven (7) voting members, who reside within the boundaries of Clark County, and who shall be appointed by the (~~board of county commissioners~~) Board of County Councilors to serve without compensation.

(2) Ex-Officio Members. Each school district with territory within the boundaries of unincorporated Clark County, and the Parks Foundation of Clark County, may be represented at all board meetings; they may take part in all discussions of matters before the board, but shall not have a vote.

(3) No Conflict of Interest. No member of the Clark County parks advisory board shall be employed in connection with parks services, including parks construction and planning, or otherwise employed by Clark County in a paid capacity, during his or her term on the board.

(4) Representation on Board. In filling vacancies, consideration should be given to ensuring representation of the broad range of interests related to parks in the community:

(a) Board members should be knowledgeable about one (1) or more aspects of Clark County parks (e.g., trails, sports leagues, etc.) or willing to become appropriately knowledgeable and conversant about parks and issues.

(b) Board members should be broadly representative of the different neighborhoods and areas served by Clark County parks.

(c) Board members should be representative of the diversity in the community. Any form of discrimination based on race, color, religion, creed, sex, national origin, age, marital status, the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, sexual orientation/gender identity, veteran's status or any other status protected by law is prohibited. (Sec. 2 of Res. 1979-07-103; amended by Sec. 5 of Ord. 2014-06-04; amended by Sec. 1 of Ord. 2014-07-24)

Section 83. Amendatory. Sec. 2 of Res. 1979-07-103; amended by Sec. 6 of Ord. 2014-06-04 and codified as CCC 2.61.060 is each amended to read:

2.61.060 Term of office.

Except in the formation of the original commission, the term of office of members of the Clark County parks advisory board shall be three (3) years; PROVIDED, that the term of the current board members shall expire in accordance with the provisions of their appointments to the board. The terms of office, except as provided herein, shall commence on the first Monday in January. Vacancies shall be filled for the remainder of the unexpired term. The (~~board of county commissioners~~) Board of County Councilors may remove members from office at will. (Sec. 2 of Res. 1979-07-103; amended by Sec. 6 of Ord. 2014-06-04)

Section 84. Amendatory. Sec. 2 of Res. 1979-07-103; amended by Sec. 7 of Ord. 2014-06-04; amended by Sec. 2 of Ord. 2014-07-24 and codified as CCC 2.61.070 is each amended to read:

2.61.070 Meetings, officers and bylaws.

The Clark County parks advisory board shall:

- (1) Elect its officers each year in December, including a chairman, vice chairman and secretary, and such other officers as it may determine it requires. The secretary shall have charge of all records and shall keep accurate and complete minutes of all meetings. The term of office for each officer shall run until the subsequent election; provided, that vacancies shall be filled for the remaining term of office.
- (2) Hold regular public meetings at least quarterly. Special meetings may be held as often as the board deems necessary. All meeting dates, agendas, and minutes will be posted on the Clark County webpage.
- (3) Adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations, which record shall be a public record.
- (4) Meet at least once annually with the ((~~board of county commissioners~~)) Board of County Councilors .
- (5) Have a majority of its sitting members as a quorum for the transaction of business, but four (4) affirmative votes are required to approve any action of the board. (Sec. 2 of Res. 1979-07-103; amended by Sec. 7 of Ord. 2014-06-04; amended by Sec. 2 of Ord. 2014-07-24)

Section 85. Amendatory. Sec. 2.65.020 of Res. No. 1976-02-22 and codified as CCC 2.63.020 is each amended to read:

2.63.020 Purpose.

The purpose of the Advisory Committee shall be to advise the County ((~~Commissioners~~)) Councilors as required by the Board. (Sec. 2.65.020 of Res. No. 1976-02-22)

Comment [DG5]: Does the Orchards Community Advisory Committee still exist?

Section 86. Amendatory. Sec. 2.65.030 of Res. No. 1976-02-22 and codified as CCC 2.63.030 is each amended to read:

2.63.030 Communicating with County ((~~Commissioners~~)) Councilors .

Comments by way of advising the ((~~Commissioners~~)) County Councilors should be in written form and voted upon by a majority of the members of the Advisory Committee. (Sec. 2.65.030 of Res. No. 1976-02-22)

Section 87. Amendatory. Sec. 2.65.040 of Res. No. 1976-02-22 and codified as CCC 2.63.040 is each amended to read:

2.63.040 Term of office.

Term of office shall be one year provided that a member shall serve after the expiration of his term until a replacement is appointed by the (~~board of county commissioners~~) Board of County Councilors . (Sec. 2.65.040 of Res. No. 1976-02-22)

Section 88. Amendatory. Sec. 2.65.070 of Res. No. 1976-02-22 and codified as CCC 2.63.060 is each amended to read:

2.63.060 Selection of members.

(1) The advisory committee shall consist of eleven (11) members appointed by the (~~county commissioners~~) County Councilors .

(2) The majority of the members must reside within Orchards geographic area as provided for in Section 5.

(a) The following organizations shall be requested to submit not less than two (2), nor more than five (5) names to the (~~county commissioners~~) County Councilors for consideration of appointment of the advisory committee.

A. Greater Orchards Area Business Association (G.O.A.B.A.).

B. Orchards Kiwanis Club.

C. Evergreen Jaycees.

D. Citizens United for Evergreen (CUE).

E. Evergreen Community Organization (ECO).

F. Evergreen Community Fair Association.

(3) Five (5) at-large members shall be appointed by the (~~county commissioners~~) County Councilors who must reside, own or operate a business, or be employed within the geographic area.

(4) In the event that a member no longer resides and/or owns or operates a business, or is employed within the Orchards area, said member may serve on the committee until the end of his or her term, provided said member resides within Clark County. (Sec. 2.65.070 of Res. No. 1976-02-22)

Section 89. Amendatory. Sec. 2.65.090 of Res. No. 1976-02-22 and codified as CCC 2.63.090 is each amended to read:

2.63.090 Changes to by-laws.

Any changes to these by-laws of the citizens' committee would require the concurrence of the (~~board of county commissioners~~) Board of County Councilors . (Sec. 2.65.090 of Res. No. 1976-02-22)

Section 90. Amendatory. Res. (part) dated February 14, 1974 and codified as CCC 2.66.010 is each amended to read:

2.66.010 Prisoners—Work release program—Authorized.

The (~~board of Clark County commissioners~~) Board of County Councilors (~~do~~) authorizes, in accordance with RCW 36.63.260, a work release program for the employment of prisoners in custody of the Clark County jail. (Res. (part) dated February 14, 1974)

Section 91. Amendatory. Sec. 5 of Ord. 2007-07-09 and codified as CCC 2.70.050 is each amended to read:

2.70.050 Exemption from requirement to maintain a current records index.

(1) The (~~board of county commissioners~~) Board of County Councilors finds that Clark County government is comprised of many branches, boards, departments, divisions, subdivisions, agencies, offices, commissions, and many other county entities that maintain separate and distinct recordkeeping systems. The records are voluminous, diverse, complex, and are stored in incompatible databases. Indexing of these records would be overwhelmingly costly to the Clark County taxpayers, while substantially interfering with effective and timely county office operations. As a result, it would be unduly burdensome, if not physically impossible, to develop an index of those records identified in RCW 42.56.070(3) or as the statute may be amended in the future.

(2) No Clark County agency, as defined in Section 2.70.030, is required to maintain an index of public records conforming to the requirements of RCW 42.56.070(3) or as the statute may be amended in the future.

(3) Any index maintained by an individual county agency shall be made available for public inspection and copying unless exempt from disclosure or made confidential by law. (Sec. 5 of Ord. 2007-07-09)

Section 92. Amendatory. Sec. 6 of Ord. 2007-07-09 and codified as CCC 2.70.060 is each amended to read:

2.70.060 Public records officer—Policies, training and education.

- (1) Public Records Officer. The ((~~county administrator~~)) County Manager shall serve as Clark County's public records officer, who shall serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the county's compliance with the public records disclosure requirements of this chapter.
- (2) Public Records Procedures. The ((~~county administrator~~)) County Manager , as public records officer, is authorized to promulgate public records procedures in cooperation with elected county officers and agencies. Such procedures shall ensure, to the extent practicable, compliance with this chapter, the Washington Public Records Act and related law. Such procedures shall be disseminated in a way reasonably calculated to provide notice to the public, including being available at the administrative offices of each county agency, posting on the county's Internet site, and, at the discretion of the ((~~county administrator~~)) County Manager , in selected county publications.
- (3) Notice to the Public. The name and contact information of the public records officer, to whom members of the public may direct requests for disclosure of public records and who will oversee the county's compliance within the public records disclosure requirements of this chapter, shall be made in a way reasonably calculated to provide notice to the public, including posting at the administrative offices of each county agency, posting on the county's Internet site, and, at the discretion of the ((~~county administrator~~)) County Manager , in selected county publications. (Sec. 6 of Ord. 2007-07-09)

Section 93. Amendatory. Sec. 7 of Ord. 2007-07-09 and codified as CCC 2.70.070 is each amended to read:

2.70.070 Public records coordinators.

- (1) Public Records Coordinators. At the request of the ((~~county administrator~~)) County Manager , county agencies, as defined in Section 2.70.030, shall appoint public records coordinators, whose duties shall include prompt, efficient response to public records requests in compliance with this chapter.
- (2) Notice to the Public. The name and contact information of the appointed public records coordinators, to whom members of the public may direct requests for disclosure of public records and who will oversee their agency's compliance within the public records disclosure requirements of this chapter, shall be made in a way reasonably calculated to provide notice to the public, including posting at the administrative offices of each agency, posting on the county's Internet site, and, at the discretion of the ((~~county administrator~~)) County Manager , in selected county publications. (Sec. 7 of Ord. 2007-07-09)

Section 94. Amendatory. Res. 1989-10-19 and codified as CCC 2.72A.020 is each amended to read:

2.72A.020 Copy on file.

A copy of the Clark County Personnel Manual, as may be amended and updated, shall at all times be on file and open for inspection in the office of the Department of Personnel and in the office of the (~~Clark County Commissioners~~) Board of County Councilors . (Res. 1989-10-19)

Section 95. Amendatory. Res. 1975-09-61 (part), 1975 and codified as CCC 2.74.020 is each amended to read:

2.74.020 Contract authorizes.

The (~~board of county commissioners~~) Board of County Councilors , by the signature of a majority of its members, is authorized to contract as provided in Exhibit "A," and thereby bind the county and create the "Clark Regional (~~Communications Agency~~) Emergency Services Agency" by interlocal agreement. (Res. 1975-09-61 (part), 1975)

Comment [DG6]: Does this agency still exist?

Section 96. Amendatory. Res. 69-11  1, 1969 and codified as CCC 2.80.010 is each amended to read:

2.80.010 Referral to (~~commissioners~~) County Councilors .

Complaints regarding established policies or county legislation shall be referred to the (~~board of county commissioners~~) Board of County Councilors . (Res. 69-11  1, 1969)

Section 97. Amendatory. Res. PW 1974-07-37 (part), 1974; amended by Sec. 1 of Ord. 1982-03-36 and codified as CCC 2.84.010 is each amended to read:

2.84.010 Merit board—Composition—Appointments.

Comment [DG7]: Do we still use a merit board?

(1) The merit board shall consist of three members appointed by the (~~board of county commissioners~~) Board of County Councilors . Each member must have clearly demonstrated an interest and belief in the merit principle; he shall not hold any other employment with the county; he shall not have been an officer of a political party within one year prior to appointment; he shall not become a candidate for partisan political office during his term on the board.

(2) Members of the board shall serve overlapping terms of six years or until their successors have been appointed. As an exception to the above, at the first appointment one member shall be appointed to serve two years, one to serve four years and one to serve six years. A member appointed to fill a vacancy occurring prior to the expiration of the term shall be appointed for the remainder of such term. No member may be removed by the (~~board of county commissioners~~) Board of County Councilors except for cause.

(3) The board shall annually elect a chairman and vice-chairman from among its members to serve one year. (Res. PW 1974-07-37 (part), 1974; amended by Sec. 1 of Ord. 1982-03-36)

Section 98. Amendatory. Res. PW 1974-07-37 (part), 1974; amended by Sec. 3 of Ord. 1982-03-36 and codified as CCC 2.84.030 is each amended to read:

2.84.030 Merit board—Powers—Duties.

It shall be the responsibility of the board, and it shall have the authority, to:

- (1) Hear the appeals of non-union appointive officers and employees who are subject to and entitled to the protections of RCW 36.94.120 arising out of alleged violation of County policy pertaining to their classification, promotion, demotion, suspension, transfer, layoff or discharge, and by majority vote of its members, recommend corrective action to the Board of (~~Commissioners~~) County Councilors ;
- (2) Make recommendations to the departments relative to policies for the employment, classification, promotion, demotion, suspension, transfer, layoff or discharge of appointive officers and employees subject to and entitled to the protections of RCW 36.94.120;
- (3) Exercise those powers (if any) and perform those duties (if any) delegated to the Merit Board to the extent and in the manner provided under the County's collective bargaining agreements. (Res. PW 1974-07-37 (part), 1974; amended by Sec. 3 of Ord. 1982-03-36)

Section 99. Amendatory. Res. Dated June 9, 1970 and codified as CCC 2.88.010 is each amended to read:

2.88.010 Designated.

The board of county (~~commissioners~~) councilors proclaims the day of June 16, 1970, and each year hereafter on that date "Grange Day." (Res. dated June 9, 1970)

Comment [DG8]: Is this something that's still celebrated?

Section 100. Amendatory. Sec. 2 of Ord. 1987-07-27; amended by Sec. 1 of Ord. 1991-11-30; amended by Sec. 1 of Ord. 2008-01-17; amended by Sec. 1 of Ord. 2012-05-31 and codified as CCC 2.95.020 is each amended to read:

2.95.020 Definitions.

As used in this chapter, the following words and terms shall have the meaning set forth herein:

- (A) "Risk management report" shall mean quarterly reports and an annual report presented to the board at work sessions;

(B) "Board" means the (~~board of Clark County commissioners~~) Board of County Councilors ;

(C) "Claim" means (1) any claim for, at least in part, monetary damages against the county, or agents or employees of the county, within the agents' or employees' scope of employment; and (2) any direct damages or loss to county property;

(D) "Lawsuit" means any lawsuit naming the county or an agent or employee of the county acting within his or her scope of employment, as a defendant or third-party defendant, which lawsuit alleges a cause of action and seeks, at least in part, money damages;

(E) "Prosecuting attorney" means the prosecuting attorney of Clark County and such deputies as he or she shall delegate to perform functions referred to herein;

(F) "Risk management" means a coordinated and continuous management process to identify and analyze potential loss exposures; to apply where possible reasonable and effective processes to transfer and reduce the risk of loss so as to preserve the assets of Clark County;

(G) "Risk manager" means the person so designated by the board. (Sec. 2 of Ord. 1987-07-27; amended by Sec. 1 of Ord. 1991-11-30; amended by Sec. 1 of Ord. 2008-01-17; amended by Sec. 1 of Ord. 2012-05-31)

Section 101. Amendatory. Sec. 3 of Ord. 1987-07-27; amended by Sec. 2 of Ord. 1991-11-30; amended by Sec. 2 of Ord. 2008-01-17; amended by Sec. 2 of Ord. 2012-05-31 and codified as CCC 2.95.030 is each amended to read:

2.95.030 Insurance administration.

(A) Duties of the Risk Manager.

(1) The risk manager may negotiate with and recommend the selection of insurance brokers for any type of liability, property and/or casualty insurance and/or officials' bonds as deemed necessary by the board. The broker of record will be selected by the request for proposal (RFP) process as outlined in county and state purchasing guidelines.

The consultant/broker shall be experienced in those fields of insurance for which the consultant/broker is appointed, and shall have prior experience in either consulting or brokering insurance for public entities. The consultant/broker shall have a staff adequate to assist in technical areas as required from time to time by the county. It is anticipated that the consultant/broker will not participate in any commissions on insurance contracts placed on behalf of Clark County, but should be compensated as outlined and approved by the BOCC.

(2) The risk manager shall be responsible for recommending to the (~~county administrator~~) County Manager the design of insurance programs, the amount of services to be established, and the

appropriate retention levels. The reporting mechanism will occur through monthly, quarterly, and annual reports.

(3) The risk manager may recommend to all county departments, divisions, and other agencies loss control programs to reduce hazards to the employee and public that may exist in county facilities and operations.

(4) The risk manager shall maintain histories of all claims and lawsuits, whether insured or funded self-insurance, loss histories and investigations of claims and incident reports.

(5) The risk manager or the prosecuting attorney shall make tenders of potentially insured claims to insurance carriers.

(6) The risk manager shall prepare such policies and guidelines as are necessary to inform county employees of their responsibilities in relation to accident reporting and risk management policy. These policies and guidelines shall be reviewed and approved by the ~~((county administrator))~~ County Manager. The risk manager shall be responsible for the dissemination of such policies and guidelines.

(7) The risk manager may investigate any incidents or conditions, for the purpose of possible litigation and/or preventing future incidents.

(B) Duties of the Prosecuting Attorney.

(1) The prosecuting attorney along with the risk manager shall advise and recommend to Clark County departments appropriate contractual clauses providing for indemnity, hold harmless, and insurance. He or she shall review contractual provisions relating to indemnity and hold harmless requirements as part of a coordinated process prior to finalization of all such contracts.

(2) The prosecuting attorney, as provided by state law, is responsible for the prosecution and defense of all lawsuits against the county, except where other counsel is provided by insurance coverage or appointed pursuant to RCW 36.22.200 or 36.27.040. The prosecuting attorney may appear as co-counsel with insurance counsel, where appropriate.

(3) The prosecuting attorney shall provide legal advice to all county officials regarding the disposition of all claims and lawsuits against the county. (Sec. 3 of Ord. 1987-07-27; amended by Sec. 2 of Ord. 1991-11-30; amended by Sec. 2 of Ord. 2008-01-17; amended by Sec. 2 of Ord. 2012-05-31)

Section 102. Amendatory. Sec. 6 of Ord. 1987-07-27; amended by Sec. 5 of Ord. 1991-11-30; amended by Sec. 5 of Ord. 2008-01-17 and codified as CCC 2.95.070 is each amended to read:

2.95.070 Claims processing procedures.

(A) The risk manager shall have the authority to settle or dispose of claims involving property damage of thirty thousand dollars (\$30,000) or less. This does not apply to claims other than property damage.

(B) The risk manager shall have the authority to settle or dispose of bodily injury claims of fifteen thousand dollars (\$15,000) or less.

(C) It shall be the duty of the risk manager to recommend to the prosecuting attorney the settlement and disposal of bodily injury claims of over fifteen thousand dollars (\$15,000) but less than thirty thousand dollars (\$30,000). The risk manager, with the prosecuting attorney's concurrence, shall have authority to settle or dispose of claims of this amount.

(D) The risk manager, or the prosecuting attorney, shall make recommendations to the (~~county administrator~~) County Manager as to proposed settlements or disposal of bodily injury and property damage claims in excess of thirty thousand dollars (\$30,000) and the (~~county administrator~~) County Manager shall have the authority to settle such claims in an amount not to exceed fifty thousand dollars (\$50,000). (Sec. 6 of Ord. 1987-07-27; amended by Sec. 5 of Ord. 1991-11-30; amended by Sec. 5 of Ord. 2008-01-17)

Section 103. Amendatory. Sec. 12 of Ord. 1987-07-27; amended by Sec. 7 of Ord. 1991-11-30; amended by Sec. 9 of Ord. 2008-01-17; amended by Sec. 5 of Ord. 2012-05-31 and codified as CCC 2.95.120 is each amended to read:

2.95.120 Liability reserve fund.

(A) The county shall maintain an account known as the liability reserve fund. Such account shall be funded and administered as follows:

(1) Contributions by the various departments to the liability reserve fund shall be determined during the annual budgeting process. The amounts will be in accordance with a formula proposed by the risk manager and approved by the (~~county administrator~~) County Manager. Contributions to the fund will be made quarterly.

(2) The accumulated reserves in the liability reserve fund should be maintained at an actuarially sound level.

(3) The treasurer shall invest according to the established county policy, the principal sums appropriated to the liability reserve fund, and any interest earned thereon shall accrue to such fund.

(B) The following classes of expenditures may be made from the liability reserve fund:

(1) Amounts for payments for liability claims involving bodily injury, personal injury, and property damage;

(2) Premiums for insurance as may be placed for the county at the direction of the board;

(3) Costs and expenses related to the administration, prevention, investigation, adjustment and litigation of the program;

(4) Amounts for payments arising out of the direct damage to all types of county property. (Sec. 12 of Ord. 1987-07-27; amended by Sec. 7 of Ord. 1991-11-30; amended by Sec. 9 of Ord. 2008-01-17; amended by Sec. 5 of Ord. 2012-05-31)

Section 104. Amendatory. Sec. 13 of Ord. 1987-07-27; amended by Sec. 8 of Ord. 1991-11-30; amended by Sec. 10 of Ord. 2008-01-17 and codified as CCC 2.95.130 is each amended to read:

2.95.130 Workers' compensation fund.

(A) The county shall maintain an account known as the "workers' compensation fund." Such account shall be funded and administered as follows:

(1) Contributions to the workers' compensation fund shall be made by the various departments in accordance with a formula proposed by the risk manager and approved by the ~~((risk management executive committee))~~ County Manager through the Budget process. Contributions will be computed annually by the risk manager.

(2) The accumulated reserves in the workers' compensation fund should be maintained at an actuarially sound level.

(3) Monthly contributions shall be made by the various departments to the fund.

The treasurer shall invest, according to the established county policy, the principal sums appropriated to the workers' compensation fund, and any interest earned thereon shall accrue to such fund.

(B) The following classes of expenditures may be made from the workers' compensation fund:

(1) Amounts for payments for workers' compensation claims involving injury to employees and/or volunteers as established by the risk manager;

(2) Premiums for excess insurance as may be placed for the county at the discretion of the ~~((county commissioners))~~ County Councilors through the risk manager;

(3) Costs and expenses related to the administration, prevention, investigation, adjustment and litigation of the program. (Sec. 13 of Ord. 1987-07-27; amended by Sec. 8 of Ord. 1991-11-30; amended by Sec. 10 of Ord. 2008-01-17)

Section 105. Amendatory. Sec. 1 of Res. 1989-11-08; amended by Sec. 1 of Res. 1991-09-04; amended by Sec. 1 of Ord. 1997-08-28; amended by Ord. 2005-04-02; amended by Sec. 12 of Ord. 2008-01-17 and codified as CCC 2.97.025 is each amended to read:

2.97.025 Defense—Indemnification.

(1) Clark County shall protect, defend, hold harmless and indemnify for any damages, including court-ordered attorney's fees, all current and past officers, employees, elected and appointed officials, volunteers acting in a capacity of conducting public hearings, receiving public testimony or making recommendations to the (~~board of county commissioners~~) Board of County Councilors, and their respective marital communities against any and all claims or causes of action which arise as a result of alleged acts or errors and omissions occurring within the scope of their duties and responsibilities of employment with or on behalf of Clark County; provided, that the county may elect not to provide to such officers or employees legal services or indemnification for acts not undertaken in good faith, official acts of misconduct, or the defense of the right to hold office or if the employee fails to fully cooperate with the defense of such action; provided further, that in actions seeking punitive damages, the determination of whether or not to hold harmless and indemnify the individual from such damages will be made on a case-by-case basis considering factors including but not limited to if (1) the individual was acting within the course and scope of his or her employment; (2) the acts were undertaken in good faith, without actual malice and in the best interests of the county; and (3) payment of the damages would be in the best interests of the county. If the (~~board of county commissioners~~) Board of County Councilors makes a determination to not provide a defense, hold harmless or indemnify, the employee, officer, elected or appointed official, or volunteer shall be notified of such decision and shall have a right to meet with the board prior to the decision being final.

(2) Legal services will be provided by the office of the prosecuting attorney; provided, that should the prosecuting attorney's office have a conflict, appointment of legal counsel shall be in accordance with RCW 36.27.030.

(3) Clark County in its sole discretion may elect to protect, defend, hold harmless and indemnify hearing examiners contractually providing services to the county when the (~~board of county commissioners~~) Board of County Councilors determines that actions filed or taken against such examiner are brought in bad faith or for the purpose of harassing such examiner because of decisions made in their official capacity. (Sec. 1 of Res. 1989-11-08; amended by Sec. 1 of Res. 1991-09-04; amended by Sec. 1 of Ord. 1997-08-28; amended by Ord. 2005-04-02; amended by Sec. 12 of Ord. 2008-01-17)

Section 106. Amendatory. Res. No. 1977-77-40; amended by Sec. 1 of Ord. 2004-12-13; amended by Sec. 1 of Ord. 2010-11-05 and codified as CCC 2.99.010 is each amended to read:

2.99.010 Write-off.

No department or agency of the county (~~shall~~) may write off or hold any debt uncollectible until it has first presented a request to do so to the (~~board of county commissioners~~) Board of County Councilors on forms approved by the board, and has received permission to do so from the (~~board of county commissioners~~) Board of County Councilors; provided, however, that the county auditor and the director of public health may write off amounts they deem to be not collectible of \$50.00 or less per invoice issued from their respective billing and accounts receivable systems and the following shall be

exempt from this procedure: all judicially imposed fines, fees, charges, program payments and other costs associated with violations of law, where the obligation cannot be viewed as voluntary and the resulting amounts owed to the county are separate and distinct from the type of debt otherwise incurred by county departments. The (~~county administrator~~) County Manager shall develop procedures to write off such excepted debts, which shall apply to all accounts maintained by county departments that are subject to the purview of the (~~board of county commissioners~~) Board of County Councilors. As used herein, the term "department or agency of the county" shall specifically exclude the Clark County superior and district courts. (Res. No. 1977-77-40; amended by Sec. 1 of Ord. 2004-12-13; amended by Sec. 1 of Ord. 2010-11-05)

Section 107. Amendatory. Sec. 1 of Ord. 1982-02-65 and codified as CCC 3.08.007 is each amended to read:

3.08.007 Purpose and intent.

The (~~board of commissioners~~) Board of County Councilors hereby declares that it is in the best interest of the county to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops, and to assure the use and enjoyment of natural resources and the scenic beauty for the economic and social well-being of the county and its citizens. (Sec. 1 of Ord. 1982-02-65)

Section 108. Amendatory. Res. 1974-01-14 Sec. 6, 1974 and codified as CCC 3.12.060 is each amended to read:

3.12.060 Contract with State Department of Revenue.

The (~~board of county commissioners~~) Board of County Councilors is authorized to enter into a contract with the Department of Revenue of the State of Washington for administration of the tax. (Res. 1974-01-14 Sec. 6, 1974)

Section 109. Amendatory. Sec. 1 of Ord. 1986-04-05 and codified as CCC 3.14.070 is each amended to read:

3.14.070 Contract.

The Chairman of the Board of County (~~Commissioners~~) Councilors is authorized to execute a contract substantially in the form of "Exhibit A" which is incorporated in this chapter by reference, with the Department of Revenue of the state of Washington for the administration and collection of the tax imposed by Section 3.14.010 of this chapter; PROVIDED, that the prosecuting attorney shall first approve the form and content of such contract. (Sec. 1 of Ord. 1986-04-05)

Section 110. Amendatory. Sec. 9 of Ord. 2004-08-19 and codified as CCC 3.17.090 is each amended to read:

3.17.090 Contract with state of Washington.

The County (~~Administrator~~) Manager of county is hereby authorized to enter into contract(s) with the Washington State Department of Revenue for the administration and collection of the charge imposed pursuant to this chapter. (Sec. 9 of Ord. 2004-08-19)

Section 111. Amendatory. Sec. 10 of Ord. 2004-08-19 and codified as CCC 3.17.100 is each amended to read:

3.17.100 Disestablishment of the TPA.

A. Following the initial five-year period from the effective date of the chapter codified in this ordinance, the operators of eligible lodging businesses which paid over fifty percent (50%) of the charges imposed within the City-County TPA during the preceding calendar year may file a petition with the Board of Clark County (~~Commissioners~~) Councilors requesting that the Board of Clark County (~~Commissioners~~) Councilors adopt a resolution of intention to disestablish the City-County TPA. The Board of Clark County (~~Commissioners~~) Councilors shall adopt such resolution and hold a hearing to determine whether to disestablish the City-County TPA. Signatures on such petition shall be those of duly authorized representatives of the operators of eligible lodging businesses in the City-County TPA.

B. Following the initial five-year period from the effective date of the ordinance codified in this chapter, the Board of Clark County (~~Commissioners~~) Councilors , by appropriate action, may provide for the disestablishment of the City-County TPA after adopting a resolution of intention to such effect. Such resolution shall indicate that it is the county's intention to disestablish the City-County TPA, and shall state the time and place of a public hearing to be held by the Board of Clark County (~~Commissioners~~) Councilors to consider the proposed action. (Sec. 10 of Ord. 2004-08-19)

Section 112. Amendatory. Sec. 1 of Res. 1986-09-06 and codified as CCC 3.22.020 is each amended to read:

3.22.020 Rules for administration.

The local review board shall adopt rules for administering the provisions of Chapter 84.26 RCW; a copy of such rules and subsequent amendments shall be filed with the Board of County (~~Commissioners~~) Councilors . (Sec. 1 of Res. 1986-09-06)

Section 113. Amendatory. Sec. 1 of Res. adopted September 15, 1941 and codified as CCC 5.04.010 is each amended to read:

5.04.010 License required—Fee.

From and after September 15, 1941, no secondhand dealer shall do or transact any business in Clark County, outside the limits of incorporated cities and towns unless the secondhand dealer has first obtained a license from the Board of (~~Clark~~) County (~~Commissioners~~) Councilors as hereinafter set forth.

- (1) License fee for each secondhand dealer, whether it be a person, firm or corporation, per year, fifteen dollars (\$15) or for any part thereof;
- (2) If and in the event any licensee, as per Subsection (1) above, employs any person to do buying, selling and/or transact any business under this chapter, an additional license for each employee shall be first obtained before that employee transacts any business. The license shall be issued to the joint names of the employer and the employee. The license shall immediately become null and void when and in the event the relationship of employer and employee no longer exists. The original of the license shall be kept by the employer in his place of business or upon his person and duplicate copy of the license shall be kept upon the person of the employee. The fee for the license shall be five dollars (\$5) per year or any part thereof. (Sec. 1 of Res. adopted September 15, 1941)

Section 114. Amendatory. Res. dated August 12, 1957 and codified as CCC 5.08.010 is each amended to read:

5.08.010 State Board rules regulate.

The regulation of places outside cities and towns where intoxicating liquor is sold until the further order of the Board of County (~~Commissioners~~) Councilors or other legal means, shall be in accordance with the same rules and regulations as set out by the rules and regulations of the State Liquor Control Board. (Res. dated August 12, 1957)

Section 115. Amendatory. Ord. 1975-10-7 (part), 1975 and codified as CCC 5.18.991 is each amended to read:

5.18.991 Report.

On or before May 1, 1976, and annually thereafter, the taxing officer and the Clark County sheriff may appear before the (~~board of county commissioners~~) Board of County Councilors at public hearing to be held by that body, and shall report on the success or failure of this chapter in terms of administration, police enforcement and the viability of the tax rate established herein for such activity. (Ord. 1975-10-7 (part), 1975)

Section 116. Sec. 1 of Res. passed March 19, 1970; amended by Sec. 1 of Ord. 1992-08-12 Amendatory. and codified as CCC 5.32.010 is each amended to read:

5.32.010 Necessity declared—Purpose.

The ~~((b))~~Board of ~~((Clark))~~ County ~~((commissioners))~~ Councilors finds and declares that it is necessary for the protection, health and welfare of the general public in regard to outdoor public entertainments, amusements and assemblies catering to the general public, that certain rules and regulations be established, and further that there is a danger to the people attending or taking part in the gathering and persons in the community if proper sanitary, police and other health and safety measures are not adequately provided for. In addition, the purpose of this chapter is to provide an effective administrative process for the review and enforcement of these standards to protect the safety and general welfare of the community. (Sec. 1 of Res. passed March 19, 1970; amended by Sec. 1 of Ord. 1992-08-12)

Section 117. Sec. 9 of Res. passed March 19, 1970; amended by Sec. 12 of Ord. 1992-08-12 Amendatory. and codified as CCC 5.32.090 is each amended to read:

5.32.090 Permit—Grounds for revocation.

Every permit issued under the provisions of this chapter shall state in substance that such permit is issued as a police, sanitary and fire requisition measure, and that the right of the planning director, on behalf of the ~~((board of commissioners))~~ Board of County Councilors, to revoke such permit without notice or formal hearing is a consideration of its issuance. In addition, the sheriff of Clark County shall have the authority to revoke the permit acting on behalf of the ~~((e))~~County ~~((commissioners))~~ Councilors in the event that the rules and regulations as established herein are not being followed after having received reports from either fire, sanitary or police that indicate that there is a possible endangerment to the health and safety of the inhabitants of the county, and the permittee fails or refuses to remedy the violation in a timely manner. If the permit revocation occurs prior, because of the failure to meet the restive requirement five (5) days before the event, permittee may request a hearing at the next public meeting of the hearing examiner.

For all violations of the permit issued pursuant to this chapter, which do not amount to a life safety hazard, the planning director may deduct from the cash deposit one hundred dollars (\$100) per violation. In the event that the permit violation fees exceed the amount of the cash deposit, the planning director may collect the same pursuant to 32.16. The permittee shall have the same appellate rights granted in Sections 32.08.040 and 32.08.050. (Sec. 9 of Res. passed March 19, 1970; amended by Sec. 12 of Ord. 1992-08-12)

Section 118. Amendatory. and codified as CCC is each amended to read:

5.45.020 Definitions.

As used in this chapter:

(1) "Adult entertainment enterprise" means an establishment including an adult arcade, adult bookstore, adult lounge, adult encounter center, adult lotion or massage parlor, adult modeling studio, adult motel, adult movie theater, adult video store, or any similar establishment to which customers are invited or permitted access and which, for consideration of any kind, offers adult materials to such customers when: (a) any live, video or film adult materials are displayed to customers while on the premises of the establishment; or (b) adult materials, constituting either fifty percent (50%) or more of the establishment's stock in trade, as computed by items offered for sale, or fifty percent (50%) of gross revenue, are offered for the off-premises display to customers.

"Adult entertainment enterprises" include the following uses:

(a) Adult Arcade. "Adult arcade" means an adult entertainment enterprise, or segment thereof, which provides rooms, booths or devices, whether referred to as arcades, panoramas, peep shows, preview rooms, reading rooms or viewing booths, and regardless of the method of activation or operation, in which or upon which are produced graphic displays or other pictorial or visual images of adult material for the on-premises display to five (5) or fewer customers at any one time;

(b) Adult Bookstore. "Adult bookstore" means an adult entertainment enterprise, or segment thereof, which offers books, magazines, record or audio tape jackets, periodicals or other printed or pictorial matter constituting or containing adult material which is offered to customers;

(c) Adult Encounter Center. "Adult encounter center" means an adult entertainment enterprise, or segment thereof, whether referred to as lotion studio, massage parlor, sexy reading room, spa, steam bath or sauna, wherein either employees or customers, or both, display and have direct physical contact with specified anatomical areas of one another or engage in specified sexual activities with or in the presence of one another;

(d) Adult Lounge. "Adult lounge" means an adult entertainment enterprise, or segment thereof, including any bar, cabaret, lounge, tavern, theater, concert hall, auditorium or similar structure, regardless of whether such enterprise dispenses alcohol or is regulated by or under the authority of the state of Washington, wherein the live on-premises display of adult material either by employees or customers, or both, is provided or permitted;

(e) Adult Modeling Studio. "Adult modeling studio" means an adult entertainment enterprise, or segment thereof, wherein models are provided who engage in or display adult material while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by customers;

(f) Adult Motels. "Adult motels" means a commercial establishment, including hotel, motel or similar public accommodation which:

- (i) Displays a primary or secondary sign, visible from the public right-of-way, which advertises the establishment as being an “adult” facility or advertises the availability of services set forth in paragraphs (ii) or (iii) of this subdivision, and
- (ii) Offers sleeping rooms for rent at a reduced rate for a period of time that is less than ten (10) hours, or
- (iii) Provides to its customers facilities for on-premises viewing of adult material not transmitted over the airways.

Evidence that such establishment has, on more than three (3) occasions in any period of ten (10) consecutive days, engaged in conduct described in subsection (1)(f)(ii) of this section shall constitute prima facie evidence that such establishment is an adult motel;

(g) Adult Movie Theater. “Adult movie theater” means an adult entertainment enterprise, or segment thereof, wherein motion picture films, video cassettes, cable television, or any other such visual media in which adult material constitutes a predominant theme are regularly displayed on-premises to more than five (5) customers at any one time;

(h) Adult Video Store. “Adult video store” means an adult entertainment enterprise, or segment thereof, which offers still photographs, motion picture film, video cassettes or other recorded visual images or pictorial representations constituting or containing adult materials for off-premises display.

(2) “Adult material” means any material, conveyed or communicated by live performance, still photograph, printed or pictorial matter, motion picture film, slide, video cassette, recorded graphic or visual imagery, human conduct, or any other medium which material is intended to provide sexual stimulation or sexual gratification and which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. “Adult material” also includes any instrument, device or paraphernalia designed for use in connection with specified sexual activities.

(3) “Applicant” means the intended operator of the adult entertainment enterprise.

(4) “Board” means the Clark County (~~board of county commissioners~~) Board of County Councilors .

(5) “Church” means a permanently located building primarily used for religious worship.

(6) “Establishment” means any business engaged in with the object of gain, benefit or advantage, direct or indirect, to the owner, operator or another person, including any business use, commercial use, home business or home occupation regulated under Title 40 of the Clark County Code, but excluding:

- (a) Churches, as defined in this section and in Section 40.100.070 of the Clark County Code;
- (b) Any private or public college or university, as defined in and regulated by RCW Title 28B;
- (c) Day care centers, as defined in Section 40.100.070 of the Clark County Code;

- (d) Health care professionals, as defined in RCW 18.120.020(1);
 - (e) Hospitals, as defined in and regulated by RCW Title 70;
 - (f) Any recognized historical society or museum, any college or university library, or any other archive or library under the supervision of the state, county, a municipality or other political subdivision;
 - (g) Nursing homes, as defined in RCW 18.51.010(1);
 - (h) Private or public schools, as defined in and regulated by RCW Title 28A;
 - (i) Any facility operated by the state, county, a municipality or other political subdivision;
 - (j) Vocational education programs, as defined in or regulated by RCW Title 28C or by Title 40.
- (7) Conduct Any Business. Any person who does any one or more of the following shall be deemed to be “conducting business”:
- (a) Operates a cash register, cash drawer or other depository on the premises of an establishment where cash funds, other instruments, or records of credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept;
 - (b) Displays or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the premises of the establishment;
 - (c) Delivers or provides to any customer any merchandise, goods, entertainment or other services offered on the premises of the establishment;
 - (d) Acts as a door attendant to regulate entry of customers or other persons into the premises of the establishment; or
 - (e) Supervises or manages other persons in the performance of any of the foregoing activities on the premises of the establishment.
- (8) “Contact” means the performance of any specified sexual activity or any touching, clothed or unclothed, direct or indirect, of specified anatomical areas.
- (9) “Customer” means any person eighteen (18) years of age or older who:
- (a) Is allowed to enter a regulated establishment, in return for the payment of an admission fee or any other form of consideration or gratuity;
 - (b) Enters a regulated establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
 - (c) Is a member, guest or invitee of and on the premises of a regulated establishment operating as a private club.

- (10) "Day care center" means a building and premises in and on which individuals are cared for during some portion of a twenty-four (24) hour period, as further defined at Section 40.100.070 of the Clark County Code.
- (11) "Department" means the office of planning and development review of the Clark County department of public services.
- (12) "Display" means any performance or exposure of adult materials or the rendition of any services involving or relating to the performance or exposure of adult materials to customers for consideration of any kind when customers are allowed to read or view such material in its entirety or to inspect or handle such material outside of opaque sealed containers. The physical delivery of printed matter or of goods or merchandise in sealed containers, for any consideration, to customers without on-premises performance or exposure, or rendition of services, is not a display.
- (13) "Display surface" means the entire surface of a sign, on one side, devoted to exhibiting advertising. The "display surface" shall not include the sign frame and incidental supports thereto.
- (14) "Employee" means any person who renders any service whatsoever to the customers of an establishment or who works in or about an establishment or who receives compensation for such services or work from the operator or owner of the establishment or from any customer therein.
- (15) "Exterior portion" means any part of the physical structure of a regulated establishment, including a wall, veneer, door, fence, roof, roof covering, fascia or window, which is visible from any public property, public way, or common area.
- (16) "Interior portion" means any part of the physical structure of a regulated establishment to which customers are invited or allowed access, including restrooms.
- (17) "Library" means any library of any college or university, any archive or library under the supervision of the state, county, a municipality or other political subdivision, including any recognized historical society or museum.
- (18) "License, adult entertainment license" means a current, valid document issued by the planning and development review manager of the Clark County department of public services pursuant to this chapter to an operator of an adult entertainment enterprise.
- (19) "Licensee" means the person or persons to whom an adult entertainment license is issued.
- (20) "Operator" means the manager or other natural person principally in charge of a regulated establishment.
- (21) "Owner" means the proprietor, if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors, and persons holding ten percent (10%) or more of the outstanding shares if a corporation. The term "owner" shall not include any limited partner or shareholder who has given the operator a statement under oath that he or she does not desire to be listed on the license

application and that he or she waives any right to any notice that is required or permitted to be given under this chapter.

(22) "Park" means publicly owned real property dedicated to recreational uses.

(23) "Planning manager" means the planning and development review manager of the Clark County department of ~~((public services))~~ Community Development.

(24) "Regulated establishment" means any adult entertainment enterprise as defined in this chapter.

(25) "Residential zone" means any real property zoned for urban or rural single-family or multifamily residential use pursuant to Title 40 of the Clark County Code.

(26) "School" means a building where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term "school" is limited to public and private schools used for primary or secondary education, in which regular kindergarten or grades one (1) through twelve (12) classes are taught or special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of the grades one (1) through twelve (12). The term "school" shall be construed to encompass all associated and adjoining real property which is then dedicated and used for school purposes.

(27) "Sheriff" means the sheriff of Clark County.

(28) "Sign," in addition to the meanings prescribed in 40.310 of the Clark County Code, means any display, design, pictorial or other representation, which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever so that the same is visible from the outside of a regulated establishment and that is used to seek the attraction of the public to any goods, services or merchandise available at such regulated establishment. The term "sign" shall also include such representations painted on or otherwise affixed to any exterior portion of a regulated establishment as well as such representations on or otherwise affixed to any other part of the tract upon which such a regulated establishment is situated.

(29) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered:

(i) Human genitals, pubic region or pubic hair,

(ii) Buttock,

(iii) Female breast or breasts below a point immediately above the top of the areola,

(iv) Any combination of the foregoing listed in this subsection; or

(b) Human male genitals in a discernibly erect state, even if completely and opaquely covered.

(30) "Specified sexual activities" means:

- (a) Human genitals in a discernible state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy;
- (c) Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or female breast or breasts; or
- (d) Any combination of the foregoing listed in this subsection. (Sec. 2 of Ord. 1990-08-03)

Section 119. Amendatory. and codified as CCC is each amended to read:

5.48A.020 Definitions.

Comment [DG9]: Taylor informed me that we might be replacing 5.48A

Unless a different meaning is plainly required by the context, words and phrases used in this chapter shall have the meanings attributed to them in RCW 18.73.030 or in this section; provided, that in case of any conflict, this chapter shall control.

"Ambulance patient" means any patient being transported in an ambulance as defined in RCW 18.73.030.

"Ambulance service" means an agency licensed by the state and county to operate one or more ground ambulances as defined by RCW 18.73.030.

"Ambulance service contract" means the contract entered into between Clark County EMS District No. 2 (District) and ambulance service contractor for exclusive market rights (9-1-1 and non-9-1-1 or nonemergency) and responsibilities, for the provision of all ground ambulance service originating within the contract service area, regardless of whether the patient's destination is within or outside the county, subject to the exemptions defined in this chapter.

"Ambulance service contractor" means the entity which is under contract with Clark County EMS District No. 2 (District) to provide ambulance services.

"Board" means the Clark County (~~board of commissioners~~) Board of County Councilors .

"Cities" means the cities of Battle Ground, La Center, Ridgefield and Woodland, Washington which have adopted the uniform EMS ordinance and entered into the EMS interlocal cooperation agreement.

"County" means Clark County, Washington.

"CRESA" means the Clark regional emergency services agency.

"District" means Clark County Emergency Medical Services District No. 2 established by ordinance pursuant to RCW 36.32.480.

“Emergency medical services” or “EMS” means medical treatment and care which may be rendered of any medical emergency, or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

“Emergency medical services administrative board,” “EMS board,” or “EMSAB” means the board established pursuant to this chapter and the EMS interlocal cooperation agreement to provide EMS administrative and financial oversight functions.

“EMS interlocal cooperation agreement” means the agreement entered into between the cities, the county, and the district pursuant to Chapter 39.34 RCW in part to effectuate the enforcement of this chapter.

“Loaded miles” means the ambulance transport of a patient from site of pick up to destination.

“Medical call-taker” or “emergency medical dispatcher” means a person in the employ of or acting under the control of a private or public agency who receives and responds to calls requesting emergency medical services and administers emergency medical dispatch protocols approved by the medical program director.

“Medical program director” or “director” means the medical program director for Clark County certified by the Secretary of the Department of Health pursuant to Chapter 18.71 RCW.

“Medical protocol” means any diagnosis-specific or problem-oriented written statement of standard procedures promulgated pursuant to state or local law or regulation for pre-hospital care for a given clinical condition.

“On-line medical control physician” means a physician who gives direction to ambulance or other EMS personnel through direct voice contact or other communication media as required by applicable medical protocols.

“Patient” means any person who is injured, sick, incapacitated, or otherwise found by the medical program director to require emergency medical services.

“Person” means an individual, partnership, company, association, corporation (governmental or private) or any other legal entity including any receiver, trustee, assignee or similar representative.

“Regulated service area” means the combined area of the unincorporated area of Clark County within EMS District No. 2 plus the corporate limits of the cities and all other general purpose jurisdictions which have adopted the uniform EMS ordinance and entered into the EMS Interlocal Cooperation Agreement.

“Response time zones” means those geographic areas designated as urban, suburban, rural and wilderness by the EMS administrative board and in the ambulance service contract and EMS administrative rules adopted pursuant to this chapter.

“System standard of care” or “standard of care” means the combined compilation of all standards for out-of-hospital medical care including but not limited to emergency medical dispatching protocols; EMS

patient care guidelines (i.e., first responders and ambulance providers); protocols for selecting destination hospitals; standards for certification of pre-hospital care personnel (i.e., medical call-takers, emergency medical responders, emergency medical technicians, paramedics and on-line medical control physicians); standards for permits (i.e., ambulances, first responder units, helicopter rescue units, and special-use mobile intensive care services); response-time standards; standards governing on-board medical equipment and supplies; and standards for licensure of ambulance services. The standard of care shall serve as both a regulatory and contractual standard of care and performance.

“Uniform EMS ordinance” or “ordinance” means the ordinance codified in this chapter and all substantially identical ordinances adopted by general purpose governmental jurisdictions which are also parties to the EMS Interlocal Cooperation Agreement. (Sec. 2 of Ord. 1992-06-26; amended by Sec. 1 of Ord. 1995-04-04; amended by Exh. A of Res. 2003-04-23; amended by Sec. 1 of Ord. 2013-11-09)