

**SAN JUAN COUNTY, WASHINGTON**

**HOME RULE CHARTER**

**Basic Charter Adopted by the Voters on November 8, 2005**

**First Amendment Adopted by the Voters on November 8, 2005**

**Second Amendment Adopted by the Voters on November 6, 2012**

**Third Amendment Adopted by the Voters on November 6, 2012**

**Fourth Amendment Adopted by the Voters on November 6, 2012**

**Compilation of Basic Charter and 1, 2, 3 and 4 Amendments**  
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*Prosecutor's Note: Bracketed material added by Prosecuting Attorney,  
as code reviser, to show minor changes necessary for clarification*

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## **PREAMBLE**

**We, the citizens of San Juan County, in order to secure the benefits granted to a Home Rule Charter County under the laws of Washington State and to assert greater control by the people [over] County government, adopt this Charter.**

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

### **Section 1.10 - General Powers**

(1) The County shall have all the powers that a Charter County may have under the Constitutions and laws of the United States and the State of Washington.

(2) All ordinances, administrative rules and resolutions in operation at the time this Charter takes effect, to the extent they are not inconsistent with the provisions of this Charter, shall remain in force until amended or repealed. All rights, claims, obligations, proceedings and liabilities existing on the effective date of this Charter shall not be affected by the adoption of this Charter.

### **Section 1.20 - Intergovernmental Relations**

The County may exercise any of its powers to perform any of its duties, functions, projects, or activities jointly or in cooperation with any one or more governments, governmental agencies, municipal corporations, or any private agency or corporation, in any manner permitted by law and participate in the financing thereof.

### **Section 1.30 - Construction**

(1) The power of the County shall be liberally construed; it is intended that this Charter confer the greatest power of local self-government on the people of San Juan County consistent with the State Constitution. Specific mention of a particular power or authority shall not be construed as a limitation on the general power of the County, but shall be considered as an addition to and supplementary to or explanatory of the powers conferred in general terms by this Charter.

(2) References to adoption of ordinances or resolutions by the County Council as defined in Section 2.30 below shall not be construed as impairing the right of the voters to initiate or refer ordinances or resolutions.

### **Section 1.40 - Name, Boundaries, County Seat**

The Corporate name of this County shall remain San Juan County, and it shall have those boundaries provided by state law. The County seat shall be Friday Harbor, Washington. Branch offices of the County are authorized and branch offices hereafter established shall be by ordinance.

## **ARTICLE 2 - THE COUNTY COUNCIL**

### **Section 2.10 – Name; Composition**

The legislative authority of the County shall consist of three (3) members who are qualified for office as provided by this Charter and state law and selected in accordance with the methods set forth in this Charter. The legislative authority shall be known as the County Council and its members known as County Council members.

### **Section 2.20 - Elections**

Each member of the County Council shall be qualified as provided in Section 5.20 of this Charter and elected pursuant to Article 5 - Elections of this Charter.

### **Section 2.30 – Legislative Powers and Duties**

(1) The legislative power of the County as granted by the State Constitution and law and not reserved to the people shall be vested in the County Council. The enumeration of particular legislative powers herein shall not be construed as limiting the legislative powers of the County Council.

(2) The County Council shall exercise its legislative power by adoption and enactment of ordinances or resolutions. It shall have the power to:

- (a) Levy taxes, appropriate revenue and adopt budgets for the County.
- (b) Establish the compensation (and benefits, if any) to be paid to all non-elected County officers and employees and to provide for the reimbursement of expenses.
- (c) Establish, abolish, combine and divide by ordinance, non-elective administrative offices and to establish their powers and responsibilities unless otherwise limited by law or other provisions of this Charter.
- (d) Adopt by ordinance comprehensive plans and development regulations including plans for the present and future development and improvement of the County.
- (e) Approve contracts or establish by ordinance methods by which any type of contract shall be approved.

(3) The County Council may conduct public hearings on matters of public concern.

### **Section 2.31 – Executive Powers and Duties**

(1) The executive powers of the County as granted by the State Constitution and law, and not otherwise reserved or granted by the Constitution, state law or this Charter to other independently elected county officials, are vested in the County Council. The enumeration of particular executive powers herein shall not be construed as limiting the executive powers of the County Council.

(2) The County Council shall exercise its executive power by adoption and enactment of ordinances or resolutions. It shall have the power to:

- (a) Delegate its executive duties to subordinate officers appointed for that purpose.
- (b) Manage all administrative offices and functions.
- (c) Ensure that all actions of the County are compliant with all federal, Washington State, San Juan County codes, laws and procedures, and this Charter, seeking advice from the Prosecuting Attorney or other sources as necessary.
- (d) Ensure that all systems, procedures and use of technology under the County Council be periodically reviewed and actions taken to ensure that optimum practices are being employed.
- (e) Review and approve operating and capital budgets, accompanied by a budget message setting forth proposals for the County during the next fiscal year.
- (f) Assign duties to administrative offices, which are not specifically assigned by this Charter or by ordinance.
- (g) Act as the signing authority, on behalf of this County, on all claims, deeds, contracts and other instruments initiated within the fiscal and budgetary procedures.

**Section 2.40 - Organization**

(1) The County Council shall annually elect one of its members as chair and another of its members as vice-chair who shall act in the absence of the chair.

(2) The County Council shall be responsible for its own organization, the rules of conduct of its business and for the employment and supervision of persons it deems necessary to assist in the performance of its duties.

(3) A majority of the County Council shall constitute a quorum at all meetings. Unless otherwise provided, action of the County Council shall require the affirmative vote of two (2) members. *\*Prosecutor’s Note: Pursuant to Sections 11.50 and 11.70, the change in the number of Council members for action from four to two will occur on May 13, 2012, the date the Residency District Council members assume office.*

**Section 2.41 - Rules of Procedure**

The County Council shall enact by ordinance rules of procedure governing the time, place and conduct of its meetings and hearings and the introduction, publication, consideration and adoption of ordinances; provided, that the County Council shall meet in open session regularly at least twice monthly.

**Section 2.42 – Interactions with County Employees**

In all interactions with County employees, County Council members shall exhibit ethical and respectful behavior. No individual County Council member shall direct or discipline, or threaten to direct or discipline, any County employee, whether department head, supervisor or volunteer unless such direction or disciplinary action, or warning concerning such direction or disciplinary action, has first been duly approved by a majority of the County Council. Any directives or discipline by County Council members shall be made through the established chain of authority. No disciplinary action by the County Council may be taken with respect to another elected official or an

employee or volunteer hired by or reporting to other elected officials.

### **Section 2.50 - Ordinances**

(1) Every legislative act shall be by ordinance except for matters that may be addressed by resolution as provided in Section 2.70 of this Charter. The subject of every ordinance shall be clearly stated in the title, and no ordinance shall contain more than one subject. Ordinances or summaries of them, the places where copies are filed, and the times when they are available for inspection, shall be published when the ordinances are proposed and again upon enactment.

(a) No ordinance shall be amended unless the new ordinance sets forth each amended section or subsection at full length.

(b) Ordinances may adopt, by reference, Washington State statutes, any recognized printed codes or compilations in entirety or in part.

(2) Every ordinance shall be introduced in its entirety in writing.

(3) Except as otherwise provided in this Charter, all ordinances shall take effect ten (10) working days after the date it is enacted or later if so stipulated in the ordinance.

### **Section 2.51 - Codification of Ordinances**

All ordinances of the County, which are of a general and permanent nature or which impose any fine, penalty, or forfeiture, shall be codified in a code, which shall be adopted by ordinance and shall be known as the San Juan County Code. The code shall be kept current to reflect newly adopted, amended or repealed ordinances. A current copy shall be placed in the public libraries in the County and in such other places as the County Council deems appropriate.

### **Section 2.52 - Emergency Ordinances**

(1) An ordinance necessary for the immediate preservation of the public peace, health, or safety or support of the County government and its existing institutions may be passed by action of the County Council, which shall be effective immediately.

(2) An emergency ordinance shall be introduced and passed in the manner prescribed for emergency ordinances generally, except that the emergency and the facts creating it shall be stated in a separate section of the emergency ordinance.

### **Section 2.53 - Emergency Ordinances - Limitations**

No emergency ordinance may levy taxes, grant, renew or extend a franchise, regulate the rate charged by any utility or authorize the borrowing of money for more than one hundred and twenty (120) days.

### **Section 2.60 - Miscellaneous Appointments**

The County Council by action shall appoint members of all boards and commissions except as otherwise provided in this Charter.

### **Section 2.70 - Resolutions**

(1) The County Council may pass a resolution to:

(a) Organize and administer the departments under their supervision.

- (b) Make declarations of policy that do not have the force of law.
- (c) Request information from any other agency of the County government.

(2) The County Council in passing resolutions need not comply with the procedural requirements for the introduction, consideration and adoption of ordinances.

**Section 2.80 – Open Meetings**

All meetings of the County Council and of committees thereof shall be open to the public except where an executive session is authorized as provided in RCW 42.30.110 or a meeting is closed pursuant to RCW 42.30.140.

**ARTICLE 3 - OTHER ELECTED OFFICIALS**

**Section 3.10 - Composition**

(1) Elected County officials in addition to the County Council shall consist of: the County Assessor, County Auditor, County Clerk, County Treasurer, Prosecuting Attorney, and County Sheriff.

(2) Unless otherwise provided in this Charter, the County officials shall have powers, duties, and obligations granted to each official by the State Constitution and statutes and any other applicable laws (unless amended by new State statutes whereupon the new statutes shall prevail). Such powers and duties shall be subject to: all ordinances passed by the County Council or initiatives passed by the voters; and to all personnel, budgeting, expenditure, and any other policies of general application adopted by the County Council.

**ARTICLE 4 – ADMINISTRATIVE DEPARTMENTS**

**Section 4.10 – Composition**

The Administrative Departments shall include the County Manager, the Department of Public Works and such additional departments, offices or agencies as the County Council may deem necessary. The Administrative Departments, offices and agencies shall be responsible to the County Council and shall perform such duties and functions as assigned to them by this Charter, ordinance or other applicable law.

**Section 4.20 - Qualifications**

The heads of the administrative departments shall be appointed by the County Council based on their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they shall be appointed.

**Section 4.30 - Appointments by Department Heads**

The head of each administrative department shall appoint all managers and employees of the department complying with the rules of the personnel system when appointing managers and employees to positions covered by the personnel system. All managers that report directly to a department head shall be confirmed by the County Council.

#### **Section 4.40 – County Manager**

The County Council shall appoint a County Manager, directly responsible to the County Council, selected on the basis of his or her executive experience and professional administrative qualifications, to assist the County Council in carrying out the administrative responsibilities of the County. He or she need not, at the time his or her employment commences, be a resident of the county or state. No member of the County Council shall, during the time for which he or she was elected, be chosen County Manager. The County Council shall, by resolution, establish the County Manager's contract or terms of employment, including compensation, provided that the contract shall be at will and terminable in accordance with such terms. In the case of absence or disability of the County Manager, the County Council may delegate some qualified person to perform the duties of the office during such absence or disability. Employment of a County Manager shall not be construed as changing the relationship of the County Council members or other elected officials to their constituents, or the relationship of the County Council members to other elected officials.

#### **Section 4.41 – Duties and Responsibilities**

It is the prerogative of the County Council to determine whether department heads report directly to them or through their appointed County Manager. The County Manager shall be directly responsible to the County Council and he or she may serve the County Council and the County in any or all of the following ways: by making recommendations concerning the affairs and needs of the County as may be necessary; carrying out the goals and policies of the County Council while acting as its representative in the budget process; supervising, performing and delegating other responsibilities as may be prescribed by this Charter or required of him or her by ordinance or resolution of the County Council. The County Manager and any other officer or officers of the County are authorized to exercise and perform any of their duties or responsibilities through any of their respective subordinates.

#### **Section 4.50 - Hearing Examiner System**

(1) A hearing examiner system shall be established for consideration of land and shoreline issues.

(2) The qualifications, powers, and duties of, and procedures to be employed by the hearing examiner, shall be established by the County Council.

(3) The County Council may, at its discretion, authorize the hearing examiner to conduct any other non-legislative hearing permitted or mandated by state or local law, including those permitted or mandated pursuant to this Charter, notwithstanding anything in this Charter to the contrary.

(4) Decisions of the hearing examiner are not subject to administrative review by the County Council unless the County Council, in consultation with the Prosecuting Attorney, has adopted, by ordinance, written procedures for the discretionary review of the decisions of the hearing examiner. The rules for discretionary review shall provide:

- (a) That an appellant may choose to bypass review by the County Council and seek direct review with the court or other tribunal as provided by law;
- (b) The grounds under which the County Council may choose to hear or not to hear an appeal; and

- (c) Such other matters as the County Council deems pertinent to the appeal of decisions of the hearing examiner.

In no event will the act of bypassing administrative review before the County Council be considered a failure to exhaust administrative remedies.

## **ARTICLE 5 – ELECTIONS**

### **Section 5.10 - Election Procedures**

Except as provided in this Charter, nominating primaries and elections of the County Sheriff, County Treasurer, County Clerk, County Auditor and County Assessor shall be conducted in accordance with general law governing the election of non-partisan County offices. Except as provided in this Charter, nominating primaries and elections of the Legislative Body shall be conducted in accordance with general law governing the election of non-partisan County officers. The election of the Prosecuting Attorney shall be as provided by state law.

### **Section 5.20 – Qualifications; Residency for County Council Member**

Each county officer holding an elective office shall be, at the time of appointment or filing a declaration of candidacy for election, at the time of election, and at all times while holding office, a citizen of the United States and a resident and registered voter of San Juan County. In addition, County Council members must reside in the district to which he or she seeks or holds office at the time of appointment or filing a declaration of candidacy for election and at all times while holding office. No County Council residency district boundary change shall disqualify the County Council member from holding office for the remainder of the term of office.

### **Section 5.30 - County Council Residency Districts**

(1) The three (3) Legislative Residency Districts shall be designated as Residency District 1, Residency District 2, and Residency District 3.

(a) Each Residency District shall consist of whole islands and nearly contiguous islands as authorized by RCW 36.32.020.

(b) The Legislative Residency Districts are:

Residency District 1 – San Juan: Stuart, Johns, Speiden, Sentinel, Pearl, Henry, O’Neal, Brown, Turn, Dinner, Goose and San Juan comprising precincts 11, 12, 13, 14, 15, 16, 17, 101, 102.

Residency District 2 – Orcas: Waldron, Patos, Sucia, Ewing, Matia, Puffin, Clark, Barnes, Doe, Orcas, Obstruction, Freeman, Jones, McConnell, Yellow, Cliff, Crane, Fawn, Bell, Double, Victim, Skull and Blakely comprising precincts 21, 22, 23, 24, 25 and 26.

Residency District 3 – Lopez/Shaw: Bund, Shaw, Canoe, Lopez, Decatur, Pointer, Armitage, Frost, James, Trump,

Center, Ram, Deadman, Long, Charles, Boulder, Hall and  
Iceberg comprising precincts 31, 32, 33, 41.

**Section 5.31 - County Council - Terms**

The terms of office of County Council members shall be four (4) years or until their successors are elected, qualified and assume office in accordance with RCW 29A.20.040: PROVIDED, that the terms shall be staggered so that in one even numbered election year one member from Residency District 3 shall be elected and the next even numbered election year one member from Residency District 1 and one member from Residency District 2 shall be elected.

**Section 5.32 - County Council - Nominations**

Qualified voters of the County shall nominate candidates for the County Council. Such candidates shall be nominated by countywide primary election for non-partisan office in the same manner as candidates for other County offices. (RCW 36.32.040)

**Section 5.33 - County Council - Elections**

County Council members shall be elected by the qualified voters of the County in a countywide general election. The person receiving the highest number of votes for the position shall be declared duly elected.

**Section 5.34 - Legislative Body - Districting**

The boundaries of Residency Districts may be altered by amendment to this Charter but such boundaries shall not be changed by the Legislative Body or initiative.

**Section 5.40 - Oath of Office**

An oath or affirmation to support the Constitutions of the United States and the State of Washington and the Charter and ordinances of San Juan County and to perform faithfully, impartially, and honestly the duties of office, shall be made by each elected officer before entering upon the duties of office. (RCW 36.16.040)

**Section 5.50 - Official Bonds**

A surety bond shall be required for all elected officers and such County employees as may be designated by ordinance. Bonds shall be in the form and amount required by ordinance and the cost borne by the County. See RCW 36.16.050 for schedule of bonds.

**Section 5.60 - Vacancies in Office**

- (1) An elective office shall become vacant when one of the following occurs:
  - (a) Death;
  - (b) Total permanent incapacity as determined by a panel of three physicians;
  - (c) Resignation;
  - (d) Recall of the officer;
  - (e) A County Council member absent from three (3) consecutive

- regular meetings of the County Council without reasonable cause.
- (f) Absence from the County for thirty (30) days without being excused by the County Council; or
  - (g) Failure to maintain residence within the district from which elected.

(2) Vacancies in a non-partisan elected office shall be filled at the next November General Election, unless the vacancy occurs after the day for filing declarations for candidacy, in which case the vacancy shall be filled at the next succeeding November election. The person elected shall take office upon certification of the results of the election and shall serve the unexpired term of the vacated office. Until a successor has been elected and qualified, a majority of the County Council shall fill the vacancy by appointment. All persons appointed to fill vacancies shall meet the qualifications set in Section 4.20 of this Charter.

(3) Vacancies in partisan elected offices shall be filled pursuant to RCW 42.12.040.

### **Section 5.70 - Commencement of Terms of Office**

Unless otherwise provided by this Charter the terms of office of elected county officials shall commence on the date specified by general law for public officers elected at general elections. (See RCW 29A.20.040)

## **ARTICLE 6 - THE PUBLIC INTEREST**

### **Section 6.10 - Direct Government**

The people of San Juan County reserve to themselves the power to make certain proposals, at their option, and to enact or reject them at the polls, independent of the County Council in accordance with this Article.

### **Section 6.20 - Initiative**

The people reserve to themselves the power of initiative. Any ordinance or amendment to an ordinance may be proposed by filing an initiative petition with the County Auditor.

### **Section 6.21 - Initiative - Limitations**

- (1) No initiative shall contain more than one (1) issue.
- (2) No initiative proposal requiring the expenditure of additional funds for an existing activity or of any funds for a new activity or purpose shall be filed unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.
- (3) Redistricting of the County Council Residency districts shall not be subject to the initiative process.

### **Section 6.22 - Initiative - Procedures**

(1) Any legal voter or organization of legal voters of San Juan County may file an initiative proposal with the County Auditor, who within five (5) working days

shall confer with the petitioner to review the proposal as to form and style. The County Auditor shall register the initiative by giving the proposed initiative a number, which shall thereafter be the identifying number for the measure.

(2) The County Auditor shall then transmit a copy of the proposal to the Prosecuting Attorney, who within ten (10) days after receipt thereof, in consultation with the petitioner shall formulate a concise statement, posed as a positive question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title.

(3) The petitioner then has one-hundred-twenty (120) days to collect the signatures of the registered voters in the County equal in number to at least fifteen (15) percent of the votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title.

(4) The County Auditor shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the proposal to the people at the next general election that is at least one hundred and twenty (120) days after the registering of the petition.

(5) The County Council may choose to enact the proposal without change or amendment. If the County Council does not adopt the proposed measure and adopts a substitute measure concerning the same subject matter, the substitute proposal shall be placed on the same ballot with the initiative proposal.

(6) The voters shall be given the choice of accepting either or rejecting both. The voters shall then be given the choice of accepting one and rejecting the other. If a majority of those voting on the first issue is for accepting either, then the measure receiving the majority of the votes cast on the second issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither measure shall be approved regardless of the vote on the second issue.

### **Section 6.23 - Initiative - Amend or Repeal**

No ordinance enacted by power of initiative shall be amended or repealed by the County Council within two (2) years after enactment unless amended or repealed by a subsequent initiative or referendum.

### **Section 6.30 - Mini-Initiative**

(1) Any ordinance or amendment to an existing ordinance may be proposed to the County Council by registering with the County Auditor initiative petitions bearing the signatures of qualified voters equal in number to at least three (3) per cent of the number of votes cast in the County in the last gubernatorial election.

(2) Upon verifying the sufficiency of the signatures, the County Auditor shall transmit the initiative petition to the County Council, which shall hold a public hearing on the proposed ordinance and enact or reject the ordinance within sixty (60) days.

### **Section 6.31 - Mini-Initiative - Failed Initiative**

If the proponents of an initiative fail to obtain the required number of signatures in the designated period but have sufficient signatures to qualify the proposal as a mini-

initiative, the proposal, at the request of the proponents, shall be treated as a mini-initiative.

#### **Section 6.40 - Referendum**

- (1) The people reserve for themselves the power of referendum.
- (2) The referendum may be ordered on any ordinance, or any part thereof passed by the County Council except such ordinances as may be necessary for the immediate preservation of the public peace, health or safety.
- (3) Upon signature validation of a referendum petition, the measure passed by the County Council will be rendered ineffective pending the outcome of the referendum procedure. The signature validation of a referendum petition against one or more items, sections or parts of any ordinance will not delay the remainder of the measure from taking effect.

#### **Section 6.41 - Referendum - Procedures**

- (1) Any legal voter or organization of legal voters of San Juan County may file a referendum proposal, against any enacted ordinance or portion thereof, with the County Auditor. The proposal shall be presented to the County Auditor within forty-five (45) days after the ordinance is passed by the County Council.
- (2) Within five (5) working days, the County Auditor shall confer with the petitioner to review the proposal as to form and style. The County Auditor shall register the referendum by giving the referendum proposal a number, which shall thereafter be the identifying number for the measure.
- (3) The County Auditor shall then transmit a copy of the proposal to the Prosecuting Attorney, who within ten (10) days after receipt thereof, shall formulate a concise statement, posed as a question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title.
- (4) The petitioner then has one hundred and twenty (120) days to collect the signatures of registered voters of the County equal in number to at least fifteen (15) percent of the number of votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the measure being referred and the ballot title.
- (5) The County Auditor shall verify the sufficiency of the signatures on the petition and if validated, submit the measure to the people at the next general election that is at least one hundred and twenty (120) days after the registering of the petitions.

#### **Section 6.50 - Numbering System**

The County Auditor, when assigning numbers to initiatives, referendums and mini-initiatives, shall use a separate sequential series for each category. No number shall be reissued once used.

#### **Section 6.60 - Recall**

The people further reserve the power of recall as provided in the Constitution and the laws of the State of Washington.

### **Section 6.70 - Implementation by Ordinance**

The County Council shall enact ordinances to promote the carrying out of the provisions of this Article.

## **ARTICLE 7 - FINANCIAL ADMINISTRATION**

### **Section 7.10 - Presentation and Adoption of Budgets**

(1) At least seventy-five (75) days prior to the end of each fiscal year, the County Auditor shall present to the County Council a complete budget, proposed current expense and capital budget appropriation resolutions, and proposed tax and revenue resolutions necessary to raise sufficient revenues to balance the budget.

(2) At least fifteen (15) days prior to the end of the fiscal year, the County Council shall adopt appropriation, tax and revenue resolutions for the next fiscal year.

### **Section 7.20 - Budget Information**

At least one hundred thirty-five (135) days prior to the end of each fiscal year, all departments and agencies of County government shall submit to the County Auditor information necessary to prepare the budget, as requested by the County Auditor.

### **Section 7.30 - Contents of Budget**

(1) The budget shall:

- (a) Include all funds, revenues and reserves; be divided into categories, projects, and objects of expense and include supporting data deemed advisable by the County Auditor or required by ordinance;
- (b) Indicate as to each category, project or object of expense, the actual expenditures of the preceding fiscal year, the estimated expenditures for the current fiscal year and requested appropriations for the next fiscal year;
- (c) Include proposed capital improvement programs for the next six (6) fiscal years.

(2) The expenditures included in the budget for the ensuing fiscal year shall not exceed the estimated revenues, surpluses and reserves.

### **Section 7.40 - Budget Message**

A draft budget message shall be prepared jointly by the County Council and the County Auditor, and shall explain the budget in fiscal terms and in terms of the goals to be accomplished and shall relate the requested appropriations to the comprehensive plans of the County. The budget message shall be approved by the County Council prior to distribution.

### **Section 7.41 - Copies of the Budget**

Copies of the budget and budget message shall be delivered to the County Manager and each County Council member. The budget message and supporting tables shall be furnished to any interested person upon request for a reasonable fee as

established by ordinance and shall be available for public inspection from the time the budget message is delivered.

### **Section 7.50 - Budget Review**

Within six (6) weeks following the end of each quarterly period during the fiscal year, and more often if required, the County Auditor shall submit to the County Council, a written report showing the relation between the estimated income and expenses and actual income and expenses to date. If it shall appear that the income is less than anticipated, the County Council may reduce appropriations, except amounts required to meet contractual obligations and for debt, interest and other fixed charges, to such a degree as may be necessary to keep expenditures within the cash income.

### **Section 7.60 - Consideration and Adoption of the Budget**

(1) Prior to the adoption of any appropriation ordinances for the next fiscal year, the County Council shall hold public hearings to consider the proposed budget.

(2) The County Council shall consider the budget in detail and may make any revisions or additions as it deems advisable (RCW 36.40.050).

(3) The appropriation ordinances adopted by the County Council shall not exceed the estimated revenues of the County for the next fiscal year for each fund including surpluses and reserves.

(4) The County Council may increase the amount of the estimated revenues contained in the budget presented by the County Auditor by re-estimating the amount by passing a motion to that effect or by creating additional sources of revenue which were not included in the proposed tax and revenue ordinances.

(5) Once the annual budget has been approved, the funds shall be expended as per RCW 36.40.100.

### **Section 7.70 - Additional Appropriations**

Additional funds may be appropriated by contingency or emergency appropriations.

### **Section 7.71 - Contingency Appropriations**

The annual budget ordinance shall include contingency funds, which shall not be expended unless the County Auditor certifies in writing that sufficient funds are available and the County Council adopts an additional appropriation ordinance.

### **Section 7.72 - Emergency Appropriations**

The County Council may adopt an emergency appropriation ordinance, which may appropriate contingency funds, revenues received in excess of the revenues estimated in the budget and funds from any other source available to the County in an emergency.

## **ARTICLE 8 - PERSONNEL SYSTEM**

### **Section 8.10 - Purpose**

The County Council shall, by ordinance, establish and maintain a personnel system for the County.

### **Section 8.20 - Exemptions**

The provisions of this Article shall apply to all County positions except:

- (a) Independent Contractors
- (b) All volunteer members of boards and commissions appointed by the Legislative Body [County Council] or County Administrator [Manager].
- (c) All elected County officers.
- (d) Other persons as may become necessary as determined by the County Council.

### **Section 8.30 - Compensation**

Compensation for County Elected Officials shall be commensurate with their duties and shall be set by a duly appointed Citizens' Salary Commission (RCW 36.17.024).

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

### **Section 9.10 - Charter Review Commission**

As provided in this Article, this Charter shall be reviewed periodically by a Charter Review Commission (hereinafter referred to as the CRC).

### **Section 9.11 - Duties**

The CRC shall review the Charter to determine its adequacy and suitability to the needs of the County and may propose amendments. The CRC may also make recommendations to the County Council and publish its findings

### **Section 9.20 - Election Procedures and Period of Office**

(1) The County Council shall cause an election of a CRC in 2020 and at least every ten (10) years thereafter provided that the CRC election is held in an even numbered year.

- (a) The CRC shall consist of fifteen to twenty-five (15-25) persons. The number of CRC members for each County Council Residency District shall be apportioned according to the population distribution in each County Council Residency District.
- (b) Candidates for the CRC must be residents of the county and registered voters of the district in which they run and have been registered voters in the County for at least five (5) years preceding their election.

- (c) There shall be no filing fee nor shall there be a primary. The qualified voters of the respective districts shall vote only for candidates from their district at the general election. Candidates' names shall appear on all ballots as drawn by lot.
- (d) The member of the CRC who receives the greatest number of votes shall convene the first CRC meeting.
- (e) The term of office shall be the shorter of one (1) year or when final recommendations are submitted to the Legislative Body [County Council] for referral to the voters.
- (f) The CRC shall meet at such times and in such places as it deems appropriate upon having given public notice.

**Section 9.21 - Vacancy**

If any person elected to the CRC dies, resigns, or misses four consecutive regular meetings for any reason, that person shall have vacated his or her position, whereupon the CRC shall fill the position with the vote runner-up from the same district within fifteen days of that vacation, or the seat may be left vacant, by a majority vote of the CRC.

**Section 9.22 - Expenditures**

(1) The County Council shall provide to the CRC reasonable funds, facilities and services appropriate to an elected County agency. Provisions shall be made in the budget for the expenditures of the CRC during its scheduled term of office.

(2) Members of the CRC shall serve without salary, except that they shall be reimbursed for reasonable out-of-pocket expenses.

**Section 9.30 - Charter Amendment - General Provisions**

Charter amendments may be proposed by the CRC, the County Council or by the public.

**Section 9.31 - Charter Amendment - Procedures**

(1) Any proposed Charter amendment shall be filed and registered with the County Auditor and submitted to the voters at the next November general election occurring at least ninety (90) days after registration of the proposed amendment with the County Auditor.

(2) In submitting any amendment of the Charter to the voters, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others. An amendment which embraces a single or inter-related subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.

(3) If a proposed amendment is approved by a majority of the voters voting on the issues, it shall be effective ten (10) days after the results of the election are certified, unless a later date is specified in the petition or ordinance proposing the amendment.

(4) Any implementing ordinance required by any Charter amendment shall be enacted by the County Council within one hundred and eighty (180) days after the amendment is effective, unless the amendment provides otherwise.

**Section 9.32 - Amendments by the Charter Review Commission**

The CRC may propose amendments to the Charter by filing such proposed amendments with the County Council who shall submit the amendment to the voters at the next November general election at least ninety (90) days after the filing and registration of the amendments.

**Section 9.33 - Amendments by the Public**

The public may propose amendments to the Charter by:

- (a) Registering with the County Auditor an initiative petition bearing the signatures of registered voters of the County equal in number to at least fifteen (15) percent of the number of votes cast in the County in the last gubernatorial election.
- (b) Signatures shall be registered not more than one hundred twenty (120) days following filing of the petition with the County Auditor, who shall submit the amendments to the voters.
  - (i) The one hundred and twenty (120) day period shall begin upon receipt of official notification to petitioner(s) by the Prosecuting Attorney's Office either by certified mail or messenger.
  - (ii) If the last day for collecting signatures falls on a weekend or legal holiday, then the one hundred and twenty (120) day period shall extend to the end of the next business day.

**Section 9.34 - Amendments by the County Council**

(1) The County Council may propose amendments to the Charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least ninety (90) days after enactment.

(2) The County Council by unanimous vote of the entire County Council may effect amendments to the language of the Charter where the passage of time has rendered language moot or obsolete. Such changes shall be made by ordinance, and have a public hearing.

**Section 9.40 - Repeal of Charter**

Any proposal to repeal this Charter shall include provisions for transition.

**ARTICLE 10 - GENERAL PROVISIONS**

**Section 10.10 - Severability and Construction**

The provisions of this Charter are severable. If any provision should be declared unconstitutional or inapplicable, it shall not affect the constitutionality or applicability of any other provision of this Charter.

**Section 10.20 - Purchasing, Contracts, Claims, and Bonds**

(1) The County Council shall establish, by ordinance, procedures for purchasing supplies, services, materials and equipment, the awarding of contracts, the processing of claims, and the sale or refunding of bonds. The ordinance shall provide when bids shall be required and how invitations for bids shall be advertised.

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

**Section 10.30 - Franchises**

All franchises granted by the County Council shall be for fixed term not to exceed twenty-five (25) years, and no exclusive franchise shall be granted for the use of any street, road or public place.

**Section 10.40 - Public Disclosure**

Public disclosure of financial interest of elected public officials shall be governed by general law.

**Section 10.50 - Information Management**

The County Manager shall establish procedures for maintaining a modern, efficient system for processing, maintaining and disposing of information and records; shall maintain a means to store and maintain, in retrievable manner, all County records which should not be destroyed and which are not necessary for the current operation of County government; and shall provide needed services for all branches of County government in a way that shall be deemed desirable for the efficient operation of the County government. These procedures shall be in compliance with general law and shall affect all departments of the County, elective or appointed.

**ARTICLE 11 – TRANSITION 2012 AMENDMENTS**

The provisions of this Article relate to the implementation of the Charter amendments adopted in 2012, and where inconsistent with the foregoing Articles of the Charter, the provisions of this Article shall constitute exceptions.

**Section 11.10 – Continuation of Ordinances and Vested Rights**

All ordinances, administrative rules and resolutions in operation at the time these Charter amendments take effect, to the extent that they are not inconsistent with the amendments, shall remain in force until amended or repealed. All rights, claims, obligations, proceedings and liabilities existing on the effective date of these amendments shall not be affected by adoption of the amendments. The 2012 amendments to the County Charter are not intended to affect the existing contract between the County and the County Administrator.

**Section 11.20 - Existing Council Member Positions – Continuation and Termination**

(1) The six existing County Council member positions (District 1, District 2, District 3, District 4, District 5, and District 6) shall continue in office and any vacancy in office filled under the terms of and pursuant to the Charter in effect on November 1, 2012, until the members of Council Residency District 1, Council Residency District 2 and Council Residence District 3 have been duly elected and qualified as provided in this Charter.

(2) The six existing Council member positions (District 1, District 2, District 3, District 4, District 5 and District 6) shall terminate without further action at midnight on the first Sunday following certification so as to coincide with the qualification of the persons to fill the positions of Council member positions of Council Residency District 1, Council Residency District 2, and Council Residency District 3.

**Section 11.30 - Qualifications for County Council Positions for 2013 Special Election**

Candidates for the positions of Council Residency District 1, Council Residency District 2 and Council Residency District 3 shall be qualified as provided in this Charter, as amended in 2012.

**Section 11.40 - 2013 Special Elections for County Council Residency District Positions**

(1) A special election to fill the position of County Council members for Residency District 1, Residency District 2 and Residency District 3 shall occur at the special election to be held in April 2013. The County Auditor, as supervisor of elections, shall conduct the April 2013 special election and, if necessary, a special primary election in accordance with this Charter and the general election laws of the state and without further action by the County Council. In the event the provisions of this Charter conflict with the general laws regarding elections, the provisions of this Charter and the intent of this Charter shall control.

(2) The period for filing declarations of candidacy for the April 2013 election for the positions of Council Residency District 1, Council Residency District 2 and Council Residency District 3 shall end on Friday December 14, 2012 at 4:30 pm.

(3) If more than two persons file declarations of candidacy for a Council Residency District a special primary election will be held in February 2013.

(4) The members of Council Residency District 1, Council Residency District 2, and Council Residency District 3 will be elected in the April 2013 special election.

**Section 11.50 - Terms of Office for Council Members Elected in April 2013**

(1) The term of office for the person elected in the April 2013 special election to the position of Council Residency District 1 and the person elected in the April 2013 special election to the position of Council Residency District 2 shall commence after having been qualified and beginning at 12:01 a.m. on the first Monday after certification and shall hold office for a term which expires at midnight on December 31, 2016. The first four-year term of office for Council Residency

District 1 and Council Residency District 2 shall commence on January 1, 2017. An election for the full term for Council Residency District 1 and Council Residency District 2 shall occur in the usual course of the 2016 elections for county officials.

(2) The term of office for the person elected in the April 2013 special election to the position of Council Residency District 3 shall commence after having been qualified and beginning at 12:01 a.m. on the Monday after certification and shall hold office for a term which expires at midnight on December 31, 2014. The first four year term for Council Residency District 3 shall commence on January 1, 2015. An election for the full term for Council Residency District 3 shall occur in the usual course of the 2014 elections for county officials.

#### **Section 11.51 - Interim Council Member Salary**

The salary for Council members for County Residency District 1, Council Residency District 2 and Council Residency District 3 shall be set at twice the current salary (as of April 1, 2012) per annum unless and until such time as the Citizens' Salary Commission sets a different full-time salary. *\*Prosecutor's Note: On November 9, 2012, the Salary Commission set a salary for each Residency District Council Member at \$74,930.*

#### **Section 11.60 - Vacancies**

Vacancies during the transition period shall be filled in the manner set forth in Section 4.60 as it existed before this Charter was amended in 2012.

#### **Section 11.70 - Amendment Effective Date**

Except as provided in this Article 11, all amendments to the Charter shall be effective upon certification of the November 2012 election.

#### **Section 11.80 - Expiration**

This Article 11 shall expire on January 1, 2017 and shall not appear in the publication of the Charter after that date.