

A Home Rule Charter
by and for the People of
Clark County, Washington



Amended after the November 2022 General Election

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Clark County Charter

Article 1 Powers of the County

Section 1.1 General powers

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

Section 1.2 Intergovernmental relations

The county may, in the exercise of its powers and performance of its functions and services, agree by contract or otherwise to participate jointly or in cooperation with any one (1) or more other governments, governmental agencies or municipal corporations, and share the costs and responsibilities of such powers, functions and services.

Section 1.3 Construction

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

Section 1.4 Name, boundaries, county seat

The corporate name of this county shall remain Clark County, and the boundaries and county seat shall remain as on the date of enactment of this charter until changed.

Section 1.5 Separation of powers and cooperation of branches

On January 1, 2015, the effective date of this charter, the legislative and executive powers shall be separated into two (2) branches of government. Each branch is to dutifully fulfill its responsibilities and shall not extend its authority into the other branch, as defined in this charter.

Article 2 The Legislative Branch

Section 2.1 County council composition

The legislative power of the county not reserved to the people or executive branch shall be vested in a county council. The council shall consist of five (5) members. The voters of each of these districts shall nominate and elect one (1) council member to represent their district.

[Amended, Sec. 1, Resolution 2021-3, Nov. 2021]

Section 2.2 Organization

- A. The council shall at the first regular council meeting of each year elect one of its members to be the chair of the council.
- B. The chair shall preside over council meetings and ensure the orderly and efficient conduct of council meetings. The chair, or his or her designee, will be the county's spokesperson to articulate council policies, vision, strategies and plans; represent the county before the governor, state legislature and other state and federal agencies; meet and greet important visitors; supervise constituent response processes for the council as a whole; and serve as the county's lead representative at dedications, ceremonial activities and other public events.
- C. The council shall annually elect one (1) of its members as vice-chair, who shall act in the absence of the chair.
- D. The council shall vote to appoint its members to boards and commissions.
- E. A majority of the council shall constitute a quorum at all meetings.
- F. The council shall take action by and pursuant to the vote of at least a majority of its members, except where a different vote is required by this charter. A two-thirds majority of members equals four (4) votes.
- G. Except as otherwise provided in this charter, the council shall be responsible for its organization and rules of conduct for business.

[Amended, Sec. 2, Res. 2021-3, Nov. 2021]

Section 2.3 Terms of council members

The term of office of each council member shall be four (4) years, and until a successor is elected and qualified.

Section 2.4 Powers of the council

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

- A. Levy taxes, appropriate revenue, and adopt budgets for the county.
- B. Provide compensation for all county employees and provide for the reimbursement of expenses.

- C. Adopt by ordinance comprehensive plans and land development codes, including improvement plans for present and future development in the county.
- D. Conduct public hearings on matters of public concern to assist in performing its legislative responsibilities.
- E. Carry out other legislative duties as authorized and required by law.
- F. Set collective bargaining guidelines and approve collective bargaining agreements.
- G. Confirm or reject appointments to boards and commissions forwarded by the county manager.
- H. Have concurrent authority with the county manager to nominate members to the following boards and commissions. Members are appointed by the council.
 - 1. Clark County planning commission.
 - 2. Clark County historic preservation commission.
 - 3. Board of equalization of assessment.

[Amended, Sec. 1, Res. 2021-7, Nov. 2021]

Section 2.5 Rules of procedure

- A. Subject to limitations provided by this charter, the council shall adopt by ordinance rules of procedure governing the time, place and conduct of regular meetings and hearings and the introduction, publication, consideration and adoption of ordinances.
- B. All meetings shall be open to the public, except to the extent executive sessions are authorized by law. A verbatim public record of each public meeting shall be kept. The record shall be retained in the form provided by ordinance and as required by state law for a reasonable period of time. Written minutes shall be promptly recorded and include a summation of actions from each council meeting and a record of votes by each councilmember.
- C. The council shall meet regularly and no fewer than twenty-two (22) times in a calendar year.

Section 2.6 Relationship with other branches

- A. Council members shall not interfere in the administration of the executive branch. They shall not issue orders to or direct, either publicly or privately, any officer, agent, employee, contractor or vendor subject to the direction and supervision of the county manager or other elected official.
- B. Nothing contained herein shall prohibit a council member from:

1. Referring a citizen complaint or submitting a request for information to the county manager or another elected official.
2. Submitting a request to the county manager to work with a department head to investigate a constituent issue.
3. Requesting information or advice pertinent to the legislative deliberations and actions of the council from any officer, agent, employee, contractor or vendor subject to the direction and supervision of the county manager or other elected official.

Article 3 The Executive Branch

Section 3.1 Composition and powers

The executive branch shall be composed of the offices of county manager, assessor, auditor, clerk, prosecuting attorney, sheriff, and treasurer. The executive branch shall have all executive powers of the county under this charter.

[Amended, Sec. 2, Res.2021-7, Nov. 2021]

Section 3.2 The county manager

A. Appointment.

1. Appointment or termination of a county manager shall require a simple majority vote of the council.
2. The county manager shall be selected on the basis of their executive experience and professional administrative qualifications. The County Council shall, in a public meeting, consult with the Assessor, Auditor, Clerk, Prosecuting Attorney, Sheriff and Treasurer prior to making the appointment of a county manager candidate.
3. No member of the council shall, during the time for which they were elected, be appointed county manager.
4. The county manager shall serve at-will. The council shall establish the county manager's terms of employment, including compensation, by written contract, provided the county manager's employment shall be at-will and terminable in accordance with contract terms and this charter.
5. Employment of a county manager shall not be construed as changing the relationship of the council members or other elected officials to their constituents, or the relationship of the council members to other elected officials.
6. The county manager shall designate a qualified employee of the county as their deputy county manager. The deputy county manager shall perform the

duties of the county manager during the county manager's extended absence or disability.

- B. *Powers and Duties.* The county manager shall be the county's chief executive officer and have all executive powers of the county which are not expressly vested in other elected officers by state law or this charter. The county manager shall have the power to:
1. Supervise all administrative departments established by this charter or created by the council.
 2. Execute and enforce all ordinances and state statutes not assigned to other elected officials.
 3. Present to the council an annual statement of the county's fiscal and governmental affairs, and any other report which they may deem necessary.
 4. Annually prepare and present to the council a budget and budget message setting forth proposals for the forthcoming fiscal year.
 5. Prepare and present to the planning commission comprehensive plans, including capital improvement plans, and development ordinances for present and future development; present the planning commission's recommendations on these matters to the council.
 6. Determine the organizational structure of and assign duties to administrative departments which are not specifically assigned by this charter or ordinance.
 7. Sign or cause to be signed on behalf of the county all deeds, contracts and instruments not otherwise reserved to others by this charter or state law.
 8. Conduct collective bargaining on behalf of the county, subject to state and federal law and budget direction provided by the council and as allowed by state law.
 9. Manage properties owned by the county.

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

[Amended, Sec. 3, Res. 2021-7, Nov. 2021; Sec. 1 Res. 2021-9, Nov. 2022]

Section 3.3 Appointments by the county manager

- A. The county manager shall appoint the chief officer of each administrative department.
1. The county manager shall appoint chief officers on the basis of their abilities, qualifications, integrity and experience concerning the duties of the office to which they are appointed.
 2. No time limitation shall be imposed on the term of employment for appointed chief officers of administrative departments.

- B. The county manager shall appoint members of boards, commissions and task forces except as provided by state law, intergovernmental agreement or this charter. Appointments by the county manager shall be presented to the council during a regular council meeting. Within thirty (30) calendar days, the council shall accept or reject the appointment by a majority vote. Failure to act within thirty (30) days constitutes acceptance of the appointment. A rejection applies to that board, commission or task force position only.

Section 3.4 Administrative departments

- A. The administrative departments shall consist of the departments and agencies of the executive branch that are not headed by executive elected officials.
- B. The chief officer of each administrative department shall appoint all officers and employees of their department. The chief officer shall comply with the county's human resources policies and procedures when appointing officers and employees to positions covered by human resources policies and procedures.

[Amended, Sec. 4, Res. 2021-7, Nov. 2021]

Section 3.5 Executive elected officials

Executive elected officials include the assessor, auditor, clerk, prosecuting attorney, sheriff and treasurer.

[Amended, Sec. 5, Res. 2021-7, Nov. 2021]

Section 3.6 Appointments by executive elected officials

Executive elected officials shall appoint under their bond (RCW 36.16.070) all officers and employees of their respective elected executive offices. Executive elected officials shall comply with the county's human resources policies when appointing officers and employees unless alternate human resource policies have been adopted by that official. The officers and employees shall be appointed on the basis of their abilities, qualifications, integrity and experience concerning the duties of the office to which they are appointed.

[Amended, Sec. 6, Res. 2021-7, Nov. 2021]

Article 4 Financial Administration

Section 4.1 Financial administration

- A. For the purposes of budget preparation, presentation to the council and monitoring, under Chapter 36.40, the county manager is designated as the chief financial officer of the county.
- B. Per RCW 36.40.010, each office and department shall provide a preliminary budget composed of a detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by such office, department, service, or institution for the ensuing fiscal year.
- C. Per RCW 36.40.040, upon receipt of the preliminary budget estimates the county manager shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.
- D. The auditor shall be responsible for financial administration of the county, including reports to the county council on the actual revenues and expenses of the organization, in accordance with RCW 36.22.010 and this charter; provided the auditor is not responsible for those duties assigned by this charter to the treasurer or county manager.
- E. The duties of treasurer are those specified in federal law, and Washington State Constitution, and statutes.

[Amended, Sec. 7, Rec. 2021-7, Nov. 2021]

Article 5 Human Resources

Section 5.1 Applicability

Clark County policies shall promote effective human resource practices, create a standardized system for employee management and ensure that human resources actions and decisions comply with federal, state and local laws. The council shall, by resolution, establish and maintain human resources policies as defined in their authority in this article. Pursuant to the council's budgetary authority in Article 4, policies concerning employee compensation and benefits are applicable to all county employees, including employees reporting to other elected officials' offices. Executive elected officials may adopt alternate administrative policies for their offices. If alternative policies are not adopted, the policies developed for the departments reporting to the county manager apply.

[Amended, Sec. 8, Res. 2021-7, Nov. 2021]

Section 5.2 Council authority

The county manager shall recommend and approval of the council is required for the policies below:

- A. Overall compensation policies including, but not limited to, base pay, incentive and premium compensation.
- B. Overall design of merit pay and step increase programs.
- C. Overall design of benefits and eligibility.
- D. Overall design of insurance benefit plans eligibility and employee contributions.

Section 5.3 County manager authority

The county manager shall develop, implement and administer human resource policies for administrative departments and other offices subject to those policies. Human resource policies requiring council approval are presented in Article 5 Section 5.2. Council approval is not required for other human resource policies.

Section 5.4 Exclusions from the human resource policies

Human resource policies shall apply to all county employees except:

- A. Contractors.
- B. Members of boards, commissions and task forces who are not otherwise employees.
- C. The county manager.
- D. Employees excluded by state law.
- E. Other employees designated by ordinance.
- F. Offices or departments directly subject to civil service rules promulgated by the county's civil service commission to the extent such rules conflict with the county's human resource policies. Otherwise, countywide policies apply to all civil service positions and employees.

Section 5.5 Elected official salaries and compensation

A. Council Member.

The salary of council members initially shall be fifty-three thousand dollars (\$53,000), and shall be adjusted based on percentage changes established for state legislators by the Washington State Salary Commission and shall be effective on the effective date determined by the commission for legislative salary adjustments.

B. *Executive Elected Officials.*

1. The salary of the sheriff is one hundred six thousand two hundred twenty-four dollars (\$106,224) in 2014, and shall be adjusted based on percentage changes established by the Washington State Salary Commission for state legislators on the effective date determined by that commission for legislative salary adjustments.
2. The salary of the assessor, auditor, county clerk and treasurer is one hundred thousand nine hundred twenty dollars (\$100,920) in 2014, and shall be adjusted based on percentage changes established by the Washington State Salary Commission for state legislators on the effective date determined by the commission for legislative salary adjustments.

C. If the Washington State Salary Commission increases legislative salaries to reflect a change from a part-time to full-time legislature, the percent change applied to the Executive Branch of Washington state government shall apply to council members, and other elected officials.

D. *Judges and Prosecuting Attorney.* The terms of this charter do not apply to the salaries of judges or the prosecuting attorney.

[Amended, Sec. 3, Res. 2021-3, Nov. 2021; Sec. 9, Res. 2021-7, Nov. 2021]

Section 5.6 Employment and status as elected official

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

Section 5.7 Privilege

County elected officials, appointed officials and employees shall not use their positions to secure employment or special employment privileges for themselves or others.

County elected officials, appointed officials and employees shall not solicit or accept any benefit, compensation, profit or advantage directly or indirectly from or by reason of the discharge of their county responsibilities and duties.

Article 6 Elections and Districts

Section 6.1 Vacancy

A. *When an Elected Office Becomes Vacant*

An elective county office shall become vacant upon the incumbent's death; resignation; recall; conviction of a felony, crime involving moral turpitude, unlawful destruction of

public records, or other crime pertinent to the incumbent's office; declaration of incompetency by a court of competent jurisdiction; or failure to fulfill or continue to fulfill the qualifications for office; provided, however, that an elective county office shall not become vacant as the result of a criminal conviction or declaration of incompetency until the conviction or declaration has become final and is no longer subject to appeal.

An Executive Elective Official shall be suspended with pay upon an information or indictment for a felony being filed against the official, such suspension continued until conviction, acquittal or dismissal of such charges, and shall be removed from office upon being convicted thereof.

B. Designation, Appointment and Election to Fill Vacancy.

1. Vacancy or Suspension of an Executive Elected Office.

a. Immediately upon commencing their terms of office, the county assessor, auditor, clerk, prosecuting attorney, sheriff and treasurer, hereafter referred to as executive elected official, shall each designate one or more employees who serve as a chief deputy or senior manager in such office to serve as an interim official in the event of a vacancy or suspension in the elective office.

b. A designation of an interim official shall only be effective if the executive elected official in that officer's elective office, complies with the following procedure: commits the designation to writing, identifies the order of precedence if more than one chief deputy or senior manager is designated, signs the written designation, has the written designation notarized, files the written designation with the county auditor. The county assessor, auditor, clerk, prosecuting attorney, sheriff and treasurer may, at any time, amend such designation by complying with the same procedure established for making the designation.

c. The designated county office employee shall immediately upon the occurrence of a vacancy or suspension serve as the interim official and shall exercise all the powers and duties of the office granted by this charter and general law.

d. An election for a vacancy of an executive elected official shall be filled at the next general election. The term of office of a person who has been elected to fill a vacancy shall only be for the unexpired portion of the term of the official unless the election is for a new term, and shall commence as soon as the person is elected, qualified and sworn in.

2. Vacancy of an Elected County Council Position.

- a. A majority of the county council shall fill a county councilor vacancy by appointment until the vacancy has been filled by election or the successor to the office has been elected and qualified according to state law. The Council shall adopt a councilor vacancy policy that describes the procedures to fill a vacant Councilor position, which shall include a public notice of the vacancy and an application process that is held open for a period of 21 calendar days or more.
- b. An election for a vacancy in an elective county councilor shall be filled at the next general election. The term of office for a councilor who has been elected to fill a vacancy shall only be for the unexpired portion of the term of the councilor unless the election is for a new term, will be elected at the next general election.

[New, Sec. 1; Res. 2021-11, Nov. 2022]

Section 6.2 Offices designated

The offices of council member, assessor, auditor, clerk, sheriff, treasurer and prosecuting attorney shall be nonpartisan offices. Elections for the offices shall be conducted in the manner provided for partisan local elections under state law.

[Amended, Sec. 1, Res. 2021-1, Nov. 2021; Sec. 2, Res. 2021-2, Nov. 2021]

Section 6.3 Qualifications - Limitations

Each county official holding elected office shall be, at the time of filing for office, appointment or election and at all times while holding office, a citizen of United States, at least eighteen (18) years old and a resident and registered voter of Clark County. Each district county council member, throughout their term of office, shall be a resident of the district in which he or she files for the primary election.

Section 6.4 District boundaries

The boundary of each council district was established in accordance with the criteria set forth in state law. The council districts for the county are set forth in Appendix A.

[Amended, Sec. 4, Res. 2021-3, Nov. 2021; Sec. 11, Res. 2021-7, Nov. 2021]

Section 6.5 Redistricting committee

Within sixty (60) days of receipt of federal decennial census data from the state redistricting commission or its successor, the council shall establish a five (5) member redistricting committee. The council shall appoint four (4) persons to the committee, two

(2) from each major political party from a list of five (5) submitted by the party's central committee. The four (4) members of the redistricting committee shall appoint a fifth member who shall be chair. Members of the redistricting committee shall serve without salary but shall be compensated for reasonable out-of-pocket expenses. The redistricting committee shall, within thirty (30) calendar days of its appointment, meet and appoint a redistricting master. The redistricting master shall be qualified by education, training and experience to draw a redistricting plan. If the redistricting committee cannot agree on the appointment of a redistricting master within thirty (30) calendar days, the council shall appoint a districting master.

Section 6.6 Redistricting plan

Within two (2) months after appointment, the redistricting master shall draw a redistricting plan for the county and submit the plan to the committee for adoption. The committee shall conduct a public hearing at least one week before proposed adoption. The redistricting committee shall adopt the redistricting plan within thirty (30) days of submission to the committee. The redistricting plan shall be adopted as submitted or as amended by two-thirds majority vote of the redistricting committee. Upon adoption, the plan shall be filed with the council by the redistricting committee. After submission of the plan, the council shall have thirty (30) calendar days to amend the committee's plan. If the council amends the committee's plan, the amendment must be approved by an affirmative vote of two-thirds of council members, and the area amended may not include more than two (2) percent of the population of any council district. No later than eight (8) months after receipt of the census data, the council shall adopt by ordinance a redistricting plan. The adopted redistricting plan for the county must follow precinct boundaries established by the council prior to that year's candidate filing period.

[Amended, Sec. 12, Res. 2021-7, Nov. 2021]

Article 7 Initiative and Referendum

Section 7.1 Direct government

The people of Clark County reserve the power to make certain proposals at their option and to approve or reject them at the polls, independent of the council.

Section 7.2 Initiative

The people reserve the power of initiative. An ordinance or amendment to an ordinance, except as limited by state or federal law or court interpretation, may be proposed by filing an initiative petition with the auditor. No ordinance enacted as a result of initiative

shall be amended or repealed within two (2) years after enactment, except as a result of a subsequent initiative or referendum or as required by state or federal law.

A. *Initiative Limitations.* The following are limited by state or federal law or court interpretations and may not be proposed or adopted by initiative.

1. Ordinances providing for compensation or working conditions of county employees or elected officials.
2. Redistricting council districts.
3. Authorizing or repealing an appropriation of money or any portion of the annual budget.
4. Authorizing or repealing taxes or fees.
5. Authorizing or repealing any provision of a service or program provided by the county.
6. Amending or repealing this charter.

B. *Initiative Requirements.*

1. Initiatives that require new or additional sources of revenue shall include a recommended revenue source adequate to finance the result of the initiative.

C. *Initiative Procedures.*

1. Any registered voter of Clark County may file an initiative proposal with the auditor, who shall transmit a copy to the prosecuting attorney. If the ordinance proposed by initiative would be effective exclusively in unincorporated Clark County, the registered voter must be a registered voter residing in unincorporated Clark County to file the initiative proposal with the auditor. Within ten (10) business days of the filing date, the prosecuting attorney shall formulate a true and impartial ballot title, posed as a positive question not exceeding fifty (50) words.
2. The prosecuting attorney shall transmit the initiative petition to the auditor, who shall give the proposed initiative a number that will be the identifying number. Within an additional five (5) business days, the auditor shall confer with the petitioner to review and establish the form and style of the initiative petition as required by the auditor or ordinance. Within an additional ten (10) days the prosecuting attorney shall evaluate the petition and provide the petitioner and auditor with the following statement: "In the opinion of the Clark County Prosecuting Attorney, the subject of this initiative is within the scope of local initiative powers. Yes [] No [] No opinion at this time []." The prosecuting attorney shall mark the box that reflects his or her opinion. The petitioner may include this statement on the petition.
3. The petitioner shall have one hundred twenty (120) days after receipt of the Prosecuting Attorney's statement as required in 7.2 C (2) to collect signatures

of registered county voters. Valid collected signatures shall number no less than:

a. If the ordinance proposed by the initiative would be effective in both the incorporated and unincorporated areas of the County, valid signatures shall number no less than ten (10) percent of the number of votes cast in the last gubernatorial election; or

b. If the ordinance proposed by the initiative would be effective exclusively in unincorporated areas of the County, valid signatures shall number no less than ten (10) percent of the votes cast in unincorporated Clark County at the last gubernatorial election; provided, however, the registered voters signing the petition must be registered voters residing in unincorporated Clark County and, further provided that, the number of required signatures shall be calculated based only upon votes cast within areas which, on the date the initiative is initiated, are unincorporated areas of the County.

Each petition shall contain the warning clause prescribed by state law, full text of the proposed measure, ordinance or amendment to an ordinance, and ballot title.

4. The auditor shall verify the number of signatures on the petition, and, if a sufficient number of valid signatures has been submitted, place the proposal on the ballot for the next general election.
 - a. Signatures on the petition must be submitted to the auditor no less than one hundred fifty (150) days before the date of the next general election.
 - b. If the council enacts the proposal without change or amendment not less than sixty (60) days prior to said election, the proposal shall be removed from the ballot.
 - c. If the council does not adopt the proposed measure but adopts a substitute measure not more than fifteen (15) days after petition validation, the substitute measure shall be placed on the same ballot with the initiative proposal.
 - d. If the ordinance proposed by the initiative is one that is effective exclusively in unincorporated areas of the count, only registered voters in unincorporated Clark County shall be permitted to vote on the initiative.
5. When a ballot contains an initiative petition, substitute measure or multiple initiative measures on the same topic, the voters shall be given the choice of rejecting or accepting each initiative.

- a. If the voters accept more than one (1) initiative on the same topic, and the measures are incompatible, the initiative receiving the highest number of affirmative votes shall be approved.
- b. If there are multiple measures on the same topic, compatible with one another, they may all be approved.
- c. If the voters reject all initiatives, none shall be approved.
- d. If the voters approve one (1) initiative and reject the others, the approved initiative shall be approved.

[Amended, Sec. 13, Res. 2021-7, Nov. 2021; Sec. 7.2, Ord. 2021-07-11, Nov. 2021; Sec. 7.2, Ord. 2021-07-12, Nov. 2021]

Section 7.3 Mini-initiative

The people reserve the power of mini-initiative, except as limited by state or federal law and subject to Article 7, Section 2(A). Ordinances or amendments to an existing ordinance may be proposed to the council by transmitting the proposal to the auditor. An initiative petition shall bear signatures of qualified voters totaling no less than three (3) percent of the number of votes cast in the county in the last gubernatorial election. A proposed ordinance or amendment to an existing ordinance that would be effective exclusively in unincorporated Clark County, may only be submitted to the auditor by a registered voter residing in unincorporated Clark County; further, that initiative petition must bear the signatures of qualified voters who reside in unincorporated Clark County totaling no less than three (3) percent of the number of votes cast in the unincorporated County in the last gubernatorial election. The number of required signatures shall be calculated based only upon votes cast within areas which, on the date such petitions are filed, are unincorporated areas of the County. The auditor shall have thirty (30) business days to validate signatures. If a sufficient number of signatures is verified, the auditor shall transmit the initiative petition to the county council. The council shall hold a public hearing on the proposed ordinance or amendment to an existing ordinance within sixty (60) days, and enact, reject or modify the proposed ordinance within thirty (30) calendar days of the hearing.

[Amended, Sec. 14, Res. 2021-7, Nov. 2021; Sec. 7.3, Ord. 2021-07-11, Nov. 2021; Sec. 7.3, Ord. 2021-07-12, Nov. 2021]

Section 7.4 Referendum

The people reserve the power of referendum. Referendum may be ordered on any ordinance, or any part thereof, passed by the council, except as limited by state or federal law or court interpretations.

- A. *Referendum Limitations.* The following ordinances are limited by state or federal law or court interpretations and are not subject to referendum:
1. Emergency ordinances.
 2. Ordinances providing for compensation or working conditions of county employees or elected officials.
 3. Ordinances authorizing or repealing an appropriation of money or any portion of the annual budget.
 4. Ordinances authorizing or repealing taxes or fees.
 5. Ordinances required by state or federal law.
- B. *Referendum Procedure.* A referendum petition proposal shall be filed with the auditor within ten (10) days after the council passes an ordinance. Except as set forth in this section, a referendum petition proposal may be filed against an ordinance or any portion of an ordinance. Any registered Clark County voter may file with the auditor a referendum petition proposal signed by at least one hundred (100) registered voters of Clark County. If the referendum pertains to an ordinance which is effective exclusively in unincorporated Clark County, the referendum petition proposal must include the signatures of at least one hundred (100) registered voters residing in unincorporated Clark County and must be filed by a registered voter residing in unincorporated Clark County.
1. The auditor shall verify signatures on the referendum petition proposal within ten (10) calendar days. After one hundred (100) signatures are validated, the ordinance or portion of the ordinance subject to referendum is suspended until:
 - a. Sufficient valid signatures are collected within the time prescribed by this section to place the measure on the ballot and voters have voted on the measure.
 - b. Valid signatures are not collected within the time prescribed by this section to place the measure on the ballot.
 2. Filing a referendum petition proposal against a portion of an ordinance shall not delay the remainder of the ordinance from taking effect.
 3. Within five (5) business days of filing the referendum petition, the auditor shall confer with the petitioner to review the referendum petition as to form and style, as required by the auditor or ordinance. The auditor shall give the referendum petition an identifying number and transmit a copy of the referendum petition to the prosecuting attorney and county manager. Within ten (10) business days after receipt, the prosecuting attorney shall write a ballot title not to exceed fifty (50) words and posed as a positive question, which shall express a true and impartial statement of the measure. The prosecuting attorney shall then promptly transmit the referendum

petition's ballot title to the auditor who shall provide it to the petitioner within five (5) business days.

4. The petitioner shall have one hundred twenty (120) calendar days from the date of delivery of the ballot title as required in 7.2 B (3) to collect signatures of registered Clark County voters. The number of valid signatures collected shall equal no less than:
 - a. For an ordinance which is effective exclusively in the unincorporated areas of the county, valid signatures shall number no less than ten (10) percent of the votes cast in unincorporated Clark County at the last gubernatorial election; provided, however, the registered voters signing the petition must be registered voters residing in unincorporated Clark County and, further provided that, the number of required signatures shall be calculated based only upon votes cast within areas which, on the date the referendum is initiated, are unincorporated areas of the county.
 - b. For all other ordinances, the number of valid signatures collected shall equal no less than ten (10) percent of the total votes cast in the county in the last gubernatorial election.

Each petition shall contain the full text of the referred measure and ballot title. The auditor shall verify the number of signatures on the petition and, if valid, submit the measure to voters at the next general election. If the ordinance subject to referendum is one that is effective exclusively in unincorporated areas of the county, only registered voters in unincorporated Clark County shall be permitted to vote on the referendum. Petition signatures must be submitted to the auditor for verification no less than one hundred fifty (150) calendar days before the date of the next general election.

[Amended, Sec. 15, Res. 2021-7, Nov. 2021; Ord. 2021-07-11, Nov. 2021; Ord. 2012-07-12, Nov. 2021]

Section 7 .5 Recall

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

Article 8 General Provisions

Section 8.1 Form of ordinances

No ordinance shall contain more than one (1) subject. The subject shall be clearly expressed in the title. Ordinances may, by reference, adopt Washington state statutes or any recognized printed codes or compilations in whole or in part. All county ordinances shall become part of Clark County Code. The council shall establish by ordinance procedures to codify ordinances, correct deficiencies and conflicts, make technical revisions, and remove obsolete provisions.

Section 8.2 Enactment of ordinances

Proposed ordinances may be introduced by any council member or mini-initiative. Every proposed ordinance shall be introduced in its entirety in writing. Brief summaries of proposed ordinances shall be published before consideration. The council shall hold at least one (1) public hearing after due notice to consider the proposed ordinance. A proposed ordinance may be amended by motion at hearing without publication, provided the amendments do not change the scope and object of the proposed ordinance. Final passage by council requires a roll call vote with a minimum of three (3) affirmative votes required for adoption. Ordinances, or summaries of them, shall be published after enactment. Except as otherwise provided by this charter, ordinances shall take effect ten (10) days after enactment, or at a later date if stated in the ordinance.

Section 8.3 Repeal and amendment of ordinances

Amendment of an ordinance requires presentation of the amended section, in writing, at full length. Ordinances repealing provisions of county code shall include ordinance references to the affected code.

Section 8.4 Emergency ordinances

Any proposed ordinance may be enacted as an emergency ordinance if the council finds as a fact, and states in the ordinance, the ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions. A minimum of four (4) affirmative votes shall be required to enact an emergency ordinance. All emergency ordinances shall be effective immediately upon passage.

Section 8.5 Resolutions

The council may pass resolutions to express its opinion of items of business or administration within its powers. Resolutions shall not have the force of law, and the

council, in passing resolutions, needs not comply with procedure requirements for the introduction, consideration and passage of ordinances.

Section 8.6 Motions

The council may pass motions to confirm or reject nominations or appointments, approve inter-fund loans, organize and administer the legislative branch, perform other administrative acts related to their legislative responsibilities, and request information from any other agency of county government. Motions shall not be subject to the requirements for the introduction, consideration and passage of ordinances.

Section 8.7 Nondiscrimination

In the exercise of its powers or performance of its duties, the county shall ensure no person is discriminated against because of age, sex, marital status, sexual orientation, race, creed or color. No person shall be discriminated against because of national origin, veteran or military status, citizenship, immigration status, families with children or the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability, or any other legally protected status, unless based on a bona fide occupational qualification. The prohibition against discrimination because of disability shall not apply if the particular disability prevents the proper performance of the particular worker involved. The council shall take whatever action necessary to accomplish this purpose as defined in the state and federal constitutions, laws, regulations and applicable court interpretations.

[Amended, Sec. 16, Res. 2021-7, Nov. 2021]

Section 8.8 Purchasing, contracts, claims and bonds

The council shall by ordinance establish procedures for purchasing supplies, services, materials, equipment, awarding contracts and processing claims and for the sale or refunding of bonds. The ordinance shall provide direction about when bids are required and how invitations for bids are advertised. 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. Elected or appointed officials and employees shall not directly benefit from contracts made by, through or under their supervision. No county elected official shall accept any employment or compensation from any county contractor during a term of office.

Section 8.9 Franchises

All franchises granted by the council shall be for a fixed term not to exceed twenty-five (25) years. No exclusive franchise shall be granted for the use of any street, road or public place. All franchises shall be subject to the power of eminent domain and right of the council or people acting through initiative or referendum to repeal, amend or modify the franchise in the public's interest. Every ordinance granting a franchise shall contain a reservation of these rights. In a proceeding under eminent domain, the franchise itself shall have no value.

Section 8.10 Public disclosure

Public disclosure of the financial interests of Clark County officials and employees shall be governed by county ordinance and general law.

Section 8.11 Severability

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

Section 8.12 Code of Ethics

On or before July 31, 2022, the County Council shall adopt an ordinance establishing a code of ethics, and shall establish penalties for the violation of this code. The ethics code must be adhered to by all departments and entities that receive funding through the County budget, and all officials elected or appointed to administer County government.

[New, Sec. 1, Res. 2021-5, Nov. 2021]

Section 8.13 Ethics Review Commission and Oversight Office

On or before July 31, 2022, the County Manager, in conjunction with the County Council and as per Section 3.3B of this charter, shall appoint an autonomous ethics review commission comprised of qualified individuals in the area of ethical conduct in government which will be charged with hearing and ruling on complaints of violations of the code of ethics. An ethics oversight office shall be established by the County Manager to operate an ethics complaint hotline, accept and investigate potential ethics complaints and provide staff support to the ethics review commission. The ethics review

commission and oversight office will be administered through the office of the County Manager.

[New, Sec. 2, Res. 2021-5, Nov. 2021]

Article 9 Charter Review and Amendments

Section 9.1 Charter review commission

This charter shall be reviewed periodically by a charter review commission ("commission") as provided in this article.

- A. *Election and Period of Office.* Five (5) years after adoption of this charter and at least every five (5) years thereafter, the council shall cause an election of a charter review commission. The commission shall consist of fifteen (15) persons, elected on a nonpartisan basis; three (3) will be from each council district. These candidates shall file during the regular candidate filing period and pay a twenty-five dollar (\$25.00) filing fee. No primary will be held for this election. The election shall be held at the November general election. The member receiving the greatest number of votes shall convene the commission. The term of office for persons elected to the commission shall be two (2) years or until the work of the commission concludes, whichever occurs sooner. The commission may meet at appropriate times and places, as long as meetings are held within the jurisdictional boundaries of Clark County. Public notice of each meeting must be provided in a newspaper of general circulation throughout the county and by a posting on the county's website at least fourteen (14) days in advance of the meeting.
- B. *Vacancy.* Vacancies on the commission shall be filled by the remaining members of the commission within thirty (30) calendar days after the chair declares a vacancy provided that within ten (10) days of the declaration, notice shall be given residents of the district in which the vacancy occurs in a manner determined by the commission. The person selected to fill the vacancy shall reside in the district where there is a vacancy. Selection requires a simple majority vote of the commission.
- C. *Financial Support.* Members of the commission shall serve without salary, but shall be reimbursed for reasonable out-of-pocket expenses. The council shall provide the commission with reasonable and necessary money, facilities and services to effectively and efficiently fulfill its purpose.

[Amended, Sec. 5-6, Res. 2021-3, Nov. 2021; Sec. 1-2, Res. 2021-4, Nov. 2021]

Section 9.2 Commission responsibility and duty

The commission is bound by responsibility and duty to review the charter to determine its adequacy and suitability to the needs of the county and propose necessary and appropriate amendments.

Section 9.3 Charter amendments, general provisions

Charter amendments may be proposed by the charter review commission, council or public. All amendments are subject to the general provisions below.

- A. *Filing Charter Amendments.* Proposed charter amendments shall be transmitted to the auditor. Amendments shall be submitted to the voters at the next November general election occurring at least ninety (90) calendar days after registration of the proposed amendment. If more than one (1) amendment is submitted on the same ballot, amendments shall be submitted so the people may vote for or against them separately. An amendment which embraces a single or interrelated subject may be submitted as a single proposition even though it includes changes to different sections of one (1) or more articles.
- B. *Approval of Charter Amendments by the Electorate.*
 - 1. When there are multiple amendments on the same topic, the voters shall be given the choice of rejecting or accepting each amendment.
 - a. If the voters accept more than one (1) amendment on the same topic, and the measures are incompatible, the amendment receiving the highest number of affirmative votes shall be approved.
 - b. If there are multiple amendments on the same topic, compatible with one another, they may all be approved.
 - c. If the voters reject all amendments, none shall be approved.
 - d. If the voters approve one (1) amendment and reject the others, the approved amendment shall be approved.
 - 2. Amendments approved by a majority of the voters shall be effective ten (10) calendar days after the results of the election are certified, unless a later date is specified in the amendment. Implementing ordinances required by a charter amendment shall be enacted by the council within one hundred eighty (180) calendar days after the charter amendment is effective, unless the charter amendment provides otherwise.

Section 9.4 Charter amendments proposed by the charter review commission

The commission may propose amendments to the charter by filing proposed amendments with the auditor in conformance with Section 9.3(A) of this article.

Section 9.5 Charter amendments proposed by the public

A. Proposing a Public Charter Amendment.

1. A registered voter of Clark County may file a proposed charter amendment with the auditor, who shall transmit a copy to the prosecuting attorney. Within ten business days of the filing date, the prosecuting attorney shall formulate a ballot title not to exceed fifty (50) words and posed as a positive question, which shall be a true and impartial statement.
2. The prosecuting attorney shall transmit the proposed ballot title to the auditor. The auditor shall give the proposed charter amendment an identifying number.
3. Within ten (10) business days of receiving the proposed ballot title, the auditor shall confer with the petitioner to establish the form and style of the charter amendment petition as required by the auditor or by ordinance.

- B. Submission of a Public Charter Amendment.* A proposed charter amendment petition must bear the valid signatures of registered voters of the county equal to at least twenty (20) percent of the number of votes cast in the county's last gubernatorial election. Signatures shall be submitted to the auditor not more than one hundred fifty (150) calendar days following the date of conference with the petitioner to establish the form and style of the petition, and at least one hundred fifty (150) calendar days before the next general election.

Section 9.6 Charter amendments proposed by the council

The 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. A minimum of four (4) affirmative votes of the council shall be required to enact such an ordinance. The amendment shall be submitted to the auditor in compliance with Section 9.3(A) of this article.

Section 9.7 Codification

Following the election at which any proposed provision of this amended charter is approved by a majority of the voters voting thereon, the county council shall cause such amendment to be incorporated into the text of the original charter and shall publish the amended charter. In the process of incorporating amendments into the text of the original charter, the clerk of the county council may, at the discretion of the county council, correct manifest errors in reference to other charter sections and correct manifest spelling, clerical or typographic errors, additions, or omissions.

[Amended, Sec. 17, Rec. 2021-7, Nov. 2021]

Article 10 Transitional Provisions

[Article 10 Repealed, Sec. 18, Res. 2021-7, Nov. 2021]

Section 11 Transitional Provisions

Section 11.1 Council transition

- A. On the effective date of January 1, 2022, the county council shall be five (5) members. Members shall elect a chair out of their own membership at the first regular meeting of the calendar year.
- B. On the effective date, each councilor shall continue in office as a county council member for the remainder of the term to which they were elected.
- C. On the effective date of January 1, 2022, each council position shall transition to represent a district established under this charter as follows:
 - 1. The Council District 1 representative shall represent the Council District 1 shown in Appendix A.
 - 2. The Council District 2 representative shall represent the Council District 2 shown in Appendix A.
 - 3. The Council District 3 representative shall represent the Council District 3 shown in Appendix A.
 - 4. The Council District 4 representative shall represent the Council District 4 shown in Appendix A.
 - 5. The County Council Chair immediately prior to the effective date shall represent for the remainder of their current term the Council District 5 shown in Appendix A.
 - 6. If two or more council members reside in the same district as shown in Appendix A, the council district representative residing closest to a council district in which no councilor resides shall represent that other district for the remainder of the term for which they are elected.
 - 7. Upon completion of each of the current terms of office for the councilors in office as of the effective date the laws regarding eligibility to apply for and hold each office shall comply with that under state law and this charter.

[New, Sec. 7, Res. 2021-3, Nov. 2021]

Section 11.2 Salaries of elected officials

The salary schedule for council members in effect as of January 1, 2022 shall continue until the completion of their term. As of January 1, 2023, all county councilors will receive the same compensation, which shall be calculated in accordance with Section 5.5.A.

New, Sec. 7, Rec.2021-3, Nov. 2021.

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 - 2. The Council District 2 representative shall represent the Council District 2 shown in Appendix A.
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 - 4. The Council District 4 representative shall represent the Council District 4 shown in Appendix A.
 - 5. The County Council Chair immediately prior to the effective date shall represent for the remainder of their current term the Council District 5 shown in Appendix A.
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