



*Richard J. Schager*

CLALLAM COUNTY COURT HOUSE  
PORT ANGELES, WASHINGTON

**CLALLAM COUNTY  
HOME RULE CHARTER**

# **CLALLAM COUNTY**

## **HOME RULE CHARTER**

**Prepared by the Clallam County  
Board of Freeholders  
for submission to the voters of the County.**

**NOVEMBER 2, 1976**

**Date of this printing: December 2007**

To the Residents of Clallam County:

In November, 1975, the voters of Clallam County passed a proposition creating a board of Freeholders whose charge, according to Amendment 21 of the Washington State Constitution, was to write a "Home Rule" Charter to submit to the voters of Clallam County for their approval or rejection.

Fifteen Freeholders were elected, three of whom subsequently resigned. Those three were Howard V. "Mike" Doherty, Jr., who resigned when his appointment in March 1976 by Governor Evans to the office of Clallam County Commissioner caused a conflict of interest; John Swingle, who became ineligible in August upon moving out of the district in which he was elected; and Fred Sindars, who resigned in August over a disagreement with a majority decision of the board.

The Freeholders undertook a comprehensive study of the existing form of Clallam County government. This was accomplished through interviews with county officials, past and present; seminars conducted by the Institute of Governmental Research and Services; individual research; and hearings with the public in each of the three Commissioner districts of the county.

When this study was completed, the board undertook the writing of a "Home Rule" Charter reflecting the conclusions gained from the study. A final rough draft of the Charter was made public in August and was taken to the three Commissioner districts for further public hearings.

The proposed Charter closely follows the present system of government. Three Commissioners are nominated by district and elected at large. This Commission exercises the legislative and executive powers of the county as at present. The Assessor, Auditor, Sheriff and Treasurer remain elected officials, as do the Prosecuting Attorney and the Judges of the county.

Major differences found in this Charter include "Home Rule" itself. The Charter is a county constitution designed to give the control of county affairs to the people of the county rather than requiring legislation from Olympia. In addition to the election of our public officials, specific powers reserved to the people are initiative, referendum, mini-initiative and recall. The Charter also calls for the hiring of an Administrative Coordinator to assist the Commissioners in the administrative procedures of the county as the Commissioners may direct.

Approval of the Clallam County "Home Rule" Charter provides for increased local control over our government and increased local involvement in that government by its citizens.

Commissioner District No. 1

James O. Babcock  
Annette J. Kuss, 1st Vice-Chairperson  
Ruby Mantle  
Edward V. Polhamus

Very Truly Yours,

The Clallam County Board of Freeholders

Commissioner District No. 2

Walter G. Davison  
Dorothy C. Duncan, Chairperson  
Dorothy Munkeby, 2nd Vice-Chairperson  
James H. Elbrader

Commissioner District No. 3

Elmer Critchfield  
Craig A. Fletcher  
Robert D. Hall  
Evelyn B. Tinkham

## CHARTER SUMMARY

<b>Article I – POWERS OF THE COUNTY</b>	<b>Page 5</b>
Grants county all powers possible with "Home Rule" under the state and U.S. constitutions; outlines participation with other agencies or municipal corporations; interprets powers of the county as liberally construed; retains name, boundaries and county seat.	
<b>Article II – LEGISLATIVE AND EXECUTIVE BRANCHES</b>	<b>Page 5</b>
Keeps legislative and executive body as the Board of County Commissioners; outlines some of their functions; addresses the rules and organization of the Board of Commissioners.	
<b>Article III – LEGISLATION</b>	<b>Page 7</b>
Deals with legislation, including emergency ordinances, adoption of statutes and codes by reference, resolutions; mandates the codification of ordinances.	
<b>Article IV – OTHER ELECTED OFFICIALS</b>	<b>Page 8</b>
Keeps Assessor, Auditor, Director of the Department of Community Development, Sheriff, Treasurer, Prosecuting Attorney, and Judges of the Superior and District Courts as elected officials; outlines powers and duties; notes that Prosecuting Attorney will serve as ex-officio coroner.	
<b>Article V – ADMINISTRATIVE DEPARTMENTS</b>	<b>Page 9</b>
Outlines administrative departments, all of whom shall be responsible to the County Commissioners.	
<b>Article VI – ADMINISTRATOR</b>	<b>Page 10</b>
Mandates the hiring of an Administrator; outlines terms of appointment, duties and responsibilities, including assisting the County Commissioners with administrative procedures.	
<b>Article VII – ELECTIONS</b>	<b>Page 10</b>
Outlines election procedures; notes qualifications of elected officials; mandates procedure for county redistricting; addresses vacancies in county elective offices.	
<b>Article VIII – THE PUBLIC INTEREST</b>	<b>Page 12</b>
Provides for the powers of initiative, referendum, mini-initiative and refers to recall.	
<b>Article IX – FINANCIAL ADMINISTRATION</b>	<b>Page 15</b>
Deals with adoption of the budget, budget content, budget message, appropriations, lapses of appropriations and illegal contracts.	

**Article X – PERSONNEL SYSTEM** **Page 17**  
Mandates a personnel system; lists exemptions; includes a non-discrimination clause; specifies the right of dismissed employees to a public hearing.

**Article XI – CHARTER REVIEW, AMENDMENT, AND REPEAL** **Page 18**  
Deals with Charter review, amendment and repeal; outlines election and procedures of Charter Review Commission; provides for amendment by the Commission, Board of County Commissioners, or public (all of which must be referred to the public for vote); specifies repeal procedures.

**Article XII – GENERAL PROVISIONS** **Page 20**  
Addresses such provisions as bonds, contracts, purchasing, franchises, claims against the county, public disclosure, and oath of office.

**Article XIII – TRANSITIONAL PROVISIONS** **Page 21**  
Addresses transition from present form of government to new form; sets effective date of charter; specifies terms of office and election of County Commissioners; keeps all county employees at same job or similar at no less pay; keeps boards and commissions in effect; specifies budget; schedules ordinances required by the Charter.

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### **RESOLUTION NO. 154, 1976**

WHEREAS, the Clallam County Board of County Commissioners was duly called and convened on this 1st day of October, 1976 for the purpose of a regular business meeting, and the agenda having contained the consideration of the Home Rule Charter prepared and proposed under the authority of Amendment 21 of the Constitution of the State of Washington and Resolution No. 155, 1975 and amended by Resolution No. 165, 1975 of Clallam County, by the duly elected and certified Board of Freeholders of Clallam County, and the final and duly signed copy of the Home Rule Charter having been placed in our hands, attached and incorporated by reference as though fully set out herein, and the Board of Freeholders of Clallam County having requested by Resolution that we take the action necessary to place the following question before the voters of the county at the general election to be held on November 2, 1976:

Shall Clallam County Adopt a "Home Rule" Charter providing for increased local control over its government and providing initiative and referendum rights to the people as provided for in Resolution No. 154, 1976 of the Board of Clallam County Commissioners and the Constitution and laws of the State?

FOR APPROVAL OF CLALLAM COUNTY CHARTER

AGAINST APPROVAL OF CLALLAM COUNTY CHARTER

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clallam County, as follows:

- 1) The proposed charter shall be submitted to the qualified electors of Clallam County at the general election to be held on November 2, 1976, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said county, and shall become the organic law thereof and supersede any existing forms of county government.
- 2) Said proposed charter shall be published in two (2) legal newspapers published in Clallam County, at least once a week for four (4) consecutive weeks prior to November 2, 1976, as required by the Constitution of the State of Washington, Article 11, Section 4, as amended.
- 3) Notice of said election, specifying the subject thereof, shall be given for at least ten (10) days before November 2, 1976 in all election districts of Clallam County.
- 4) The general election shall be conducted by the Clallam County Auditor, as ex-officio Supervisor of Elections, who shall place the above question on the ballot, and the results of said election shall be canvassed by the Clallam County Canvassing Board of Election returns, as provided by law.
- 5) This resolution and the final and official copy of the Home Rule Charter shall be placed in the hands of the Clallam County Auditor during regular business hours on or before September 17, 1976.\*

PASSED AND ADOPTED THIS 1st of October, 1976.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Frank A. Feeley, Chairman  
Rosemary Cockrill  
Howard V. Doherty, Jr.

ATTEST:

Alice C. Thorne  
Clerk of the Board

\*Language has appeared in prior printings but was not part of the original resolution.

# **CLALLAM COUNTY CHARTER**

## **PREAMBLE:**

In this the two hundredth year of the birth of our Nation, we, the People of Clallam County, Washington, in order to bring life to the meaning of the Indian word Clallam, that is "strong people," and to establish a government closer to the people that will be:

Competent to manage the county's resources wisely;  
Able to accept the benefits and responsibilities of local control; and be  
Open to all views and responsive to the needs of the county's citizens;  
DO HEREBY ADOPT THIS HOME RULE CHARTER.

## **Article I – POWERS OF THE COUNTY**

### **Section 1.10: General Powers**

The county shall have all powers possible that a home rule county may have under the constitutions and the laws of the United States and the state of Washington.

### **Section 1.20: Intergovernmental Relations**

The county may in the exercise of its powers and the performance of its duties, whether or not specifically assigned by this charter to any officer, board, commission, or agency agree by contract or otherwise to participate jointly or in cooperation in any function, project, or activity with any one or more governments, governmental agencies, municipal corporations, in any manner permitted by law, and to share the costs and responsibilities of such functions, projects or activities.

### **Section 1.30: Interpretation**

The powers of the county shall be limited to those specifically granted in this charter and also limited to the same powers as those provided by state law to counties not operating under the charter form of government. References to adoption of ordinances by the Commissioners shall not be construed as impairing the right of the people to initiate or refer ordinances. The word "law" shall mean the Constitution and laws of the State of Washington unless context indicates otherwise.

(As proposed by referendum of the people and amended by the voters, November 3, 1981)

### **Section 1.40: Name, Boundaries, and County Seat**

The name, boundaries and county seat of Clallam County shall remain as they are on the date of adoption of this charter or until changed according to law. Branch county offices may be established by ordinance.

## **ARTICLE II – LEGISLATIVE AND EXECUTIVE BRANCHES**

### **Section 2.10: The Board of County Commissioners**

The legislative and executive body shall be the Board of County Commissioners, hereafter referred to as the "Commissioners."

## **Section 2.20: Composition and Term of Office**

The Board of County Commissioners shall consist of three (3) members. The Commissioners shall be nominated from each of three districts and elected by the county at large for a term of four years as provided in this charter.

## **Section 2.30: Powers**

### **2.30.10: Legislative Power**

The legislative power of the county, not reserved to the people, shall be vested in the Board of Commissioners. The Commissioners shall exercise their legislative power by adoption and enactment of ordinances; shall levy taxes, appropriate revenue and adopt budgets for the county; shall establish the compensation to be paid to all county officers and employees and shall provide for the reimbursement of expenses. Except as otherwise provided in this chapter or by ordinance, they may have the power to establish, abolish, combine or divide offices, departments and agencies; establish their powers, duties and responsibilities as provided by law or ordinance. They shall have the power to adopt by ordinance, comprehensive plans for the present and future development of the county. They shall have the power to conduct public hearings to assist them in the performance of their legislative responsibilities; to subpoena witnesses, documents and other evidence and to administer oaths. Any witness appearing before them shall have the right to be represented by counsel. The enumeration of particular legislative powers shall not be construed as limiting the legislative powers to the Commissioners as provided by law.

(As proposed by the Charter Review Commission and amended by the voters November 8, 1983)

### **2.30.20: Executive Power**

The executive power of the county shall be vested in the Board of Commissioners except those powers assigned to other elected officials and other elected boards and commissions by law. The Commissioners shall exercise their executive power by executing and enforcing laws and ordinances; interpreting ordinances, resolutions and policies; employing and discharging personnel; appointing and removing members of boards and commissions; directing the preparation of the budget; conducting or serving on boards and commissions; signing or causing to be signed contracts, vouchers, deeds and other instruments. The Commissioners shall delegate duties, functions and responsibilities but will remain accountable for all executive actions.

## **Section 2.40: Rules and Organization of the Board of Commissioners**

The Board of Commissioners shall by ordinance adopt its own rules and organization. The Commissioners shall elect one of their members as chairperson who shall preside at all meetings of the Commissioners. The Commissioners shall meet regularly, at least once a week and shall adopt by ordinance rules and procedures designating the time and place for the conduct of their meetings and the manner of introduction, consideration, adoption and publication of the ordinances. Meetings of the Commissioners shall be open to the public and a public record shall be kept of each meeting and the votes taken therein. The records shall be kept in the form prescribed and shall be

accessible as provided by ordinance and law. The Commissioners may appoint staff as they deem necessary to assist them in the performance of their duties.

## **ARTICLE III – LEGISLATION**

### **Section 3.10: Regular Ordinances**

An ordinance approved by the majority of the Board of County Commissioners is required for any legislative act. A legislative act is any action that imposes a fine, penalty, forfeitures, or other legal sanction or that adopts a new policy or plan as a permanent rule of government.

Proposed ordinances shall be limited to one subject. The subject of every ordinance shall be clearly stated in the title. Ordinances or summaries of them, the places where copies are filed, and the times when they are available for public inspection shall be published. Ordinances may be introduced by any Commissioner. At least ten days after the introduction of a proposed ordinance, except an emergency ordinance, and prior to its adoption and enactment, the Commissioners shall hold a public hearing after due notice, to consider the proposed ordinance. A majority of affirmative votes shall be required for adoption of an ordinance. Except as otherwise provided for in this chapter, all ordinances shall take effect ten days after the date they are adopted or at a later date as stated in the ordinance.

(As proposed by the Charter Review Commission and amended by the voters November 8, 1983)

### **Section 3.20: Emergency Ordinances**

To meet a public emergency affecting life, health, property or the public peace, an ordinance may be passed which shall be effective when approved by the Commissioners. Such an emergency ordinance shall in a separate section state the facts creating the emergency. The provisions of every emergency ordinance shall cease to be effective as of the sixty-first (61st) day following the date of its enactment and shall not be reenacted as an emergency ordinance. Emergency ordinances shall not be subject to referendum.

### **Section 3.30: Adoption of Statutes and Codes by Reference**

Ordinances may by reference adopt Washington State statutes or recognized printed codes or a compilation of codes, in whole or in part.

### **Section 3.40: Codification of Ordinances**

All ordinances of the county which are of a general and permanent nature or impose any fine, penalty, or forfeiture shall be compiled in a code which shall be adopted by ordinance and shall be known as the Clallam County Code. The code shall be kept current to reflect newly adopted, amended or repealed ordinances. A current copy shall be placed in the main regional library and such other places as the Commissioners deem appropriate.

### **Section 3.50: Resolutions**

(As proposed by the Charter Review Commission and deleted by the voters November 8, 1983.)

## **ARTICLE IV – OTHER ELECTED OFFICIALS**

### **Section 4.10: Composition**

Elected county officials in addition to the County Commissioners shall include the Auditor, Assessor, Treasurer, Director of the Department of Community Development, Sheriff, Prosecuting Attorney, and Judges of the Superior and District Courts. The Director of the Department of Community Development shall be elected November 2003 for an initial term of three (3) years, and every four (4) years thereafter. All elected officials shall be non-partisan, except for the Commissioners and the Prosecuting Attorney.

(Amendment proposed by the Charter Review Commission and amended by the voters November 7, 1989. Amendment proposed by the Charter Review Commission and amended by the voters November 5, 2002.)

### **Section 4.20: Powers and Duties**

All other elected officials shall exercise the powers and duties of their respective offices as provided by law. All elected officials and their departments shall utilize the personnel, budgeting, purchasing, property control and records management systems established by the Commissioners through ordinance except insofar as such utilization would be contrary to the powers and duties of the constitutional officers. The Prosecuting Attorney will serve as ex-officio coroner without extra compensation.

(Amendment proposed by the Charter Review Commission and amended by the voters November 7, 1989.)

### **Section 4.25: Director of the Department of Community Development**

The Director of the Department of Community Development shall administer, enforce and advise the County Commissioners on all laws, except health, with respect to the environment, natural resources, and land and shoreline development, including, but not limited to, zoning, land divisions, environmental policy, building and fire codes, forest management, mining, agriculture, watershed planning, and floodplains. The Director shall prepare and present to the County Commissioners for consideration of adoption by ordinance, with or without amendment, comprehensive or other plans and use or development regulations for the use and physical development of the County.

In addition to Section 4.20 of this Charter, state law generally applicable to county officers shall apply to the Director. It is the intent that the Director have the administrative and managerial rights and responsibilities common to elected officers.

Ordinances shall be reviewed and amended, if necessary, by December 31, 2004 to incorporate changes required by the conversion from an appointed administrative position to an elected office. Until such time as the review is complete and amendments, if any, adopted, the duties and responsibilities set forth therein with respect to the administrative Director of the Department of Community Development shall apply to the elected Director.

(Amendment proposed by the Charter Review Commission and amended by the voters November 5, 2002.)

## **Section 4.30: Additional Elected Officials**

(As proposed by the Charter Review Commission and deleted by the voters November 7, 1989.)

## **ARTICLE V – ADMINISTRATIVE DEPARTMENTS**

### **Section 5.10: Composition, Duties and Responsibilities**

The Administrative Departments shall include the Department of Administration, the Department of Public Works and such additional departments, offices, or agencies as the Commissioners may deem necessary. The Administrative Departments, offices, and agencies shall be responsible to the County Commissioners and shall perform such duties and functions as assigned to them by this charter or by ordinance.

### **Section 5.20: Clerk of the Superior Court**

The Clerk of the Superior Court shall be appointed by the Commissioners from a list of at least three candidates submitted to them by the Superior Court Judges. The Clerk shall be subject to the personnel, budgeting, purchasing, property control and records management systems as provided in this charter, ordinance or resolution as the Commissioners may direct.

### **Section 5.25: Hearing Examiner System**

A hearing examiner system shall be established for consideration of land and shoreline development issues. The qualifications, powers and duties of, and procedures to be employed by the hearing examiner, shall be established by the Board of County Commissioners. The Board of County Commissioners may, in 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.

(Amendment proposed by the Charter Review Commission and amended by the voters November 7, 1995.)

### **Section 5.30: Resolutions and Motions**

Administrative acts of the Commissioners shall be by written resolution or informal motion approved by a majority vote of the Commissioners. An administrative act is any action that implements or pursues a policy or plan already adopted by a legislative act of the Commissioners or that exercises authority that has been granted to the Commissioners by this Charter or by some superior state or federal power.

The Commissioners may pass resolutions by majority vote to organize and administer county business, to make declarations of policy which do not have the force of law, to request information from any other agency of government and to appoint or remove appointed officials, including the Administrator. Commissioners in passing resolutions need not comply with procedural requirements for the introduction, consideration and adoption of ordinances.

(Amendment proposed by the Charter Review Commission and amended by the voters November 8, 1983. Amendment proposed by the Charter Review Commission and amended by the voters November 7, 1989.)

## **ARTICLE VI – ADMINISTRATOR**

### **Section 6.10: Administrator**

The Commissioners shall appoint an Administrator, selected on the basis of his or her executive experience and professional administrative qualifications, to carry out the administrative responsibilities of the County. He or she need not, at the time his employment commences, be a resident of the county or state. No member of the Board of County Commissioners shall, during the time for which he or she was elected, be chosen Administrator. The Commissioners shall, by ordinance, establish his or her contract or terms of employment, including compensation. In the case of absence or disability of the Administrator, the Commissioners may delegate some qualified person to perform the duties of the office during such absence or disability. Employment of an Administrator shall not be construed as changing the relationship of the Commissioners or other elected officials to their constituents, nor the relationship of the Commissioners to other elected officials.

(Amendment proposed by the Charter Review Commission and amended by the voters November 7, 1989. Amendment proposed by the Charter Review Commission and amended by the voters November 5, 2002.)

### **Section 6.20: Duties and Responsibilities**

The Administrator shall be directly responsible to the Commissioners and he or she shall serve the Commissioners and the County by making recommendations concerning the affairs of the County as may be necessary; keeping the Commissioners advised as to the needs of the County and making recommendations when appropriate; preparing and submitting the proposed annual budget to the Commissioners; supervising, performing, and delegating other responsibilities as may be prescribed by this Charter or be required of him or her by ordinance or resolution of the Commissioners. The Administrator 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.

(Amendment proposed by the Charter Review Commission and amended by the voters November 7, 1989. Amendment proposed by the Charter Review Commission and amended by the voters November 5, 2002.)

## **ARTICLE VII – ELECTIONS**

### **Section 7.10: Election Procedures**

Except as provided in this charter all elected officials shall be nominated and elected in accordance with the laws of the State.

### **Section 7.20: Independent Candidates**

(Amendment proposed by the Charter Review Commission and amended by the voters November 7, 1989. Amendment proposed by the Charter Review Commission and amended by the voters November 8, 1994. Amendment proposed by the Charter Review Commission and deleted by the voters November 6, 2007).

### **Section 7.30: Qualifications of Elected Officials**

Every county elected official, at the time of his or her election, shall be a citizen of the United States and a resident and registered voter of Clallam County. Each member of the Board of County Commissioners shall, in addition, be a resident of the district which he or she represents. If any change in district boundaries shall cause a Commissioner to no longer be a resident of the district which he or she represents he or she shall continue to hold office for the remainder of his or her term and until a successor has been elected and certified.

### **Section 7.40: County Commissioner District Boundaries**

Districts shall be drawn in compliance with the following criteria which are listed in order of descending priority. Districts shall: be approximately equal in population so that the population of the largest does not exceed that of the smallest by more than five (5) percent; have boundaries that run generally north-south; be geographically compact and continuous; and be composed of whole voting precincts to the maximum extent possible. Each district shall be assigned a number 1 to 3.

By January 31, 1991, and by January 31st of each tenth (10th) year thereafter, a Districting Commission shall be appointed. Each member of the Board of Commissioners shall appoint one (1) member. A member of the Board of Commissioners shall not serve on the Districting Commission. The central committee of each major political party, as such party is defined by state law, shall each appoint one (1) member to the Districting Commission.

Members of the Districting Commission shall serve without compensation, but will be reimbursed for expenses. The Districting Commission shall meet within fifteen (15) days after appointment and develop procedures for the employment of a Districting Master who shall be qualified by training, education and experience to draw a districting plan. The Districting Master shall be hired by March 15. Immediately thereafter, the Districting Commission shall schedule public hearings to provide input on preliminary districting proposals being developed by the Districting Master. The Districting Master shall meet with the Districting Commission to consider recommendations for changes by the Districting Commission members. The Districting Master shall submit the final draft of the districting plan to the Districting Commission for consideration of adoption.

The Districting Commission shall hold a public hearing on the final draft of the districting plan submitted by the Districting Master. The Districting Commission shall approve a final plan by majority plus one (1) vote no later than eight (8) months after receipt of the most recent federal decennial census information from the state redistricting commission.

(Amendment proposed by the Charter Review Commission and amended by the voters November 7, 1989. Amendment proposed by the Charter Review Commission and amended by the voters November 5, 2002.)

### **Section 7.50: Vacancies**

An elective office shall become vacant on the death, resignation or removal of the officer, or for other causes. Vacancies in elective office shall be filled at the next November election, unless the vacancy occurs after the day for filing declarations of 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 until the time when the term of the elective office would have expired had no vacancy occurred. Until a successor has been elected and certified, a majority of the Board of Commissioners shall fill the vacancy by appointment. The Commissioners shall fill a vacancy from a list of three people submitted by the county central committee of the party which the official in office immediately prior to the vacancy represented. In the event that the official in office immediately prior to the vacancy was an "independent candidate" as provided by charter, the vacancy shall be filled by the Commissioners as they deem appropriate.

(As proposed by the County Commissioners and amended by the voters, November 4, 1980.)

### **Section 7.60: Non-Partisan Primaries**

The names of candidates for a non-partisan office shall appear on a primary election ballot only when three (3) or more persons have filed as candidates for that office.

(Amendment proposed by the Charter Review Commission and amended by the voters November 5, 2002.)

## **ARTICLE VIII – THE PUBLIC INTEREST**

### **Section 8.10: Initiative and Referendum – General Provisions**

The initiative and referendum process shall begin by the presentation of a petition to the Auditor for registration. Upon registration of a petition and approval of the ballot title, the time period for the gathering of signatures shall begin. If petitions with sufficient signatures are filed within the appropriate time limit, the measure shall be transmitted to the Commissioners for enactment or placement on the ballot.

The Commissioners shall by ordinance establish the form of the Initiative, Referendum and Charter Amendment Petitions and establish a procedure for the approval of ballot titles and regulation of the procedures for the circulation and signing of petitions. Upon presentation of a proposed petition, the Auditor shall determine within three (3) days (Saturdays, Sundays and Holidays excepted) whether the petition is in proper form and shall notify the sponsors in writing. If the petition is not in proper form, the Auditor shall refuse to register the petition and return it to the sponsor with a detailed written explanation of the defects. Upon the determination that a proper petition has been presented, and upon approval of the ballot title, the petition shall be registered. If the final date for the filing of a petition falls on a Saturday, Sunday, or legal holiday, the date shall be extended to the next working day. The Commissioners may by ordinance provide that a sampling procedure may be used in verifying whether a sufficient number of signatures has been obtained.

## **Section 8.20: Initiative – General Provisions**

The first power reserved to the people is the initiative. Any ordinance or amendment to an ordinance may be proposed to the commissioners by the people by filing with the Auditor an initiative petition. Provided, that no ordinance shall be initiated providing for the compensation or working conditions of county employees, authorizing and repealing of taxes, appropriating money, adopting the annual budget or capital program, redistricting the county commissioner districts, or passing an emergency ordinance.

## **Section 8.30: Initiative – Limitations**

No initiative petition requiring the expenditure of additional funds for an existing activity or of any funds for a new activity or purpose shall be filed or submitted to a vote unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.

## **Section 8.40: Initiative – Filing of Petition**

Initiative petitions shall be filed with the Auditor bearing the signatures of registered voters of the county equal in number to no less than ten (10) per cent of the number of voters who voted in the last gubernatorial election. Petitions shall be filed not more than 90 days following registration.

The Auditor shall verify the sufficiency of the signatures on the petition and transmit it together with his or her report thereon to the commissioners at a regular meeting, not more than twenty (20) days after filing the petition and such transmission of the petition shall constitute the introduction of the initiative by the commissioners.

## **Section 8.50: Initiative – Action by Commissioners**

The Commissioners shall consider the proposed ordinance. They shall hold a public hearing and shall adopt or reject the petition on a roll call vote. If the proposed ordinance is not enacted within sixty (60) days after its introduction, it shall be submitted to the voters at the next regular or special election provided that at least 105 days have elapsed between the introduction of the proposed ordinance and the election. However, if the proposed ordinance is enacted at any time prior to the election, it shall not be placed on the ballot or voted on unless the referendum procedure is invoked.

If the Commissioners reject the proposed ordinance and adopt a substitute ordinance concerning the same subject matter, the substitute ordinance shall be placed on the same ballot with the proposed ordinance and the voters shall first be given the choice of accepting either or rejecting both and 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 rejecting both, then neither ordinance shall be approved regardless of the vote on the second issue. If the proposed substitute ordinance is approved by the majority of the voters voting on the issue, it shall become effective ten (10) days after the results of the election are certified unless a later date is specified in the ordinance. 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.

### **Section 8.60: Referendum by the Board of County Commissioners**

The Board of County Commissioners by ordinance may refer any proposed or enacted ordinance to the voters for their approval or rejection at a regular or special election. If a proposed ordinance is approved by a majority voting on the issue, it shall become effective ten (10) days after the results of the election are certified unless a later date is specified in the ordinance. If an enacted ordinance is not approved by a majority of the voters voting on the issue, it shall cease to be effective ten (10) days after the results of the election are certified unless the ordinance referring the enacted ordinance to the voters specified a later date.

### **Section 8.70: Referendum by the People**

The second power reserved to the people is the referendum. Except as provided herein, an enacted ordinance may be subjected to a referendum by the voters of the county by filing with the Auditor a registered petition bearing the signatures of qualified voters equal in number but not less than ten (10) per cent of the total votes cast at the last gubernatorial election immediately preceding the date of the registration of the petition. The petition shall be presented to the Auditor for registration within ten (10) days after the ordinance is passed by the Commissioners and shall be filed not more than 60 days following registration. Upon presentation to the Auditor of a proper petition for registration, the ordinance referred to shall be suspended and without force of law, until the Auditor shall determine that petitions with sufficient signatures have not been filed within the allotted time or until the voters ratify and approve the ordinance. The filing of a referendum petition against one or more items, sections or parts of an ordinance shall not delay the remainder of the ordinance from taking effect. Upon verifying the sufficiency of the signatures, the Auditor shall transmit the petition to the Commissioners at a regular meeting not more than twenty (20) days after filing of the petition and the Commissioners shall place the proposed ordinance before the voters at the next November or special election provided that at least 105 days shall have elapsed between the introduction of the proposed ordinance and the election.

### **Section 8.80: Submission of Ordinances by the People**

The third power reserved to the people is the Mini-Initiative. Any ordinance or amendment to any existing ordinance may be proposed to the Commissioners by filing with the Auditor petitions bearing the signatures of qualified voters equal in number to not less than three (3) per cent of the total votes cast at the last gubernatorial election immediately preceding the date of the registration of the petition. Upon verifying the sufficiency of the signatures, the Auditor shall transmit the petition to the Commissioners, who shall hold a public hearing on the proposed ordinance within sixty (60) days and enact or reject the ordinance within thirty (30) days thereafter. If the ordinance is rejected, no ordinance with the same intent shall again be proposed by Mini-Initiative as an ordinance by the people to the Commissioners within one year. Cost of publication and public notice shall be borne by the petitioners.

### **Section 8.90: Recall**

The fourth power reserved to the people is that of recall. The holder of any elected office may be recalled as provided by law.

### **Section 8.95: Access to Public Officials**

The adoption of this charter shall not be construed as changing the relationship of the constituents to their elected officials.

## **ARTICLE IX – FINANCIAL ADMINISTRATION**

### **Section 9.10: General Budget Adoption Provisions**

The budget shall be adopted in compliance with state law and this article following regularly scheduled public hearings.

(Amendment proposed by the Charter Review Commission and amended by the voters November 4, 2003.)

### **Section 9.20: Adoption and Maintenance of Fiscal Policies**

The Board of Commissioners shall adopt and maintain fiscal policies that include, but are not limited to, the following subjects:

- Services and fund structure
- Operating budget principles
- Revenue and expenditures
- Enterprise funds
- Cash management and investment
- Accounting, financial reporting, and auditing
- Fund balances and reserves
- Capital facilities and their improvement
- Grant management
- Indirect cost allocation

(Amendment proposed by the Charter Review Commission and amended by the voters November 7, 1989. Amendment proposed by the Charter Review Commission and amended by the voters November 4, 2003.)

### **Section 9.30: Proposed Annual Budget**

#### **9.30.010: Submission of Proposed Annual Budget**

The Administrator shall recommend a proposed annual budget to the Board of Commissioners.

(Amendment proposed by the Charter Review Commission and amended by the voters November 4, 2003.)

#### **9.30.020: Meetings on the Preliminary Budget**

After the preliminary budget is submitted to the Board of Commissioners and prior to the budget hearing, the Commissioners either separately or collectively shall hold informal hearings with each department head or elected official to discuss that portion of the preliminary budget relating to his office. Said meetings shall be open to the public.

### **Section 9.40: Final Budget Narrative**

The Administrator shall develop, no later than sixty (60) days following the adoption of the annual County budget by the Board of Commissioners, a narrative summary of the adopted annual County Budget. The narrative summary shall include:

- a budget overview
- an explanation of the methodologies used to determine revenues and expenditures
- a summary of each department's mission, function, goals, workload, revenues, expenditures, and grant funding sources

(Amendment proposed by the Charter Review Commission and amended by the voters November 4, 2003)

### **Section 9.50: Mid-Year Budget Review**

The Board of Commissioners shall schedule and hold in a public hearing a mid-year budget review no later than July 31 of each year. The review shall consist of at least a detailed discussion of the revenues received, revenues expected, expenditures made, and expenditures expected. Explanations shall be provided to the Board by the Administrator for variances occurring in the current year budget and the Administrator shall make proposals on how those variances may be addressed by the Board.

(Amendment proposed by the Charter Review Commission and amended by the voters November 4, 2003.)

### **Section 9.60: Budget Message**

The Board of Commissioners shall prepare a budget message which shall explain the budget in fiscal terms of the goals to be accomplished and shall relate the requested appropriations to the comprehensive plans of the county. At least ten (10) days prior to the public hearing on the budget, the budget message and supporting tables shall be furnished to any interested person upon request, and copies of the budget shall be available to the public.

(Amendment proposed by the County Commissioners and amended by the voters November 4, 2003.)

### **Section 9.70: Appropriations**

The appropriation resolutions adopted by the Commissioners shall not exceed the estimated revenues of the county for the next fiscal year for each fund, provided the Commissioners may adopt an emergency appropriations resolution which may appropriate contingency funds, revenues received in excess of the revenues estimated in the budget, and/or funds from any other source available.

(Amendment proposed by the Charter Review Commission and amended by the voters November 4, 2003.)

## **Section 9.80: Illegal Contracts**

Except as otherwise provided by ordinance, any contract in excess of an appropriation shall be null and void; and any officer, agent or employee of the county knowingly responsible shall be personally liable to anyone damaged by his or her action. The Commissioners may adopt an ordinance permitting the county to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years. The Board will enter into and sign all real estate documents associated with the county, its agencies, or departments except where contrary to law. Real estate leases shall be for a period not to exceed that permitted by state law.

(All of Article IX, as proposed by the Charter Review Commission and amended by voters November 8, 1983. Amendment proposed by the Charter Review Commission and amended by the voters November 4, 2003.)

## **ARTICLE X – PERSONNEL SYSTEM**

### **Section 10.10: Personnel System**

Within one year of the effective date of this charter the Board of County Commissioners shall establish and place in operation a Personnel System for Clallam County, which will assure that recruitment, selection, promotion, retention and separation of county employees shall be based on merit and fitness and shall provide for a county career service.

### **Section 10.20: Exemptions**

The provisions of this Article shall apply to all full time regularly employed county employees except as exempted by the provisions of the following section:

The following Clallam County personnel and officers shall be exempt from the provisions of this Article: (1) Temporary and contract employees; (2) All volunteer members of Boards and Commissions appointed by the Board of Commissioners; (3) All elected county officers and one other person in office who shall be either their first deputy or administrative assistant as designated by each such officer; (4) All reserve employees unless regularly employed and such other employees as may be designated by state or federal law or regulation.

### **Section 10.30: Nondiscrimination**

In the exercise of its powers or in the performance of its duties, the county shall ensure that no person is discriminated against because of race, creed, political ideology, color, national origin, sex, marital status, sexual orientation, age, the presence of any sensory, mental, or physical handicap, or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose, and shall take whatever affirmative action necessary to accomplish this purpose as defined in the state and federal constitutions and applicable court interpretations.

#### **Section 10.40: Right to Public Hearing**

All county employees if they so request shall be entitled to a public hearing upon suspension or dismissal from employment. The public hearing must take place within fifteen (15) days after the suspension or discharge. If the Commissioners find in the public hearing that the employee was suspended or discharged for insufficient cause, the employee shall be reinstated and receive back wages and benefits.

### **ARTICLE XI – CHARTER REVIEW, AMENDMENT AND REPEAL**

#### **Section 11.10: Charter Review Commission**

##### **11.10.10: Election and Period of Office**

Commencing with the state wide general election in November 2014 and every eight (8) years thereafter, the Commissioners shall cause an election of a Charter Review Commission, hereinafter referred to as the Commission. The Commission shall consist of fifteen members, five from each county commissioner district. Each member of the Commission shall be a resident of the commissioner district which he or she represents. There shall be no filing fee. There shall be no primary. Persons filing will be elected by district. The member of the Commission who receives the greatest number of votes shall convene the Commission within thirty (30) days of election results being verified by the Auditor's Office. The term of office shall be one year from the date of the election. The Commission need not meet continuously, but may meet at such time and in such places as it deems appropriate upon given public notice.

(Amendment proposed by County Commissioners; amended by the voters November 3, 1981. Amendment as proposed by the Charter Review Commission; amended by the voters November 8, 1983. Amendment as proposed by the Charter Review Commission, amended by the voters November 8, 1994. Amendment proposed by the Charter Review Commission and amended by the voters November 6, 2007.)

##### **11.10.20: Vacancy**

Any vacancy on the Commission shall be filled by the remaining members of the Commission within thirty days, **provided** that, within fourteen days of the declaration of a vacancy, notice shall be given to the residents of the district in which the vacancy occurs in such manner as the Commission in its discretion seems advisable. Selection of the person to fill the vacancy shall be from those residing in the district in which there is a vacancy by simple majority vote of the Commission.

##### **11.10.30: Procedures**

The Commission shall review the charter to determine its adequacy and suitability to the needs of the County and may propose amendments. The Commission may also make recommendations to the County Commissioners and publish information and/or findings. Members of the Commission shall serve without salary, but shall be reimbursed for reasonable out-of-pocket

expenses. The County Commissioners shall provide to the Commission reasonable funds, facilities and services appropriate to an elected county agency. Provisions for expenditures shall be made in the budget. Expenditures of the Commission shall be budgeted for their scheduled term of office.

## **Section 11.20: Charter Amendment and Repeal**

### **11.20.10: General Provisions**

Charter amendments may be proposed by the Commission, the County Commissioners or by the public. Any proposed charter amendment shall be filed and registered by the auditor and submitted to the voters at the next state wide general election occurring at least ninety (90) days after registration of the proposed amendment by the Auditor. If more than one amendment is submitted on the same ballot, they shall be submitted in such a manner that the people may vote for or against the amendments separately; provided that an amendment which embraces a single or interrelated subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.

If a proposed amendment is approved by a majority of the voters voting on the issue, it shall be effective ten days after the results of the election are certified unless a later date is specified in the petition or ordinance proposing the amendment. Any implementing ordinance required by any charter amendment shall be enacted by the County Commissioners within 180 days after the amendment is effective, unless the amendment provides otherwise.

### **11.20.20: Amendments by the Charter Review Commission**

The Commission may propose amendments to the charter by filing such proposed amendments with the Auditor who shall submit the amendments to the voters at the next November election at least 90 days after filing and registration of the amendments.

### **11.20.30: Amendments by the Public**

The public may propose amendments to the charter as provided by filing with the Auditor an initiative petition bearing the signatures of registered voters of the county equal in number to but not less than twenty (20) per cent of the numbers of voters who voted in the last gubernatorial election. Signatures shall be filed not more than 120 days following registration of the petition by the Auditor.

### **11.20.40: Amendments by the Board of County Commissioners**

The Commissioners may propose amendments to the charter by enacting an ordinance to submit a proposed amendment to the voters at the next November election occurring at least 90 days after enactment.

### **11.20.50: Repeal of the Charter by the People**

Six years after the adoption of the charter the public may initiate repeal of the charter by filing an initiative petition bearing the signatures of registered voters of the county equal in number to not less than 35 per cent of the number of voters who voted for the office of governor in the last statewide election, the signatures to be gathered within 180 days of registration of the

petition by the Auditor. A proposal to repeal the charter must include provisions for transition.

## **ARTICLE XII – GENERAL PROVISIONS**

### **Section 12.10: Severability and Construction**

The provisions of this charter are severable; and, if any provision should be declared to be unconstitutional or inapplicable, it shall not affect the constitutionality or applicability of any other provision of this charter.

### **Section 12.20: Purchasing, Contracts and Bonds**

The Commissioners shall by ordinance establish procedures for purchasing supplies, services, materials and equipment, the awarding of contracts and the sale or refunding of bonds. The ordinance shall provide when bids shall be required and how invitations for bids shall be 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.

### **Section 12.30: Franchises**

All franchises granted by the Commissioners shall be for a fixed term not to exceed twenty years and 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 the right of the Commissioners or the people acting for themselves through the initiative or referendum to repeal, amend or modify the franchise in the interest of the public; and every ordinance granting a franchise shall contain a reservation of these rights. In any proceeding under eminent domain the franchise itself shall have no value. No franchise shall be granted in which any Commissioner has a direct or indirect contractual or financial interest.

### **Section 12.40: Eminent Domain**

Private property shall be taken by the County only for public use and no greater interest shall be taken than is necessary to accomplish the public use. "Public use" means only the actual possession, occupation, and enjoyment of a fee simple, easement, or other property interest by the general public or by the County. It could also include the use of land for the creation or functioning of public utilities or common carriers such as railroads, utilities, or toll roads. The taking of private property by the County for economic development does not constitute public use.

For purposes of this Section, the taking of private property for economic development shall mean the taking of private property from one private party and the conveyance of that property within ten years to another private party for the purpose of increasing the County tax base, increasing the number of jobs in the County, or for general economic development. The taking of private property shall be found to be for economic development if a court determines that economic development, as defined in this Section, was the primary or the substantial factor in the County's decision to take the property.

(Amendment proposed by the Charter Review Commission and amended by the voters November 6, 2007; subsequent sections renumbered)

### **Section 12.50: Claims Against the County**

All claims for damages against the county shall be filed with the Auditor. Claims shall accurately state the time, place, cause, nature and extent of the alleged damages and give the actual residence address of the claimant at the time of presenting the claim, and for six months prior to the time for damages accrued, and shall be verified by affidavit of the claimant or such other person as may be authorized by law to verify such claim.

Compliance with the provisions of this section is mandatory upon all claimants for damages. Neither the Commissioners nor any officer, board, department or authority shall allow, make valid or in any manner recognize any demand against the county which was not at the time of its creation a valid claim against the county, nor shall they or any of them ever allow or authorize to be paid any demand which without such action would be invalid, or which shall then be barred by any statutes of limitation, or for which the county was never liable, and any such action be void.

Every officer who shall approve, allow or pay any demand against the county not authorized by law shall be personally liable to the county.

(As proposed by the Charter Review Commission and amended by the voters November 8, 1983)

### **Section 12.60: Public Disclosure**

The Commissioners shall by ordinance provide for the disclosure of financial interests by elected public officials and establish a code of ethics for other officers and employees of the county and provide penalties for violations of the ordinance.

### **Section 12.70: Oath of Office and Bonds**

An oath or affirmation to support the constitutions of the United States and the State of Washington and the charter and ordinances of Clallam 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.

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.

## **ARTICLE XIII – TRANSITIONAL PROVISIONS**

The provisions of this Article relate to the transition from the existing form of government to the form of government established by this charter, and where inconsistent with the foregoing Articles of this charter, the provisions of this Article shall constitute exceptions.

### **Section 13.10: Effective Date**

This charter shall take effect at noon on the second Monday in January, 1977.

### **Section 13.20: Continuation of Ordinances and Vested Rights**

All ordinances, administrative rules and resolutions in force 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 either in favor of or against the county, and any criminal proceedings existing on the effective date of this charter, shall not be affected by the adoption of this charter. The power of the county to control, improve, establish, extend or vacate roads and other public ways over tide or shorelines within the county or into any streams or bodies of fresh water and all other powers of the county shall continue and shall not be affected by the adoption of this charter.

### **Section 13.30: Terms of Office, Year of Election of County Commissioners**

Commissioners shall be elected for a term of four years. Those Commissioners in office when this charter becomes effective shall remain in office until the Commissioners provided for herein are elected at the statewide general election in November and have qualified. The Commissioner from District One shall be elected in 1979 and every four years thereafter; the Commissioner from District Two shall be elected in 1980 and every four years thereafter; and the Commissioner from District Three shall be elected in 1978 and every four years thereafter.

### **Section 13.40: Commencement of Terms of Office**

The terms of office of other elected county officials shall commence on the date specified by general law for public officers elected at general elections.

### **Section 13.50: County Employees**

All elective county officials, except County Commissioners, holding office on the effective date of this charter, shall receive not less than the same compensation which he or she was receiving prior to the adoption of this charter. All non-elective county employees shall be continued in county employment at a similar position and not less than the rate of compensation which he or she was then receiving and thereafter shall be entitled to appointment to a position covered by the Personnel System and subject to all its rules but not the rules concerning initial employment.

### **Section 13.60: Boards and Commissions**

All boards and commissions existing when this charter takes effect shall continue until modified or abolished by ordinance.

### **Section 13.70: Budget**

The budget for 1977 which is in effect when this charter takes effect shall remain effective until revised or as superseded by the provisions of this charter.

### **Section 13.80: Required Ordinances**

The following ordinances required by this charter shall be adopted by December 13, 1977:

- Section 2.40: Rules and Organization of the Board of County Commissioners
- Section 3.40: Codification of Ordinances
- Section 8.10: Petitions
- Section 9.10: Budget
- Section 10.10: Personnel System
- Section 12.20: Purchasing and Bonds
- Section 12.50: Public Disclosure

## **FREEHOLDERS' CERTIFICATE**

### **RESOLUTION**

We, the duly elected members of the Board of Clallam County Freeholders, having been elected on November 4, 1975, pursuant to Article Eleven, Section Four of the Constitution of the State of Washington, as amended, and having been empowered to prepare and propose a Home Rule Charter for the government of the County, have prepared and do hereby propose the foregoing Clallam County Charter for adoption by the voters of Clallam County. We request the Board of Clallam County Commissioners to take whatever action may be necessary to place the following question before the voters of the County at the general election to be held on November 2, 1976:

Shall Clallam County adopt a Home Rule Charter providing increased control over county affairs and voter initiative Referendum rights?"

For Home Rule Charter                   

Against Home Rule Charter             

We, the undersigned Freeholders of Clallam County, do hereby approve the above resolution:

Dorothy Duncan, Chairperson  
Annette J. Kuss, 1st vice chairperson  
Dorothy Munkeby, 2nd vice-chairperson  
Walter G. Davison  
Robert D. Hall  
Elmer Critchfield  
Ruby Mantle  
Evelyn B. Tinkham  
James H. Elbrader  
Edward V. Polhamus

Approved as to form; No opinion ventured as to the contents therein although read and reviewed:

Gerard A. Johnson  
Wilson, Platt, Johnson & Irwin  
Pub.: Oct. 5, 12, 19, 26, 1976