

What is a home rule charter?

The Washington Legislature has authority to establish general law for all counties. However, voters may write their own charter to change county governance in their jurisdiction. When voters approve a charter, the county is referred to as a home rule county. A charter does not change the role and authority of a county, but allows voters to provide a different form of county government.

The county home rule charter process is described in Article XI of the Washington State Constitution. A county charter may be initiated by a board of county commissioners or a petition of voters. In either case, a Board of Freeholders is created to draft a charter to be placed on the ballot.

Freeholders do not exist for a set term. Rather, their elected status expires when their work is completed. To be elected as a freeholder, a candidate must be a registered voter and have lived in the county for at least the consecutive five years preceding the election. As approved by the Board of County Commissioners, 15 nonpartisan freeholders positions, five from each commissioner district, will appear on the Nov. 5 general election ballot.

A Board of Freeholders has a narrow purpose: convene within 30 days after the election is certified; draft a charter by the end of 2014; and, propose it to voters. If a simple majority of voters approves the charter, it supersedes the existing form of county government.

Initiative and referendum powers

The power of initiative refers to voters' authority to directly introduce and enact legislation. The initiative process requires a petition containing a specified number of valid signatures which must be adopted by the county commissioners or submitted to a vote of the people.

There are two kinds of referenda:

- ◆ The people can force a vote on an ordinance already approved by the county commissioners by filing a petition with a required number of valid signatures prior to the ordinance's effective date.
- ◆ Commissioners can decide to refer a decision directly to a vote of the people instead of voting on the issue.

Differentiating county powers

Counties hold four primary powers. Three are not subject to change by a home rule charter. They are:

- ◆ Police: All state police/regulatory powers not exclusively retained by the state, including code enforcement.
- ◆ General governmental services: Powers positively granted to the county legislative authority by the state legislature.
- ◆ Proprietary: Cost-per-unit services such as water and sewer, as granted by the state legislature.

Counties' fourth power is Corporate Power. It includes how county government is structured officials are elected. Here is where a home rule charter has the most flexibility to create change. Initiatives and referenda are allowed where the legislature has not otherwise specifically granted an authority to the county's legislative body.

So what *can* a charter change?

A great deal. It could change elected positions to appointed, or appointed positions to elected, for example. It could expand the number of commissioners or council to any size, make partisan races nonpartisan, or create new departments. It could change a commissioner form of governance to a county executive/council form, as in King, Snohomish, Pierce and Whatcom counties. It could change elected positions to part-time and set salaries. It also can provide initiative and referendum powers to voters.

Charters also have limitations. For example, a charter cannot affect the election of the Prosecuting Attorney, judges or the jurisdiction of the courts. A charter can make recall more difficult, not easier. Charters do not supersede the state laws, such as the Growth Management Act (GMA).