

Proposed Charter
Amendment No. 18

ORDINANCE NO. 2024-06-09

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2
3 AN ORDINANCE proposing an amendment to the Clark County Home Rule
4 Charter relating to the submission of initiative petitions by Clark County
5 registered voters.
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7 WHEREAS, the Clark County Home Rule Charter allows registered voters in Clark County
8 to submit petitions for initiative to the Clark County Auditor; and
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10 WHEREAS, the Clark County Home Rule Charter initiative process does not include a
11 provision requiring information regarding the financial impact be included with the
12 initiative; and
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14 WHEREAS, the Clark County Home Rule Charter similarly limits legal review of initiative
15 petitions to specific subject areas; and
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17 WHEREAS, the Clark County Council desires to put a proposed amendment to the Clark
18 County Home Rule Charter that, if enacted by a majority of the voters, will require the
19 Clark County Budget Office to provide information about possible required expenditures
20 of the initiative;
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22 WHEREAS, the Clark County Council desires to put a proposed amendment to the Clark
23 County Home Rule Charter that, if enacted by a majority of the voters, will require the
24 initiative sponsor to include the Clark County Prosecutor's statements regarding the
25 legality of the proposed amendment;
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27 WHEREAS, the Clark County Council desires to put a proposed amendment to the Clark
28 County Home Rule Charter that, if enacted by a majority of the voters, will revise the
29 requirement that if the initiative only affects the unincorporated areas of the county, the
30 number of signatures required to place the initiative on the ballot will be based on the
31 number of votes cast in the prior gubernatorial election from the unincorporated area; and
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33 WHEREAS, the Council is considering the matter at a duly-advertised public hearing and
34 concludes that adoption will further the public health, safety and welfare; now, therefore,
35

36 BE IT ORDERED, RESOLVED AND DECREED BY THE CLARK COUNTY
37 COUNCIL, STATE OF WASHINGTON, AS FOLLOWS:
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39 **Section 1. Amendatory.** Charter Section 7.2, Initiative, is hereby proposed to be
40 amended as follows:
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43 **Article 7 – Initiative and Referendum**
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46 **Section 7.2 Initiative**

1 The people reserve the power of initiative. An ordinance or amendment to an
2 ordinance, ~~except as limited by state or federal law or court interpretation~~, may be
3 proposed by filing an initiative petition with the auditor. The subject of initiatives are
4 limited by state or federal law or court decisions. No ordinance enacted as a result of
5 initiative shall be amended or repealed within two (2) years after enactment, except as a
6 result of a subsequent initiative or referendum or as required by state or federal law.

7 A. *Initiative Limitations.* State or federal law or court decisions have placed
8 limits on what may be proposed or adopted by initiative. The six (6) subjects
9 described in this section are subjects that may not be proposed or adopted by
10 initiative; however, this is not a complete list of the subjects that ~~The following~~ are
11 limited by state or federal law or court decisions. The following are limited by state
12 or federal law or court ~~interpretations~~ decisions and may not be proposed or
13 adopted by initiative.

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

23 ~~B. Initiative Requirements.~~

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

27 ~~C. B. Initiative Procedures.~~

- 28 1. Any registered voter of Clark County may file an initiative proposal with
29 the auditor, who shall transmit a copy to the prosecuting attorney, the
30 Clark County Council Chair and the Clark County Budget Office. If the
31 ordinance proposed by initiative would be effective exclusively in
32 unincorporated Clark County, the registered voter must be a registered
33 voter residing in unincorporated Clark County to file the initiative
34 proposal with the auditor. Within ten (10) business days of the filing
35 date, the prosecuting attorney shall formulate a true and impartial ballot
36 title, posed as a positive question not exceeding fifty (50) words and the
37 Clark County Budget Office shall determine if the petition would result in
38 increased expenditures. If the Clark County Budget Office determines the
39 petition would result in increased expenditures, within thirty (30)

1 business days of the filing date, the Clark County Auditor's Office shall
2 provide the petitioner with the following financial impact statement with
3 the dollar amounts provided: "The Clark County Auditor's Office
4 estimates the cost to implement this initiative would be \$ _____ and
5 annual operating costs would be \$ _____." If the Clark County Auditor's
6 Office provides this statement, it shall appear on the petition and on the
7 ballot.

8 2. The prosecuting attorney shall transmit the initiative petition to the
9 auditor, who shall give the proposed initiative a number that will be the
10 identifying number. Within an additional five (5) business days, the
11 auditor shall confer with the petitioner to review and establish the form
12 and style of the initiative petition as required by the auditor or
13 ordinance. Within an additional ten (10) days the prosecuting attorney
14 shall evaluate the petition and provide the petitioner and auditor with
15 the following statement: "In the opinion of the Clark County Prosecuting
16 Attorney, the subject of this initiative is within the scope of local initiative
17 powers. Yes [] No [] No opinion at this time []." The prosecuting
18 attorney shall mark the box that reflects his or her opinion. The
19 petitioner ~~may~~ shall include this statement on the petition and on the
20 ballot.

21 3. The petitioner shall have one hundred twenty (120) days after the form
22 and style of the initiative petition has been established and approved by
23 the auditor and receipt of the Prosecuting Attorney's statement as
24 required in 7.2 C (2), and if required, the Auditor's Office's financial
25 impact statement in 7.2 (B)(1) to collect signatures of registered county
26 voters. Valid collected signatures shall number no less than:
27 a. If the ordinance proposed by the initiative would be effective in
28 both the incorporated and unincorporated areas of the County, valid
29 signatures shall number no less than ten (10) percent of the number of
30 votes cast in the last gubernatorial election; or
31 b. If the ordinance proposed by the initiative would be effective
32 exclusively in unincorporated areas of the County, valid signatures shall
33 number no less than ten (10) percent of the votes cast in unincorporated
34 Clark County at the last gubernatorial election; provided, however, the
35 registered voters signing the petition must be registered voters residing
36 in unincorporated Clark County ~~and, further provided that, the number~~
37 ~~of required signatures shall be calculated based only upon votes cast~~
38 ~~within areas which, on the date the initiative is initiated, are~~
39 ~~unincorporated areas of the County.~~
40 Each petition shall contain the warning clause prescribed by state law,

1 full text of the proposed measure, ordinance or amendment to an
2 ordinance, and ballot title.

3 4. The auditor shall verify the number of signatures on the petition, and, if a
4 sufficient number of valid signatures has been submitted, place the
5 proposal on the ballot for the next general election. If the Clark County
6 Auditor's Office provides a financial statement as described in Section
7 7.2(B)(1), it shall appear on the ballot.

8 a. Signatures on the petition must be submitted to the auditor no
9 less than one hundred fifty (150) days before the date of the next
10 general election.

11 b. If the council enacts the proposal without change or amendment
12 not less than sixty (60) days prior to said election, the proposal
13 shall be removed from the ballot.

14 c. If the council does not adopt the proposed measure but adopts a
15 substitute measure not more than fifteen (15) days after petition
16 validation, the substitute measure shall be placed on the same
17 ballot with the initiative proposal.

18 d. If the ordinance proposed by the initiative is one that is effective
19 exclusively in unincorporated areas of the county, only registered
20 voters in unincorporated Clark County shall be permitted to vote
21 on the initiative.

22 5. When a ballot contains an initiative petition, substitute measure or
23 multiple initiative measures on the same topic, the voters shall be given
24 the choice of rejecting or accepting each initiative.

25 a. If the voters accept more than one (1) initiative on the same topic,
26 and the measures are incompatible, the initiative receiving the
27 highest number of affirmative votes shall be approved.

28 b. If there are multiple measures on the same topic, compatible with
29 one another, they may all be approved.

30 c. If the voters reject all initiatives, none shall be approved.

31 d. If the voters approve one (1) initiative and reject the others, the
32 approved initiative shall be approved.

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

35 **Section 2. Effective Date.** This ordinance shall be effective on the 10th day following adoption
36 and shall result in the submission of the proposed amendment to the Clark County Home Rule
37 Charter to the voters at the next eligible general election. Should a majority of voters vote in
38 favor of the amendment, the amendment shall be incorporated immediately into the Clark
39 County Home Rule Charter upon certification of the election results.

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2 **Section 3. Instructions to Clerk.** The Clerk of the Council shall:

- 3
4 A. Record and transmit a copy of this Ordinance with the Clark County Auditor; and
5 B. Cause notice of adoption of this Ordinance to be published forthwith, pursuant to
6 Clark County Code 1.02.140.
7 C. Provide a copy of this Ordinance to Code Publishing.
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9

10 **Section 4. Roll Call Vote.** The following persons voted in favor of the above ordinance:

11 Glen Yung; Gary Medvigy; Karen Dill Bowerman; and Sue Marshall.
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14 The following persons voted in opposition to the above ordinance:
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17 ADOPTED on this 25th day of June, 2024.
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21 Attest:


CLARK COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

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24 
25 Clerk to the Council


26 Gary Medvigy, Chair

27 Approved as to Form Only:
28 ANTHONY GOLIK
29 Prosecuting Attorney

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Glen Yung, Councilor

By: 
Leslie Lopez,
Chief Civil Deputy Prosecuting Attorney

Michelle Belkot, Councilor

Karen Dill Bowerman, Councilor

Sue Marshall, Councilor

