ORDINANCE NO. 2026-09-03

AN ORDINANCE amending a portion of the Clark County Code (CCC) related to the Rules of Procedure and Code of Conduct.

WHEREAS, the Clark County Charter requires the County Council (Council) to adopt Rules of Procedures; and

WHEREAS, the Council has considered and directed the updating of the current Rules of Procedure; and

WHEREAS, the Council is considering the matter at a duly-advertised public hearing and concludes that adoption will further the public health, safety, and welfare; now, therefore,

BE IT ORDERED, RESOLVED AND DECREED BY THE CLARK COUNTY COUNCIL, STATE OF WASHINTON, AS FOLLOWS:

Section 1. Amendatory. Exhibit "A", as referenced in CCC 2.09.040, as adopted by Ordinance 2017-08-09 and amended by Ordinances 2018-04-02, 2019-05-01, 2022-04-09, 2023-05-11, 2024-03-11, and 2025-02-01 is hereby amended per Exhibit "A" attached to this ordinance. Exhibit "A" is not to be recorded in the Clark County Code.

Section 2. Effective Date. This ordinance shall be effective on the 10th day following adoption.

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

A. Record a copy of this Ordinance with the Clark County Auditor.
B. Cause notice of adoption of this Ordinance to be published forthwith, pursuant to CCC 1.02.140.
C. Provide a copy of this Ordinance to Code Publishing.
D. Ensure a copy is available on the County website.

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

Glen Yung; Wil Fuentes; and Sue Marshall.

The following person(s) voted in opposition to the above Ordinance:

Michelle Belkot.

ADOPTED on this 1st day of September, 2026.

COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

Attest:

Clerk to the Council

By: _____
Sue Marshall, Chair

Approved as to Form Only:
Anthony F. Golik
Prosecuting Attorney

By: Amber Smith
Amber Smith
Chief Civil Prosecuting Attorney

By: _____
Glen Yung, Councilor

By: _____
Michelle Belkot, Councilor

By: _____
Wil Fuentes, Councilor

By: _____
Matt Little, Councilor

CLARK COUNTY, WASHINGTON 1844

EXHIBIT A

Clark County Council

Rules of Procedure

Revised September 1, 2026

I. General Provisions

A. On Jan. 1, 2015, the Clark County Charter separated the legislative and executive powers into two branches of County government. The Charter vests the County's legislative process not reserved to the people or the executive branch in the Clark County Council. See Article 2 of the Charter.

B. Except as otherwise provided in the Charter or RCW's these Rules of Procedure will govern the conduct of business of the County Council.

II. County Council

A. Clark County will be governed by the Clark County Council. The council has five (5) members. How they are elected is determined in accordance with Washington law and the Clark County Charter. The Council will comply with the Washington Open Public Meetings Act.

III. Chair and Vice-Chair

A. At the first regular Council meeting of each calendar year, the Council will elect one (1) of its members as Chair and will also elect one (1) of its members as vice-Chair. The Chair will ask for nominations for both the Chair and vice-Chair. The vice-Chair will act in the absence of the Chair. In the event the Chair and vice-Chair are absent, the most senior Councilmember in terms of Council service shall assume the duties and responsibilities of Chair.

B. The Chair will preside over and ensure orderly, efficient, Council meetings. In general, Roberts Rules of Order will be followed. In the event of a conflict and/or dispute regarding processes, including, but not limited to, recognizing any Councilor asking for a Point of Order, the Council will follow Roberts Rules of Order. The Chair, or their designee, will be the County's spokesperson to: articulate Council policies, visions, strategies, and plans; represent the County before the governor, state legislature and other state and federal agencies; meet and greet important visitors; and serve as the county's lead representative at dedications, ceremonial activities, and other public events. In cases of the Chair's absence, the vice-Chair will preside at County meetings.

C. The Council will vote to appoint its members to service on boards and commissions. No singular member other than the Chair or their designee (as stated in III. B. above) may represent the Council, or give the perception of representing the Council, to any external entity unless authorized in advance by vote of Council.

D. The Council may remove any Councilor from their Councilor appointed board and/or commission with a simple majority vote.

E. The Council may direct an individual Councilor, appointed to a board and/or commission, how to vote on specific policy items, with a simple majority vote.

F. If a vacancy occurs in the office of the Council chair or Council vice-Chair, the remaining Councilors will elect one of their own to serve until the next annual election of the Council Chair and Council vice-Chair at the first regular Council meeting of the following year.

G. If a Councilor vacancy occurs, the remaining Councilors will vote to reappoint its members to service on boards and commissions vacated by the Councilor seat until the seat is filled.

IV. Regular Meetings

A. The Council's regular meeting days are set in Clark County Code Chapter 2.04. Council meetings will be scheduled on Tuesdays, or other days as necessary. All meetings will be held in the six-floor Hearing Room of the Public Service Center in Vancouver, unless otherwise noted.

B. Council time allows Councilors and staff to discuss pending matters of County business in a less formal setting. Minutes of Council Time will be taken by the County Manager or their designee via audio recording and uploaded to the County website at the conclusion of the meeting. Executive sessions, if needed, generally will be scheduled at the end of meetings, but may be scheduled at any other time during these meetings if approved as an agenda change at the beginning of the meeting or as soon as the needed addition is known by the County Manager and Chair.

C. While Council Meetings can be attended in-person or virtually, it is preferred that Councilors attend Regular Meetings in-person. When attending virtually, it is preferred to have the video camera on.

V. Special Meetings

Special Council meetings may be called pursuant to RCW 42.30.080. RCW 42.30.080 includes who may call a special meeting and identifies how the special meeting will be noticed (e.g. 24-hour's notice, provide a copy of notice to the public through public announcement, local newspapers, on the County webpage, etc.).

VI. Quorum

A quorum is necessary for the transaction of council business. A majority of three (3) Councilors will constitute a quorum and is the minimum number of votes required to take any action, regardless of the number of Councilors present, provided passage of ordinances, emergency ordinances and Council-initiated amendments are subject to the Charter voting requirements.

VII. Agenda, Conduct, Regular Meetings and Special Board Council Hearings

A. All Tuesday Clark County Council meeting agendas will be provided for the following order of business and will be posted online by 5 pm on the preceding Wednesday. The time of the meeting shall be posted with the agenda in all locations it appears online.

i. Pledge of Allegiance
ii. Invocation
iii. Special recognition, if applicable
iv. Councilor roll call
v. Amendments to the Agenda
vi. Open Public Comment and Public Comment on Consent and Separate Business Items
vii. Bid Awards, if applicable
viii. Public hearings matters, including public comment, if applicable
ix. Consent Agenda
x. Separate Business
xi. County Manager Report
xii. Adjourn

B. The County manager, or their designee, is responsible for reviewing the Council meeting agenda prior to posting.

C. Any Councilor may request an item be removed from a Tuesday consent agenda for discussion. The Council will consider that item as a separate item of business. Approval of consent agenda is by a simple majority voice vote of the Council. Agendas for Tuesday meetings will be posted in the sixth-floor Hearing Room, placed on the County website at www.clark.wa.gov and emailed on request at least four (4) calendar days before the meeting.

D. The County Manager has authority to place ordinances, resolutions and/or staff reports on the Tuesday meeting agenda after review of the proposed items with the Budget Director during their weekly review prior to the next regular meeting.

E. Except as provided in Section 8.2 of the County Charter, a Councilor seeking to put an item on a Tuesday meeting agenda will bring the item to the Council Chair

or the County Manager with the support of at least one other Councilor and the item will be placed on the Tuesday meeting agenda. No discussion or deliberation by more than two Councilors will occur until the open session of the Tuesday meeting.

F. All ordinances will be reviewed and signed by the Prosecuting Attorney, or designee, prior to action by the Council.

G. The form, enactment, amendment, and repeal of the Council ordinances; the nature and passage of Council resolutions; and the nature and passage of Council motions shall conform with Section 8.1 through Section 8.6 of the County Charter.

H. All matters coming before the County Council involving County funds will be presented in compliance with current budget guidelines and including, but not limited to, a fiscal note.

I. No motion will be debated unless seconded. When a motion is seconded, the Council Chair will say so, and Councilors will proceed with discussion then voting.

J. The Councilor proposing an amendment has the right to begin debate on the amendment when acknowledged by the chair.

K. County appointed officials, elected officials or staff may address the Council at the request of any councilor or recognition by the Council Chair.

L. Public Comment

   i. During a Tuesday Council meeting, any individual or spokesperson for a group can address the Council one time for a total of three (3) minutes on any matter that is on Consent, Separate Business and/or any matter pertaining to county business. Speakers should sign in on the sheet provided at the meeting or raise a hand via virtual protocols. The Council Chair, or their designee, will call on each person at the appropriate time. Individuals providing public comment must state their name for the record and may not yield their time to add on to other individuals allotted time unless approved by the majority of the Council.

   ii. During a Public Hearing, any individual or spokesperson for a group can address the Council one time for a total of three (3) minutes. Speakers should sign in on the sheet provided at the meeting or raise a hand via virtual protocols. The Council Chair, or their designee, will call on each

person at the appropriate time. Individuals providing public comment must state their name for the record and may not yield their time to add on to other individuals allotted time unless approved by the majority of the Council.

iii. During Wednesday's Council Time, any individual or spokesperson for a group can address the Council for a total of three (3) minutes on any matter that is on the agenda. Speakers should sign in on the sheet provided at the meeting or raise a hand via virtual protocols. The Council Chair, or their designee, will call on each person at the appropriate time. Individuals providing public comment must state their name for the record, state the specific agenda item in which they are speaking and may not yield their time to add on to other individuals allotted time unless approved by the majority of the Council.

iv. During other Council meetings, public testimony on agenda items may be permitted either by law or by the majority of the Council. If permitted, any individual or spokesperson for a group can address the Council for a total of three (3) minutes on any matter that is on the agenda. Speakers should sign in on the sheet provide at the meeting or raise a hand via virtual protocols. The Council Chair, or their designee, will call on each person at the appropriate time. Individuals providing public comment must state their name for the record, state the specific agenda item in which they are speaking about and may not yield their time to add on to other individuals allotted time unless approved by the majority of the Council.

v. The Council may increase or decrease the three (3) minute allotted time and/or total amount of time for public testimony of all persons speaking on a particular topic upon approval by the majority of the Council.

vi. Persons addressing the Council will keep comments civil and related to County business and refrain from statements that are disruptive to conducting Council business, including, but not limited to, interruptions, disparaging remarks, and statements regarding private activities. Any Councilor may ask for a point of order, and when recognized, the Chair, Vice Chair, or their designee, may ask any person disrupting the business of the Council to cease such conduct.

M. Courtesy, professionalism, and respect will be maintained at all times during County Council meeting.

N. Council rules may be suspended by a motion for a particular purpose by the majority vote of the entire Council. If three (3) or four (4) members are present, at least three (3) votes are required to adopt a motion.

O. In the case of a 2-2 (tie vote) or 2-1 vote on any proposal, the motion fails to pass. In this event, a motion to reconsider or a motion to renew may be appropriate as described in the Rules of Procedure or Robert's Rules of Order.

P. Items may be added to the weekly Wednesday Council Time agenda and posted online by Friday at noon.

   i. The County Manager, and their designee with approval of the County Manager; and

   ii. a Councilor, so long as the Councilor takes the item to the Council Chair with support of at least one (1) other Councilor and the item will be placed on the Wednesday Council Time agenda. No discussion or deliberation by more than two Councilors will occur until the open session of the Wednesday Council Time meeting.

Q. Amendments to the weekly Council Time agenda:
   i. Removal of Agenda Items
      1. Any Councilor and/or the County Manager may ask the Council to amend the agenda to remove an agenda item.
      2. The Chair will ask if there are any objections, and if yes, the Council will vote on the requested action and proceed accordingly.
      3. Members of the public may provide public testimony on removed agenda items during Public Comment.
   ii. Adding Agenda Items
      1. Any Councilor and/or the County Manager may ask the Council to amend the agenda to add an agenda item. Any additions to the agenda must be time sensitive in nature; whereby, it cannot wait until the next scheduled Council Time meeting.
      2. The Chair will ask if there any objections, and if yes, the Council will vote on the requested action and proceed accordingly.
      3. If the Council declines the requested agenda item to be added, the requester may move forward in accordance with Section VII, P.

VIII. Work Sessions

The Council may meet in Work Sessions as needed. Work Sessions requests must be approved by at least three (3) Councilors and scheduled by the County Manager. Work Sessions are to provide information that will update the Council on pending

issues, provide pertinent policy-making information, and/or provide a final review of matters to come before the Council at a regular meeting or public hearing. Work sessions may be held any time, but typically are scheduled between 9 a.m. and noon on Wednesday. Minutes for Work Sessions will be taken by the County Manager or their designee via audio recording and uploaded to the County website at the conclusion of the session. Councilor roll call will be taken at the beginning of each Work Session. While Council Meetings can be attended in-person or virtually, it is preferred that Councilors attend Work Sessions in-person. When attending virtually, it is preferred to have the video camera on. There is no public comment during Work Sessions.

IX. Executive Sessions

The Council may meet in executive session only to discuss matters set forth in RCW 42.30.110. RCW 42.30.110 outlines agenda items including, but not limited to, matters affecting national security, compliance with required data security and infrastructure, real estate, contract negotiations, evaluate qualifications for an applicant for public employment, legal matters, etc. Executive sessions must be an extension of a properly noticed public meeting. At the end of an executive session, the Council must reconvene in regular session to take action, if needed, and adjourn the public meeting.

X. Minutes

Action minutes will be kept of all regular and special meetings. Audio or video recordings will be kept for all Work Sessions and Council Time meetings. Minutes will be open and available to the public. Written minutes shall be promptly recorded and include a summation of actions from each Council meeting and a record of votes. Written minutes must include a list of Councilors present and Councilors absent. Audio recordings will be uploaded to the County website. Minutes are not required for executive sessions.

XI. Legal Opinions

Requests to the Prosecuting Attorney for formal legal opinions relating to the County Council will be presented in writing and approved by the County Manager, Council Chair, or a majority (3) of the Council.

XII. Ad hoc, Special Committees and Task Forces

Ad hoc, special committees and/or task forces may be established as determined and recommended by the Council. Each will dissolve when it has completed its duties and made its final report. Appointments to such groups will be made by the Council.

XIII. Appointments to Boards, Committees and Task Forces

A. The County Manager will appoint members of boards, commissions and task forces as provided by state law and The Clark County Charter, and the appointments will be presented to the County Council during a regular meeting. The Council will confirm or reject the appointments by a majority vote within 30 calendar days. Failure of the Council to act within 30 calendar days constitutes acceptance of the appointment.

B. The Council will have concurrent authority with the County Manager to nominate members of the Clark County Planning Commission, Clark County Historic Preservation Commission and Clark County Board of Equalization.

C. Any recommendation for appointment must be made with the written resume of the candidate's qualifications, which will be included with the agenda for the appropriate Council meeting. Resumes are not required for reappointments.

D. Vacancies on boards, commissions or task forces will be reported to the Council monthly.

E. The county Manager will prepare a master list of current members of all boards, commissions and task forces and their terms of appointment.

XIV. County Operations

A. Open and closing hours of the Public Service Center (PSC), except for offices where opening and closing hours are otherwise set, will be 8 a.m. to 5 p.m., Monday through Friday. Pursuant to the Clark County Code 2.08.010, hours may be adjusted with the approval of the County Manager for county departments or elected officials of that elected official's office. Only authorized personnel, including County employees, may remain in the PSC outside regular work hours. Public meetings or hearing to be held in the PSC at other times requires advanced notice to the Council office.

B. Policies and rules related to purchase of goods and services for the County will be in accordance with Washington law and the Clark County Purchasing Ordinance.

C. The Washington State Auditor's office, in compliance with the County Auditing Law, will conduct an annual, independent audit of all County funds and accounts.

D. The Clark County Human Resources Policy Manual will address pertinent policies and procedures relating to salaries; employee benefits; general, sick, and

other types of leave; holidays; work hours; physical examination; retirement; and all matters of personnel and employee relations.

E. The Council will discuss and take final action on salaries, wages, and other conditions of employment, as identified in the County Charter, in an open public meeting in accordance with the Washington Open Public Meetings Act. The exception is Council discussions relating to collective bargaining, including discussions about contract negotiations, grievance meetings and planning or adopting strategies or positions to be taken during labor or professional negotiations or grievance or mediation proceedings (RCW 42.30.140(4)).

F. A Councilor's use of staff time and/or concerns regarding County employees will be guided by provisions set forth in Section 2.6 of the County Charter.

XV. County Budget

A. The County Manager, with the Budget Director, will prepare and present annual budget assumptions to the Council. The assumptions will outline policy guidelines for setting the County's annual budget, budget review, and all other budget supplemental amendments.

B. These assumptions will follow Council directives and take into consideration goals as set forth by the Council and all potential and known legal and/or economic constraints at the time of consideration.

C. Before adoption of the annual budget, the County Manager, in conjunction with the Budget Director, will recommend the budget, levy resolutions, and appropriation resolution to the Council. Pursuant to Washington state law, adoption must be no later than the first week of December. Other budget modifications and supplemental actions will be scheduled, as needed, by the Council in accordance with the Washington State Auditor's Office guidelines and state law. Amendments to the proposed annual and supplemental budgets must be distributed to each Councilor at least forty-eight (48) hours before the meeting at which it is to be presented and will be posted on-line. Nothing in this section prohibits the Council from adopting amendments at any point in the process, including during the public hearing.

D. Effective each January 1 and thereafter, the Budget Director and Clark County Auditor, or their designees, will be authorized to make intra-fund line-item transfers within the same account class as deemed necessary.

E. Quarterly reports form the Auditor and Budget office detailing a year-to-date expenditure and revenue analysis will be presented to the Council.

XVI. Vacancy in County Manager

When the County Manager position is vacant, the Council will appoint an interim County Manager until the Council fills the vacancy in accordance with the Charter.

XVII. Councilor Expenses

Clark County Councilors receive a vehicle allowance as established by Policy. The Clark County Councilors may be reimbursed for expenses for travel outside a 50-mile radius when incurred in the course of County business. Councilors wishing to request reimbursable expenses must obtain prior written approval from the Chair. The Chair will determine if the request is relevant to the position of a Councilor, confer with the County Manager to determine if there is funding available and evaluate the number and amount of requests, ensuring equity amongst Councilors. Such reimbursable expenses include:

- Mileage for use of personal automobile
- Parking, toll fees
- Business meals
- Special events
- Lodging
- Air, bus, train, taxi travel
- Car rental
- Phone calls, fax transmission
- Registration fees

A. Mileage is reimbursed at the rate the Internal Revenue Service established annually. Mileage is calculated from the Councilor's workstation to the business destination.

B. Local meal reimbursements are made in accordance with County Policy.

C. Advanced travel money is available for non-local travel. The money is limited to expenses of lodging, meals and ground transportation and a maximum of $100 per full- or part-day.

D. Requests for reimbursement of such expenses will be submitted with all relevant receipts to the appropriate Council staff person for processing on a quarterly basis.

XVIII. Councilor Conduct

A. Each Councilor is obligated to follow the Code of Ethical Conduct, as established in Clark County Code 2.07.010, and Code of Professional Conduct for a Clark County Councilor.

B. In the course of responding to citizen inquiries, Councilors will weigh all relevant points of view. If a meeting of the parties is necessary, Councilors are responsible for setting a non-threatening atmosphere and an appropriate time frame.

C. The Council encourages amendments to the County code that will enhance service to citizens. In reviewing such code changes, the Council will seek input from the County Manager, legal, appropriate county staff, residents and/or applicable boards and commissions. Suggested code language will be submitted by relevant staff with legally sufficient notice in advance of any action by the Council or Planning Commission.

XIX. Rules of Procedure

A. These Rules of Procedure are subject to the County Charter and RCW. In the event of an inconsistency between rules and the Charter, the Charter will govern. In the event of any inconsistency between these rules and the RCW, the RCW will govern.

B. All business of the Clark County Council will be in conformity with these rules. In the absence of special rules covering the needs of the Council, or if an existing rule does not adequately cover the needs of the Council, the last edition of "Roberts Rules of Order" may be used as a reference, although strict adherence is not required.

C. Amendments to these rules may be initiated by a Councilor. A proposed amendment will be distributed to each Councilor at lease five (5) days before the meeting at which it is to be presented. Amendments are adopted by the majority vote (3) of the Council.

D. Council rules will be reviewed annually by the Council and initially adopted, and thereafter, as amended, by ordinance by a majority vote (3) of the Council.

EXHIBIT 1

Code of Professional Conduct

Preamble

The opportunity to serve the public confers a sacred trust on the office holder. Stewardship of the public trust requires upholding the law and acting in ways consistent with the highest standards of ethical conduct. The County Council has adopted this code of professional conduct to promote the vitality of the democratic process in County government. The following principles are offered to encourage reflection in advance of decision making.

Code of Professional Conduct for the Clark County Council – Principles

I. Councilors should promote decorum, respect for others and civility in all relationships.

The honor of holding public office necessitates that Councilors behave with courtesy and respect for the dignity of others in all public relationships, including with elected officials, employees, citizens, media, and representatives of other governments. Councilors should affirm the value of services provided by government and maintain a constructive attitude about governmental affairs. Meetings of the Council should afford a prime opportunity for Councilors to promote and enhance respectful civil discourse.

II. Councilors should actively practice stewardship of the County's human, fiscal and material resources.

Councilors should conserve public resources and support the wisest and best use of those resources, consistent with the public interest and need. Councilors should advocate for and encourage County employees to adopt practices that promote the most efficient, effective, and ethical conduct in the delivery of County services.

III. Councilors should strive for excellence and continuous learning relative to personal development and all operations of County government.

IV. Councilors should perform the duties of public office with fairness and impartiality so to enhance public confidence in County government.

Councilors should engage in conduct that promotes County processes and practices that contribute to equity and impartiality. Councilors should support equal employment opportunity and vigorously oppose discrimination of any kind in County affairs.

V. Absences of County Councilors

County Councilors are expected to fulfill the obligations of their office through the duration of their term. This includes attendance at all Council meetings, including Work Sessions, Council Time, and Tuesday Council meetings, as well as committees, boards, and commissions to which the Councilor is appointed to represent the Clark County Council.

If a Councilor anticipates an absence for any reason, the Councilor must provide notice as soon as practicable, to the Council Chair and County Manager. Except in the case of unforeseen emergency, Councilors should employ a good faith effort in providing the notice, and reason, for the absence five (5) calendar days in advance. At the meeting in which the Councilor is absent, the Council Chair shall acknowledge the Councilor absence during the roll call on the agenda.

VI. Violation of the Code of Professional Conduct.

A. If a violation of the Code of Professional Conduct is alleged, the Council should listen to the complaint, review the information, and determine whether a violation has occurred. Allegations of a violation of the Code of Professional Conduct must be submitted, in writing, by a County Councilor, to the Council Chair and the County Manager, within one (1) year after the date when the alleged violation occurred or whenever the alleged violation was made known to the person making the complaint, whichever occurs last.

B. If the Council finds that a violation of this Code of Professional Conduct has occurred, the Council may:

   i. Find that the complaint presents a violation of the Code of Professional Conduct, but that any violation that may have occurred does not constitute a material violation because it was inadvertent and de minimus, or has been cured and, after consideration of all the circumstances, further punitive measures would not serve the purpose of this Code of Professional Conduct; or

   ii. Issue a final written order imposing one or more of the following:

a. To cease and desist violation of the Code of Professional Conduct; and/or

b. Public admonishment; and/or

c. Public resolution of censure with removal of the violator from all committees on which the person is representing the County.

EXHIBIT 2

Clark County Facility Trespass Policy

Purpose: This policy is intended to establish a framework for excluding people engaged in prohibited activities in the Clark County Public Services Center or other County operated buildings.

I. Prohibited Activities

The County Public Services Center and other County facilities are primarily used to conduct and provide governmental services. Activity or behavior is disruptive or disparaging if it unreasonably interferes with other public users of County facilities, as determined by the Council Chair or their designee. Individuals may be excluded from County facilities for engaging in Prohibited Activities including violating County code, state law, or other adopted or approved written County policies governing use of County facilities. Violation(s) must be documented and may be enforced through the appropriate enforcement mechanism. This may also include a police-issued infraction or citation, or an arrest for criminal activity. Examples of Prohibited Activity include engaging in dangerous or disruptive behavior or committing criminal acts while at County facilities. A non-exhaustive list of examples of Prohibited Activities includes the following:

- Loud and/or repetitive noises, including a raised voice, electronic/recorded sounds, or percussive sounds;
- Comments that are demeaning or disparaging against other individuals, including, but not limited to, race, color, sex, sexual orientation, national origin, religion or creed, disability, age, and marital status.
- Displaying bright or flashing lights;
- Releasing excessively foul odors or substances;
- Exhibiting aggressive or threatening physical behavior; and
- Using a facility for a purpose for which it was not intended (e. g., bathing in restroom).

When Prohibited Activity occurs, the County Chair or staff will make reasonable efforts to notify the individual conducting the Prohibited Activity that this Policy is being violated and ask that the Prohibited Activity stop, unless it is clear from the circumstances that attempts to stop the Prohibited Activity would be futile or unsafe. Regardless of whether such notification or request has been made, if the person continues engaging in Prohibited Activity, they will be asked to leave the County facility immediately. If that individual then refuses to leave the County facility, the Issuing Official may trespass them by issuing a Notice of Trespass effective for one (1) day to one (1) year, depending upon the circumstances.

II. Scope

This Policy applies to the portions of County facilities open to the public. Members of the public have a liberty interest protected by the Due Process Clause of the United States Constitution to be present at and remain in places generally open to the public, subject to reasonable behavioral requirements. The County has an important interest in protecting

public health, safety, and welfare from those who violate laws, regulations, and rules applicable to public places. This Policy does not apply to areas of County facilities closed to public access. If a member of the public enters an area closed to public access, they may be subject to criminal trespass pursuant to RCW 9A. 52.070 or RCW 9A. 52.080.

III. Implementation

A. Issuing Official

The County Chair or the County Manager is responsible for designating the position or individual responsible for determining a violation of this Policy and completing the Notice of Trespass as the Issuing Official.

B. Notice of Trespass

The Issuing Official will complete the Notice of Trespass in the form referenced in Section 5 of this Policy, to include the following:

- The physical location of the exclusion;
- A brief factual basis for the exclusion, including Prohibited Activity conducted;
- The duration of the exclusion;
- The consequences for failure to comply with the Notice of Trespass; and
- The right to appeal.

C. Basis for Exclusion

Individuals may be excluded from County facilities for engaging in Prohibited Activity pursuant to Section 1 of this Policy.

D. Determination to Issue Notice

A decision to issue a Notice of Trespass and exclude an individual constitutes a determination that allowing that individual to remain at the public property creates a risk to the public's health, safety, and welfare or impedes the County's ability to perform its function without unreasonable disruption and that immediate removal is warranted. Examples may include, but not limited to, activities listed in Section 1 - Prohibited Activities. Exclusion from public property open to the public is a significant remedy and is not warranted for all violations.

E. Issuing the Notice

Once the Issuing Official determines exclusion from a County Facility is warranted, the Issuing Official, with assistance from a Clark County Sheriff's Office (CCSO) deputy as available, will complete the Notice of Trespass in the form referenced in Section V of this Policy, and make a digital copy for County records (either by taking a photo of the form or creating a scanned image).

The Issuing Official, or a CCSO deputy, County security officer, building coordinator, or other designee, will then provide the person engaged in the Prohibited Activity the completed

Notice of Trespass, along with the form of County Facility Trespass Appeal Application referenced in Section VI of this Policy. If personal delivery is not feasible or is refused, the Issuing Official will attempt to provide the individual with the completed Notice of Trespass form by mailing it to their last known address, if available.

F. Enforcement

Any law enforcement officer authorized by law to enforce the criminal laws of Washington State, including but not limited to CCSO deputies, may enforce the Notice of Trespass and resulting exclusion.

G. Trespass Monitoring

The County Manager's Office will coordinate and monitor the scope and duration of each Notice of Trespass issued under this Policy.

IV. Appeal

A Notice of Trespass is subject to appeal. The Notice of Trespass is fully enforceable while under appeal. Any person issued a Notice of Trespass may appeal the Notice of Trespass. The appeal is an administrative review conducted by an Appeal Hearing Administrator designated by the County Manager and will result in a determination to uphold, modify, or repeal the Notice of Trespass.

A. Appeal Application

An appeal must be submitted using the County Facility Trespass Appeal Application referenced in Section VI of this Policy and must be received by the Appeal Hearing Administrator within seven (7) business days following the County's issuance of the Notice of Trespass subject to appeal. The Appeal Application must thoroughly describe the circumstances justifying modification or repeal of the Notice of Trespass.

B. Timing

Within seven (7) business days of receiving a complete Appeal Application, the Appeal Hearing Administrator will schedule a hearing. A written notice of the hearing date, time, and location (location may be virtual) will be provided to the Appellant at the email or mailing address provided on the Appeal Application and the Issuing Official at least two (2) business days in advance of the hearing. The Appeal Hearing Administrator may, at their discretion and in the interest of justice, postpone the hearing date by up to fourteen (14) business days.

C. Appeal Hearing Process

The appeal hearing will proceed as follows:

1. Any written materials will be provided to the Appeal Hearing Administrator and the other party by the beginning of the hearing, or by any other timeframe established by the Appeal Hearing Administrator. Any written briefing may not exceed three (3) pages, excluding exhibits.

2. Oral arguments may be presented by each side. Unless the Appeal Hearing Administrator determines additional time is necessary due to extenuating circumstances, each party will have no more than ten (10) minutes to present arguments. Arguments will begin with the Appellant, followed by the Issuing Official. The Appellant shall have up to five (5) additional minutes for rebuttal.

3. As part of the oral arguments and subject to the time limitations for those presentations, each side may present evidence, including calling witnesses.

D. Burden of Proof

The County bears the burden of proof by a preponderance of the evidence that issuance of the Notice of Trespass was appropriate.

E. Final Decision

The Appeal Hearing Administrator may make an oral decision at the hearing. Regardless of whether an oral decision is issued, a written decision will be issued within five (5) business days of the appeal hearing.

1. The decision shall be provided to the Appellant at the address listed on the appeal form, and to the Issuing Official.

2. The decision will address the issues raised in the appeal hearing. The decision must state the grounds upon which it is based. An oral or written decision on the appeal will be final once it is issued, subject to appeal as a petition for writ of certiorari pursuant to Chapter 7.16 RCW.

F. Waiver

If the Appellant fails to appear at the hearing, the Appeal Hearing Administrator may find that Appellant has waived their appeal and uphold the Notice of Trespass.

V. County Facility Notice of Trespass Form

The form of County Facility Notice of Trespass is attached to this Policy as County Facility Trespass Policy Form 1, which form may be updated from time-to-time to effectuate implementation of this Policy.

VI. County Facility Trespass Appeal Application

The form of County Facility Trespass Appeal Application is attached to this Policy as County Facility Trespass Policy Form 2, which form may be updated from time to time to effectuate implementation of this Policy.

APPROVED: March 27, 2001

APPROVED: February 17, 2017

APPROVED: March 29, 2017

APPROVED: May 7, 2019

APPROVED: April 19, 2022

APPROVED: May 26, 2023

APPROVED: March 26, 2024

APPROVED: February 4, 2025

County Facility Trespass Policy Form 1

County Facility Notice of Trespass

You have been trespassed from (County Facility)_____

This Notice of Trespass is issued because you have engaged in dangerous, illegal, and/or unreasonably disruptive behavior that constitutes a violation of the County Facility Trespass Policy (*list date and brief description of Prohibited Activity per Section I of the Policy; list infraction/citation number if applicable*):

_____

_____

Following the date issued, this Notice of Trespass is in effect at the designated County Facility for

☐ 30 days ☐ 6 months ☐ Other (specify): _____

☐ 60 days ☐ 9 months

☐ 90 days ☐ 1 year

You may appeal this Notice of Trespass by filing an Appeal Application to the Appeal Hearing Administrator, which must be received by the Appeals Hearing Administrator within seven (7) business days of issuance of this Notice of Trespass. This Notice of Trespass remains in effect during any applicable appeal. Any attempt by you to enter the above-designated County Facility while the appeal is pending will be considered trespassing and the Clark County Sheriff's Office may be contacted to perform a criminal trespass.

TO BE COMPLETED BY ISSUING OFFICIAL:

Date Issued: _____ Issuing Official Signature: _____

Issuing Official Name/Title: _____

This Notice of Trespass, along with the form of County Facility Trespass Appeal Application was issued to (*complete information as available*):

Name: _____ DOB: _____

Mailing Address: _____

City/State/Zip: _____

Email: _____ Phone: _____

County Facility Trespass Policy Form 2

County Facility Trespass Appeal Application

INSTRUCTIONS: To appeal issuance of a Notice of Trespass for violation of the County Facility Trespass Policy, you must fill out this Appeal Application completely, legibly, and accurately. Failure to correctly fill in your information, statement of appeal, or to properly sign and date the Appeal Application may cause it to be rejected and returned to you. This Appeal Application will be processed in accordance with Section III of the County Facility Trespass Policy.

A complete Appeal Application must be received by the County within seven (7) business days of the Notice of Trespass date of issue and must be emailed to XX@clark.wa.gov or mailed to 1300 Franklin St, Vancouver, WA 98660, **ATTN: County Facility Trespass Appeal Hearing Administrator**. The appeal period begins the day after the Notice of Trespass is issued.

Date Notice of Trespass Issued: _____

Name: _____

Mailing Address: _____

City/State/Zip: _____

Email: _____ Phone: _____

I am appealing the Notice of Trespass because:

_____

_____

_____

_____

_____

(you may attach up to two additional pages)

Please inform me of the appeal hearing schedule and decision of the Appeal Hearing Administrator by:

☐ Email (at the email address I provided above)

☐ US Postal Service (at the mailing address I provided above)

I CERTIFY UNDER PENALTY OF PERJURY PURSUANT TO THE LAWS OF THE STATE OF WASHINGTON THAT THE INFORMATION SUBMITTED THROUGH THIS TRESPASS APPEAL APPLICATION IS TRUEAND CORRECT AS OF THE DATE SIGNED.

Signature: _____ Date: _____