

**SAN JUAN COUNTY, WASHINGTON  
HOME RULE CHARTER**

**Basic Charter Adopted by the Voters on November 8, 2005  
First Amendment Adopted by the Voters on November 8, 2005**

**Compilation of Basic Charter and First Amendment  
Prepared by San Juan County Prosecuting Attorney**

**P.O. Box 760  
Friday Harbor, Washington  
(360) 378-4101**

# TABLE OF CONTENTS

<b><u>PREAMBLE</u></b> .....	1
<b><u>ARTICLE 1 - POWERS OF THE COUNTY</u></b> .....	1
Section 1.10 - General Powers.....	1
Section 1.20 - Intergovernmental Relations.....	1
Section 1.30 - Construction.....	1
Section 1.40 - Name, Boundaries, County Seat.....	1
Section 1.50 - Separation of Powers.....	2
<b><u>ARTICLE 2 - THE LEGISLATIVE BRANCH</u></b> .....	2
Section 2.10 - Composition.....	2
Section 2.11 - Name.....	2
Section 2.20 - Elections.....	2
Section 2.30 - Powers.....	2
Section 2.31 - Limitations of Power and Relationship with Other Branches.....	3
Section 2.40 - Organization.....	3
Section 2.41 - Rules of Procedure.....	3
Section 2.50 - Ordinances.....	3
Section 2.51 - Codification of Ordinances.....	4
Section 2.52 - Emergency Ordinances.....	4
Section 2.53 - Emergency Ordinances - Limitations.....	4
Section 2.60 - Confirmations.....	4
Section 2.70 - Miscellaneous Appointments.....	4
Section 2.80 - Resolutions.....	4
<b><u>ARTICLE 3 - THE EXECUTIVE BRANCH</u></b> .....	5
Section 3.10 - Composition.....	5
Section 3.20 - Executive Offices.....	5
Section 3.30 - Administrative Offices.....	5
Section 3.40 - County Administrator.....	5
Section 3.41 - Selection and Termination Process.....	5
Section 3.42 - Compensation.....	5
Section 3.43 - Powers and Duties.....	5
Section 3.50 - Appointments by the County Administrator and Confirmation.....	6
Section 3.51 - Qualifications.....	6
Section 3.52 - Appointments by Department Heads.....	6
Section 3.60 - Administrator Pro Tempore.....	6
Section 3.70 - Hearing Examiner System.....	7
<b><u>ARTICLE 4 – ELECTIONS</u></b> .....	7
Section 4.10 - Election Procedures.....	7
Section 4.20 - Qualifications.....	7
Section 4.30 - Legislative Body – Districts.....	8
Section 4.31 - Legislative Body - Terms.....	8
Section 4.32 - Legislative Body - Nominations.....	8
Section 4.33 - Legislative Body - Elections.....	8
Section 4.34 - Legislative Body - Districting Committee.....	8
Section 4.40 - Oath of Office.....	9
Section 4.50 - Official Bonds.....	9
Section 4.60 - Vacancies in Office.....	9
Section 4.70 - Commencement of Terms of Office.....	9
<b><u>ARTICLE 5 - THE PUBLIC INTEREST</u></b> .....	10
Section 5.10 - Direct Government.....	10
Section 5.20 - Initiative.....	10
Section 5.21 - Initiative - Limitations.....	10
Section 5.22 - Initiative - Procedures.....	10

Section 5.23 - Initiative - Amend or Repeal.....	11
Section 5.30 - Mini-Initiative.....	11
Section 5.31- Mini-Initiative - Failed Initiative.....	11
Section 5.40 - Referendum.....	11
Section 5.41 - Referendum - Procedures.....	11
Section 5.50 - Numbering System.....	12
Section 5.60 - Recall.....	12
Section 5.70 - Implementation by Ordinance.....	12
<b>ARTICLE 6 - FINANCIAL ADMINISTRATION.....</b>	<b>12</b>
Section 6.10 - Presentation and Adoption of Budgets.....	12
Section 6.20 - Budget Information.....	12
Section 6.30 - Contents of Budget.....	13
Section 6.40 - Budget Message.....	13
Section 6.41 - Copies of the Budget.....	13
Section 6.50 - Budget Control.....	13
Section 6.60 - Consideration and Adoption of the Budget.....	13
Section 6.70 - Additional Appropriations.....	14
Section 6.71 - Contingency Appropriations.....	14
Section 6.72 - Emergency Appropriations.....	14
Section 6.73 - Additional Capital Budget Appropriations.....	14
<b>ARTICLE 7 - PERSONNEL SYSTEM.....</b>	<b>14</b>
Section 7.10 - Purpose.....	14
Section 7.20 - Exemptions.....	14
Section 7.30 - Administration.....	15
Section 7.40 - Compensation.....	15
<b>ARTICLE 8 - CHARTER REVIEW AND AMENDMENT.....</b>	<b>15</b>
Section 8.10 - Charter Review Commission.....	15
Section 8.11 - Duties.....	15
Section 8.20 - Election Procedures and Period of Office.....	15
Section 8.21 - Vacancy.....	15
Section 8.22 - Expenditures.....	16
Section 8.30 - Charter Amendment - General Provisions.....	16
Section 8.31 - Charter Amendment - Procedures.....	16
Section 8.32 - Amendments by the Charter Review Commission.....	16
Section 8.33 - Amendments by the Public.....	16
Section 8.34 - Amendments by the Legislative Body.....	17
Section 8.40 - Repeal of Charter.....	17
<b>ARTICLE 9 - GENERAL PROVISIONS.....</b>	<b>17</b>
Section 9.10 - Severability and Construction.....	17
Section 9.20 - Purchasing, Contracts, Claims, and Bonds.....	17
Section 9.30 - Franchises.....	17
Section 9.40 - Public Disclosure.....	18
Section 9.50 - Information Management.....	18
<b>ARTICLE 10 – TRANSITION.....</b>	<b>18</b>
Section 10.10 - Exceptions.....	18
Section 10.20 - Continuation of Ordinances and Vested Rights.....	18
Section 10.30 - Effective Date and First Order of Business.....	18
Section 10.40 - Compensation.....	19
Section 10.50 - Elections Dates for the Legislative Body.....	19
Section 10.51 - Legislative Body Majority.....	19
Section 10.60 - Expiration.....	19

## **PREAMBLE**

**We, the citizens of San Juan County, in order to secure the benefits granted to a Home Rule Charter County under the laws of Washington State and to assert greater control over the actions of County government, adopt this Charter.**

## **ARTICLE 1 - POWERS OF THE COUNTY**

### **Section 1.10 - General Powers**

(1) The County shall have all the powers that a Charter County may have under the Constitutions and laws of the United States and the State of Washington.

(2) All ordinances, administrative rules and resolutions in operation 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 existing on the effective date of this Charter shall not be affected by the adoption of this Charter.

### **Section 1.20 - Intergovernmental Relations**

The County may exercise any of its powers to perform any of its duties, functions, projects, or activities jointly or in cooperation with any one or more governments, governmental agencies, municipal corporations, or any private agency or corporation, in any manner permitted by law and participate in the financing thereof.

### **Section 1.30 - Construction**

(1) The power of the County shall be liberally construed; it is intended that this Charter confer the greatest power of local self-government on the people of San Juan County consistent with the State Constitution. Specific mention of a particular power or authority shall not be construed as a limitation on the general power of the County, but shall be considered as an addition to and supplementary to or explanatory of the powers conferred in general terms by this Charter.

(2) References to adoption of ordinances or resolutions by the Legislative Body as defined in Section 2.30 below shall not be construed as impairing the right of the voters to initiate or refer ordinances or resolutions.

### **Section 1.40 - Name, Boundaries, County Seat**

The Corporate name of this County shall remain San Juan County, and it shall have those boundaries provided by the Legislative Body. The County seat shall be Friday Harbor, Washington. Branch offices of the County are authorized and branches hereafter established shall be by ordinance.

### **Section 1.50 - Separation of Powers**

The powers delegated to County government by the people shall be separated into three branches:

- (a) The Executive Branch,
- (b) The Legislative Branch, and
- (c) The Judicial Branch.

Although powers are delegated to the three branches, the right and obligation to oversee the functions of government shall be retained by the Citizens of San Juan County.

## **ARTICLE 2 - THE LEGISLATIVE BRANCH**

### **Section 2.10 - Composition**

The Legislative Body shall consist of six (6) members nominated and voted on by district.

### **Section 2.11 - Name**

The Legislative Body shall also be known as the County Council and its members known as County Council Members.

### **Section 2.20 - Elections**

Members of the Legislative Body are elected pursuant to Article 4 - Elections of this Charter.

### **Section 2.30 - Powers**

(1) The legislative power of the County as granted by the State Constitution and law and not reserved to the people shall be vested in the Legislative Body. The enumeration of particular legislative powers herein shall not be construed as limiting the legislative powers of the Legislative Body.

(2) The Legislative Body shall exercise its legislative power by adoption and enactment of ordinances or resolutions. It shall have the power to:

- (a) Levy taxes, appropriate revenue and adopt budgets for the County.
- (b) Establish the compensation (and benefits, if any) to be paid to all non-elected County officers and employees and to provide for the reimbursement of expenses.
- (c) Establish, abolish, combine and divide by ordinance, non-elective administrative offices and executive departments and to establish their powers and responsibilities unless otherwise limited by law or other provisions of this Charter.

<sup>1</sup> With the exception of the quasi-judicial functions of the Legislative Branch, the duties of the Judicial Branch are outside the purview of this Charter.

(d) Adopt by ordinance comprehensive plans and development regulations including plans for the present and future development and improvement of the County.

(e) Approve contracts or establish by ordinance methods by which any type of contract shall be approved.

(3) The Legislative Body, as a whole or by committee, may conduct public hearings on matters of public concern.

### **Section 2.31 - Limitations of Power and Relationship with Other Branches**

(1) Except in the exercise of its legislative powers under this Charter, as defined in Section 2.30, the Legislative Body, its staff, and individual Legislative Body members shall not interfere in the administration of the Executive Branch. They shall not give orders to, or direct, either publicly or privately, any officer, or employee subject to the direction and supervision of the County Administrator, Executive Branch, or other elected officials.

(2) Interaction between the Legislative Body, its staff and individual Legislative Body Members, and officers and employees within the Executive Branch shall follow procedures developed by and agreed upon by the Legislative Body and the County Administrator.

### **Section 2.40 - Organization**

(1) The Legislative Body shall annually elect one of its members as chair and another of its members as vice-chair who shall act in the absence of the chair.

(2) The Legislative Body shall be responsible for its own organization, the rules of conduct of its business and for the employment and supervision of persons it deems necessary to assist in the performance of its duties.

(3) A majority of the Legislative Body shall constitute a quorum at all meetings. Unless otherwise provided, action of the Legislative Body shall require the affirmative vote of four

(4) members.

### **Section 2.41 - Rules of Procedure**

The Legislative Body shall enact by ordinance rules of procedure governing the time, place and conduct of its meetings and hearings and the introduction, publication, consideration and adoption of ordinances; provided, that the Legislative Body shall meet in open session regularly at least twice monthly.

### **Section 2.50 - Ordinances**

(1) Every legislative act shall be by ordinance except for matters that may be addressed by resolution as provided in Section 2.70 of this Charter. The subject of every ordinance shall be clearly stated in the title, and no ordinance shall contain more than one subject. Ordinances or summaries of them, the places where copies are filed, and the times when they are available for inspection, shall be published when the ordinances are proposed and again upon enactment.

(a) No ordinance shall be amended unless the new ordinance sets forth each amended section or subsection at full length.

(b) Ordinances may adopt, by reference, Washington State statutes, any recognized printed codes or compilations in entirety or in part.

(2) Every ordinance shall be introduced in its entirety in writing.

(3) Except as otherwise provided in this Charter, all ordinances shall take effect ten (10) working days after the date it is enacted or later if so stipulated in the ordinance.

#### **Section 2.51 - Codification of Ordinances**

All ordinances of the County, which are of a general and permanent nature or which impose any fine, penalty, or forfeiture, shall be codified in a code, which shall be adopted by ordinance and shall be known as the San Juan County Code. The code shall be kept current to reflect newly adopted, amended or repealed ordinances. A current copy shall be placed in the public libraries in the County and in such other places as the Legislative Body deems appropriate.

#### **Section 2.52 - Emergency Ordinances**

(1) An ordinance necessary for the immediate preservation of the public peace, health, or safety or support of the County government and its existing institutions may be passed by action of the Legislative Body, which shall be effective immediately.

(2) An emergency ordinance shall be introduced and passed in the manner prescribed for emergency ordinances generally, except that the emergency and the facts creating it shall be stated in a separate section of the emergency ordinance.

#### **Section 2.53 - Emergency Ordinances - Limitations**

No emergency ordinance may levy taxes, grant, renew or extend a franchise, regulate the rate charged by any utility or authorize the borrowing of money for more than one hundred and twenty (120) days.

#### **Section 2.60 - Confirmations**

The Legislative Body shall confirm or reject appointments by the County Administrator within thirty (30) days of the date the name or names of are submitted to it. Failure of the Legislative Body to reject an appointment within thirty (30) days shall result in automatic confirmation of said appointment.

#### **Section 2.70 - Miscellaneous Appointments**

The Legislative Branch by action shall appoint members of all boards and commissions except as otherwise provided in this Charter.

#### **Section 2.80 - Resolutions**

(1) The Legislative Body may pass a resolution to:

(a) Organize and administer the legislative branch.

(b) Make declarations of policy that do not have the force of law.

(c) Request information from any other agency of the County government.

(2) The Legislative Body in passing resolutions need not comply with the procedural requirements for the introduction, consideration and adoption of ordinances.

## **ARTICLE 3 - THE EXECUTIVE BRANCH**

### **Section 3.10 - Composition**

The Executive Branch shall be divided into Executive and Administrative Offices.

### **Section 3.20 - Executive Offices**

(1) The Executive offices shall consist of the following elected officials: County Assessor, County Auditor, County Clerk, County Treasurer, Prosecuting Attorney, and County Sheriff.

(2) These offices shall be re-created by this Charter and, unless amended by this Charter, shall have the same powers and duties as in the past (unless amended by new State statutes whereupon the new statutes shall prevail). Such powers and duties shall be subject to: all ordinances passed by the Legislative Branch or initiatives passed by the voters; and to all personnel, budgeting, expenditure, and any other policies of general application recommended by the County Administrator and adopted by the Legislative Branch.

### **Section 3.30 - Administrative Offices**

The Administrative offices shall consist of all appointed department heads.

### **Section 3.40 - County Administrator**

The County Administrator shall be the chief administrative officer.

### **Section 3.41 - Selection and Termination Process**

(1) The Legislative Body is vested with the responsibility for conducting a professional search to locate and hire a County Administrator qualified to carry out the duties of the office as detailed in Section 3.43 of this Charter.

(2) The County Administrator shall serve under an at-will employment contract. Termination of the County Administrator shall comply with the terms of such a contract.

### **Section 3.42 - Compensation**

The County Administrator shall receive compensation determined by the Legislative Body sufficient to attract a qualified professional.

### **Section 3.43 - Powers and Duties**

(1) The County Administrator shall have all the executive powers of the County that are not expressly vested in other specific elected officers by this Charter. The County Administrator shall:

(a) Manage all administrative offices and functions.

(b) Insure that all actions of the Executive Branch are compliant with all Federal, Washington State, San Juan County codes and procedures, and this Charter seeking advice from the County Prosecutor or other sources as necessary.

(c) Insure that all systems, procedures and use of technology of the departments under the County Administrator's jurisdiction be periodically reviewed and actions taken to insure that optimum practices are being employed.

(d) Present to the Legislative Branch an annual statement of the governmental affairs of the County and any other report, which the Legislative Branch may deem necessary.

(e) Prepare and present to the Legislative Branch, operating and capital budgets, accompanied by a budget message setting forth proposals for the county during the next fiscal year.

(f) Assign duties to administrative offices and executive departments, which are not specifically assigned by this Charter or by ordinance.

(g) Act as the signing authority, on behalf of the County, on all claims, deeds, contracts and other instruments initiated within the fiscal and budgetary procedures.

(2) The specific statement of particular executive powers shall not be construed as limiting the executive powers of the County Administrator.

### **Section 3.50 - Appointments by the County Administrator and Confirmation**

The County Administrator shall appoint the head of each administrative department. All such appointments by the County Administrator shall be provisional until confirmed by action of the Legislative Body.

### **Section 3.51 - Qualifications**

The heads of the administrative departments shall be appointed based on their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they shall be appointed.

### **Section 3.52 - Appointments by Department Heads**

The head of each administrative department shall appoint all managers and employees of the department complying with the rules of the personnel system when appointing managers and employees to positions covered by the personnel system. All managers that report directly to a department head shall be confirmed by the County Administrator.

### **Section 3.60 - Administrator Pro Tempore**

(1) Between January 1 and February 28 of odd numbered years, the Legislative Body shall designate by action any qualified person, other than a sitting member of the Legislative Body, to serve as Administrator Pro Tempore.

(2) The Administrator Pro Tempore shall hold office at the pleasure of the Legislative Body, and in case of the absence, temporary disability, resignation or termination of the County Administrator, shall perform the duties of the County Administrator until the County Administrator returns or a replacement is hired.

(3) The Administrator Pro Tempore shall not have power to appoint or remove any department head. While the Administrator Pro Tempore is acting County Administrator, the Legislative Body can remove a department head and /or, in the case of a vacancy (caused by removal or resignation), to allow an interim, temporary

appointment to be made by the Administrator Pro Tempore subject to confirming action of the Legislative Body.

**Section 3.70 - Hearing Examiner System**

(1) A hearing examiner system shall be established for consideration of land and shoreline issues.

(2) The qualifications, powers, and duties of, and procedures to be employed by the hearing examiner, shall be established by the Legislative Body.

(3) The Legislative Body may, at 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.

(4) Decisions of the hearing examiner are not subject to administrative review by the Legislative Body unless the Legislative Body, in consultation with the Prosecuting Attorney, has adopted, by ordinance, written procedures for the discretionary review of the decisions of the hearing examiner. The rules for discretionary review shall provide:

(a) That an appellant may choose to bypass review by the Legislative Body and seek direct review with the court or other tribunal as provided by law;

(b) The grounds under which the Legislative Body may choose to hear or not to hear an appeal; and

(c) Such other matters as the Legislative Body deems pertinent to the appeal of decisions of the hearing examiner.

In no event will the act of bypassing administrative review before the Legislative Body be considered a failure to exhaust administrative remedies.

**ARTICLE 4 – ELECTIONS**

**Section 4.10 - Election Procedures**

Except as provided in this Article, nominating primaries and elections of the Sheriff, Treasurer, County Clerk, Auditor and Assessor shall be conducted in accordance with general law governing the election of non-partisan County offices. Except as provided in this Article, nominating primaries and elections of the Legislative Body shall be conducted in accordance with general law governing the election of non-partisan County officers.

**Section 4.20 - Qualifications**

Each county officer holding an elective office shall be, at the time of appointment or election, and at all times while holding office, a citizen of the United States and a resident and registered voter of San Juan County. In addition, Legislative Body members must be residents of the County and registered voters of the district from which they are nominated. No Legislative district boundary change shall disqualify the Legislative Body member from holding office for the remainder of the term of office.

**Section 4.30 - Legislative Body – Districts**

(1) The six (6) Legislative Districts shall be designated as District 1, District 2, District 3, District 4, District 5 and District 6.

(a) The districts shall consist of nearly equal populations using the criteria of RCW 29A.76.010. To the extent practical, the districts shall consist of whole islands and nearly contiguous islands.

(b) The initial districts are established to include the existing precincts as follows:

District 1 - San Juan South: San Juan 1, San Juan 5.

District 2 - San Juan North: San Juan 2, San Juan 3, San Juan 4, Stewart.

District 3 - Friday Harbor: Friday Harbor 1, Friday Harbor 2.

District 4 - Orcas West: Orcas 1, Orcas 2, Waldron.

District 5 - Orcas East: Orcas 3, Orcas 4.

District 6 - Lopez/Shaw: Lopez 1, Lopez 2, Shaw, Blakely, Decatur.

(2) The lines of the districts shall not be changed more frequently than once in four years and only when all Legislative Body members are present. If any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations. (RCW 36.32.020)

**Section 4.31 - Legislative Body - Terms**

The terms of office of Legislative Body members shall be four (4) years or until their successors are elected, qualified and assume office in accordance with RCW 29A.20.040: PROVIDED, that the terms shall be staggered so that in one even numbered election year members from District 1, District 3, District 4 shall be elected and the next even numbered election year one member from District 2, District 5 and District 6 shall be elected.

**Section 4.32 - Legislative Body - Nominations**

Qualified voters of each district shall nominate candidates for the Legislative Body.

**Section 4.33 - Legislative Body - Elections**

Legislative Body members shall be elected by the qualified voters of the district. The person receiving the highest number of votes for the position in the district in which such member resides shall be declared duly elected.

**Section 4.34 - Legislative Body - Districting Committee**

(1) Commencing with the 2010 census, within sixty days after each federal decennial census data is received from the State Redistricting Commission or its successor, a six (6) member Districting Committee, consisting of one (1) member from each Legislative District, shall be appointed by the Legislative Body. Members of the Districting Committee shall:

- (a) Serve without salary but shall be compensated for reasonable-out-of-pocket expenses.
- (b) Meet within thirty days of its appointment to draw a redistricting plan for the county that shall be submitted to the Legislative Body for adoption following a public hearing.
- (2) No later than eight months after receipt of the census data, the Legislative Body shall adopt a districting plan by ordinance.

#### **Section 4.40 - Oath of Office**

An oath or affirmation to support the Constitutions of the United States and the State of Washington and the Charter and ordinances of San Juan 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. (RCW 36.16.040)

#### **Section 4.50 - Official Bonds**

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 and the cost borne by the County. See RCW 36.16.050 for schedule of bonds.

#### **Section 4.60 - Vacancies in Office**

- (1) An elective office shall become vacant when one of the following occurs:
  - (a) Death;
  - (b) Total permanent incapacity as determined by a panel of three physicians;
  - (c) Resignation;
  - (d) Recall of the officer;
  - (e) A Legislative Body member absent from three (3) consecutive regular meetings of the Legislative Body without reasonable cause.
  - (f) Absence from the County for thirty (30) days without being excused by the Legislative Body; or
  - (g) Failure to maintain residence within the district from which elected.
- (2) Vacancies in a non-partisan elected office shall be filled at the next November General Election, unless the vacancy occurs after the day for filing declarations for 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 the unexpired term of the vacated office. Until a successor has been elected and certified, a majority of the Legislative Body shall fill the vacancy by appointment. All persons appointed to fill vacancies shall meet the qualifications set in Section 4.20 of this Charter.
- (3) Vacancies in partisan elected offices shall be filled pursuant to RCW 42.12.040

#### **Section 4.70 - Commencement of Terms of Office**

The term of office of elected County officers shall commence on the second Monday of the next January immediately following the November general election.

## **ARTICLE 5 - THE PUBLIC INTEREST**

### **Section 5.10 - Direct Government**

The people of San Juan County reserve to themselves the power to make certain proposals, at their option, and to enact or reject them at the polls, independent of the Legislative Body in accordance with this Article.

### **Section 5.20 - Initiative**

The people reserve to themselves the power of initiative. Any ordinance or amendment to an ordinance may be proposed by filing an initiative petition with the Auditor.

### **Section 5.21 - Initiative - Limitations**

- (1) No initiative shall contain more than one (1) issue.
- (2) No initiative proposal requiring the expenditure of additional funds for an existing activity or of any funds for a new activity or purpose shall be filed unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.
- (3) Redistricting of the Legislative districts shall not be subject to the initiative process.

### **Section 5.22 - Initiative - Procedures**

- (1) Any legal voter or organization of legal voters of San Juan County may file an initiative proposal with the County Auditor, who within five (5) working days shall confer with the petitioner to review the proposal as to form and style. The Auditor shall register the initiative by giving the proposed initiative a number, which shall thereafter be the identifying number for the measure.
- (2) The Auditor shall then transmit a copy of the proposal to the Prosecuting Attorney, who within ten (10) days after receipt thereof, in consultation with the petitioner shall formulate a concise statement, posed as a positive question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the purpose of the measure. Such concise statement will be the ballot title.
- (3) The petitioner then has one-hundred-twenty (120) days to collect the signatures of the registered voters in the County equal in number to at least fifteen (15) percent of the votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title.
- (4) The Auditor shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the proposal to the people at the next general election that is at least one hundred and twenty (120) days after the registering of the petition.
- (5) The Legislative Body may choose to enact the proposal without change or amendment. If the Legislative Body does not adopt the proposed measure and adopts a substitute measure concerning the same subject matter, the substitute proposal shall be placed on the same ballot with the initiative proposal.

(6) The voters shall be given the choice of accepting either or rejecting both. The voters 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 accepting either, then the measure receiving the majority of the votes cast on the second issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither measure shall be approved regardless of the vote on the second issue.

**Section 5.23 - Initiative - Amend or Repeal**

No ordinance enacted by power of initiative shall be amended or repealed by the Legislative Body within two (2) years after enactment unless amended or repealed by a subsequent initiative or referendum.

**Section 5.30 - Mini-Initiative**

(1) Any ordinance or amendment to an existing ordinance may be proposed to the Legislative Body by registering with the Auditor initiative petitions bearing the signatures of qualified voters equal in number to at least three (3) per cent of the number of votes cast in the County in the last gubernatorial election.

(2) Upon verifying the sufficiency of the signatures, the Auditor shall transmit the initiative petition to the Legislative Body, which shall hold a public hearing on the proposed ordinance and enact or reject the ordinance within sixty (60) days.

**Section 5.31- Mini-Initiative - Failed Initiative**

If the proponents of an initiative fail to obtain the required number of signatures in the designated period but have sufficient signatures to qualify the proposal as a mini-initiative, the proposal, at the request of the proponents, shall be treated as a mini-initiative.

**Section 5.40 - Referendum**

(1) The people reserve for themselves the power of referendum.

(2) The referendum may be ordered on any ordinance, or any part thereof passed by the Legislative Body except such ordinances as may be necessary for the immediate preservation of the public peace, health or safety.

(3) Upon signature validation of a referendum petition, the measure passed by the Legislative Body will be rendered ineffective pending the outcome of the referendum procedure. The signature validation of a referendum petition against one or more items, sections or parts of any ordinance will not delay the remainder of the measure from taking effect.

**Section 5.41 - Referendum - Procedures**

(1) Any legal voter or organization of legal voters of San Juan County may file a referendum proposal, against any enacted ordinance or portion thereof, with the County Auditor. The proposal shall be presented to the Auditor within forty-five (45) days after the ordinance is passed by the Legislative Body.

(2) Within five (5) working days, the Auditor shall confer with the petitioner to review the proposal as to form and style. The Auditor shall register the referendum by

giving the referendum proposal a number, which shall thereafter be the identifying number for the measure.

(3) The Auditor shall then transmit a copy of the proposal to the County Prosecuting Attorney, who within ten (10) days after receipt thereof, shall formulate a concise statement, posed as a question, not to exceed seventy-five (75) words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title.

(4) The petitioner then has one hundred and twenty (120) days to collect the signatures of registered voters of the County equal in number to at least fifteen (15) percent of the number of votes cast in the County in the last gubernatorial election. Each petition shall contain the full text of the measure being referred and the ballot title.

(5) The Auditor shall verify the sufficiency of the signatures on the petition and if validated, submit the measure to the people at the next general election that is at least one hundred and twenty (120) days after the registering of the petitions.

#### **Section 5.50 - Numbering System**

The Auditor, when assigning numbers to initiatives, referendums and mini-initiatives, shall use a separate sequential series for each category. No number shall be reissued once used.

#### **Section 5.60 - Recall**

The people further reserve the power of recall as provided in the Constitution and the laws of the State of Washington.

#### **Section 5.70 - Implementation by Ordinance**

The Legislative Body shall enact ordinances to promote the carrying out of the provisions of this Article.

### **ARTICLE 6 - FINANCIAL ADMINISTRATION**

#### **Section 6.10 - Presentation and Adoption of Budgets**

(1) At least seventy-five (75) days prior to the end of each fiscal year, the County Administrator shall present to the Legislative Body a complete budget and budget message, proposed current expense and capital budget appropriation resolutions, and proposed tax and revenue resolutions necessary to raise sufficient revenues to balance the budget.

(2) At least fifteen (15) days prior to the end of the fiscal year, the Legislative Body shall adopt appropriation, tax and revenue resolutions for the next fiscal year.

#### **Section 6.20 - Budget Information**

At least one hundred thirty-five (135) days prior to the end of each fiscal year, all departments and agencies of County government shall submit to the County Administrator information necessary to prepare the budget, as requested by the County Administrator.

### **Section 6.30 - Contents of Budget**

(1) The budget shall:

(a) Include all funds, revenues and reserves; be divided into categories, projects, and objects of expense and include supporting data deemed advisable by the County Administrator or required by ordinance;

(b) Indicate as to each category, project or object of expense, the actual expenditures of the preceding fiscal year, the estimated expenditures for the current fiscal year and requested appropriations for the next fiscal year;

(c) Include proposed capital improvement programs for the next six (6) fiscal years.

(2) The expenditures included in the budget for the ensuing fiscal year shall not exceed the estimated revenues, surpluses and reserves.

### **Section 6.40 - Budget Message**

The budget message shall explain the budget in fiscal terms and in terms of the goals to be accomplished and shall relate the requested appropriations to the comprehensive plans of the County.

### **Section 6.41 - Copies of the Budget**

Copies of the budget and budget message shall be delivered to the County Auditor and each Legislative Body member. The budget message and supporting tables shall be furnished to any interested person upon request for a reasonable fee as established by ordinance and shall be available for public inspection from the time the budget message is delivered.

### **Section 6.50 - Budget Control**

Within six (6) weeks following the end of each quarterly period during the fiscal year, and more often if required, the County Administrator shall submit to the Legislative Body, a written report showing the relation between the estimated income and expenses and actual income and expenses to date. If it shall appear that the income is less than anticipated, the Legislative Body may reduce appropriations, except amounts required to meet contractual obligations and for debt, interest and other fixed charges, to such a degree as may be necessary to keep expenditures within the cash income.

### **Section 6.60 - Consideration and Adoption of the Budget**

(1) Prior to the adoption of any appropriation ordinances for the next fiscal year, the Legislative Body shall hold public hearings to consider the budget presented by the County Administrator and shall hold any other public hearings on the budget or any part thereof that it deems advisable.

(2) The Legislative Body, in considering the appropriation ordinances by the County Administrator, may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditure of certain appropriations; but it shall not change the form of the proposed appropriation ordinances submitted by the County Administrator.

(3) The appropriation ordinances adopted by the Legislative Body shall not exceed the estimated revenues of the County for the next fiscal year for each fund including surpluses and reserves.

(4) The Legislative Body may increase the amount of the estimated revenues contained in the budget presented by the County Administrator by re-estimating the amount by passing a motion to that effect or by creating additional sources of revenue which were not included in the proposed tax and revenue ordinances presented by the County Administrator.

(5) Once the annual budget has been approved, the County Administrator shall need no further authorization to expend the funds appropriated.

**Section 6.70 - Additional Appropriations**

Additional funds may be appropriated by contingency or emergency appropriations.

**Section 6.71 - Contingency Appropriations**

The annual budget ordinance shall include contingency funds, which shall not be expended unless the County Administrator certifies in writing that sufficient funds are available and the Legislative Body adopts an additional appropriation ordinance after being requested to do so by the County Administrator.

**Section 6.72 - Emergency Appropriations**

The Legislative Body may adopt an emergency appropriation ordinance, which may appropriate contingency funds, revenues received in excess of the revenues estimated in the budget and funds from any other source available to the County in an emergency.

**Section 6.73 - Additional Capital Budget Appropriations**

The Legislative Body shall not adopt an additional or amended capital budget appropriation ordinance during the fiscal year unless requested to do so by the County Administrator.

**ARTICLE 7 - PERSONNEL SYSTEM**

**Section 7.10 - Purpose**

The Legislative Body shall, by ordinance, establish and maintain a personnel system for the County.

**Section 7.20 - Exemptions**

The provisions of this Article shall apply to all County positions except:

- (a) Independent Contractors
- (b) All volunteer members of boards and commissions appointed by the Legislative Body or County Administrator.
- (c) All elected County officers.
- (d) Other employees as may become necessary as determined by the Legislative Body.

**Section 7.30 - Administration**

The County Administrator shall administer the personnel system of the County in accordance with the personnel rules adopted by the Legislative Body by ordinance.

**Section 7.40 - Compensation**

Compensation for County Elected Officials shall be commensurate with their duties and shall be set by a duly appointed Citizens' Salary Commission (RCW 36.17.024).

**ARTICLE 8 - CHARTER REVIEW AND AMENDMENT**

**Section 8.10 - Charter Review Commission**

As provided in this Article, this Charter shall be reviewed periodically by a Charter Review Commission (hereinafter referred to as the CRC).

**Section 8.11 - Duties**

The CRC shall review the Charter to determine its adequacy and suitability to the needs of the County and may propose amendments. The CRC may also make recommendations to the Legislative Body and publish its findings

**Section 8.20 - Election Procedures and Period of Office**

(1) Five (5) years after adoption of this Charter and at least every ten (10) years thereafter, the Legislative Body shall cause an election of a CRC.

(a) The CRC shall consist of fifteen to twenty-five (15-25) persons. The number of CRC members for each district shall be apportioned according to the population distribution in each Legislative Body district.

(b) Candidates for the CRC must be registered voters who have been residents of the County for at least five (5) years preceding their election.

(c) There shall be no filing fee nor shall there be a primary. The qualified voters of the respective districts shall vote only for candidates from their district at the general election. Candidates' names shall appear on all ballots as drawn by lot.

(d) The member of the CRC who receives the greatest number of votes shall convene the first CRC meeting.

(e) The term of office shall be one (1) year.

(f) The CRC shall meet at such times and in such places as it deems appropriate upon having given public notice.

**Section 8.21 - Vacancy**

(1) If a CRC member is absent from three (3) consecutive meetings without prior notice being given to the Chair, a vacancy in that position may be declared by a two-thirds vote of the CRC.

(2) Any vacancy on the CRC shall be filled within fourteen (14) days of the declaration of a vacancy, by the next highest recipient of votes cast in the CRC election from the district where the vacancy occurs.

**Section 8.22 - Expenditures**

(1) The Legislative Body shall provide to the CRC reasonable funds, facilities and services appropriate to an elected County agency. Provisions shall be made in the budget for the expenditures of the CRC during its scheduled term of office.

(2) Members of the CRC shall serve without salary, except that they shall be reimbursed for reasonable out-of-pocket expenses.

**Section 8.30 - Charter Amendment - General Provisions**

Charter amendments may be proposed by the CRC, the Legislative Body or by the public.

**Section 8.31 - Charter Amendment - Procedures**

(1) Any proposed Charter amendment shall be filed and registered with the Auditor and submitted to the voters at the next November general election occurring at least ninety (90) days after registration of the proposed amendment with the Auditor.

(2) In submitting any amendment of the Charter to the voters, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others.

(3) 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, an amendment which embraces a single or inter-related subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.

(4) If a proposed amendment is approved by a majority of the voters voting on the issues, it shall be effective ten (10) days after the results of the election are certified, unless a later date is specified in the petition or ordinance proposing the amendment.

(5) Any implementing ordinance required by any Charter amendment shall be enacted by the Legislative Body within one hundred and eighty (180) days after the amendment is effective, unless the amendment provides otherwise.

**Section 8.32 - Amendments by the Charter Review Commission**

The CRC may propose amendments to the Charter by filing such proposed amendments with the Legislative Body who shall submit the amendment to the voters at the next November general election at least ninety (90) days after the filing and registration of the amendments.

**Section 8.33 - Amendments by the Public**

The public may propose amendments to the Charter by:

(a) Registering with the Auditor an initiative petition bearing the signatures of registered voters of the County equal in number to at least fifteen (15) percent of the number of votes cast in the County in the last gubernatorial election.

(b) Signatures shall be registered not more than one hundred twenty (120) days following filing of the petition with the Auditor, who shall submit the amendments to the voters.

(i) The one hundred and twenty (120) day period shall begin upon receipt of official notification to petitioner(s) by the Prosecuting Attorney's Office either by certified mail or messenger.

(ii) If the last day for collecting signatures falls on a weekend or legal holiday, then the one hundred and twenty (120) day period shall extend to the end of the next business day.

**Section 8.34 - Amendments by the Legislative Body**

(1) The Legislative Body may propose amendments to the Charter by enacting an ordinance to submit a proposed amendment to the voters at the next November general election occurring at least ninety (90) days after enactment.

(2) The Legislative Body by unanimous vote of the entire Legislative Body may effect amendments to the language of the Charter where the passage of time has rendered language moot or obsolete. Such changes shall be made by ordinance, and have a public hearing.

**Section 8.40 - Repeal of Charter**

Any proposal to repeal this Charter shall include provisions for transition.

**ARTICLE 9 - GENERAL PROVISIONS**

**Section 9.10 - Severability and Construction**

The provisions of this Charter are severable. If any provision should be declared unconstitutional or inapplicable, it shall not affect the constitutionality or applicability of any other provision of this Charter.

**Section 9.20 - Purchasing, Contracts, Claims, and Bonds**

(1) The Legislative Body shall establish, by ordinance, procedures for purchasing supplies, services, materials and equipment, the awarding of contracts, the processing of claims, and the sale or refunding of bonds. The ordinance shall provide when bids shall be required and how invitations for bids shall be advertised.

(2) 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 9.30 - Franchises**

All franchises granted by the Legislative Body shall be for fixed term not to exceed twenty-five (25) years, and no exclusive franchise shall be granted for the use of any street, road or public place.

**Section 9.40 - Public Disclosure**

Public disclosure of financial interest of elected public officials shall be governed by general law.

**Section 9.50 - Information Management**

The County Administrator shall establish procedures for maintaining a modern, efficient system for processing, maintaining and disposing of information and records; shall maintain a means to store and maintain, in retrievable manner, all County records which should not be destroyed and which are not necessary for the current operation of County government; and shall provide needed services for all branches of County government in a way that shall be deemed desirable for the efficient operation of the County government. These procedures shall be in compliance with general law and shall affect all departments of the County, elective or appointed.

**ARTICLE 10 – TRANSITION**

**Section 10.10 - Exceptions**

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

**Section 10.20 - Continuation of Ordinances and Vested Rights**

All ordinances, administrative rules and resolutions in operation 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 existing on the effective date of this Charter shall not be affected by the adoption of this Charter.

**Section 10.30 - Effective Date and First Order of Business**

(1) The effective date of this Charter shall be January 9, 2006. The first Home Rule Legislative Body meeting shall convene at 10:00 a.m., January 10, 2006, in the County Courthouse.

(2) The first order of business of the first Legislative Body shall be to:

- (a) Appoint an Administrator Pro Tempore pursuant to Article 3, Section 3.60 of this Charter.
- (b) Initiate a search for a County Administrator qualified to carry out the duties of the office as detailed in Article 3, Section 3.43 of this Charter. This search and hiring process should be complete within one-hundred-twenty (120) days.

**Section 10.40 - Compensation**

(1) The compensation of all elected officials shall remain at the rates applicable on the date the Charter is adopted by the voters and continue through the end of their current terms or until they vacate their position.

(2) Legislative Body Members elected after adoption of this Charter shall receive compensation as determined by a duly appointed Citizen Salary Commission as per RCW 36.17.024, established for this purpose.

**Section 10.50 - Elections Dates for the Legislative Body**

(1) The length of the terms and the dates of election of the members of Legislative Body in office at the time of adoption of this Charter shall remain unchanged. The current member of the Legislative Body in office from current District 1 shall be assigned the new District 1, from current District 2 shall be assigned the new District 4, and from current District 3 shall be assigned the new District 6.

(2) Besides the regularly scheduled election for District 6, three (3) additional members of the Legislative Body shall be elected in the Primary and General Elections of 2006. Newly elected members of the Legislative Body for District 2 and District 5 shall serve four (4) year terms. The newly elected member of the Legislative Body for District 3 shall serve a two (2) year term.

(3) Thereafter, all members of the Legislative Body shall serve four (4) year terms and three (3) members of the Legislative Body shall be elected every two (2) years.

**Section 10.51 - Legislative Body Majority**

Until the Legislative Body consists of six (6) members, an affirmative vote of two (2) is required for the Legislative Body to take action.

**Section 10.60 - Expiration**

This Article (Article 10 - Transition) shall expire on January 1, 2009, and shall not be appear in any subsequent publication of this Charter.