

UPDATE TO THE LWVCLA POSITIONS ON CLALLAM COUNTY CHARTER

Discussion Guide

March 9, 2024

INTRODUCTION

Amendment 21 of the Washington State Constitution states that the legislature shall establish a system of county government that is uniform throughout the state. The amendment describes two kinds of county government. In one, a county chooses to be governed under the general laws of the state. In the other, a county frames a “Home Rule” charter for its own government subject to the Constitution and laws of the state.

Our Charter, adopted in 1976, sets forth the form of Clallam County government, vesting legislative powers and also executive powers and functions in a three-person Board of County Commissioners. The Charter additionally sets forth the administrative departments, the county administrator, elections, public interest (how citizens can propose ordinances and amend the charter), financial administration, personnel system, charter review and other general provisions for running County government.

Amending the Home Rule Charter requires a vote of the public. The current LWVCLA update focuses on Charter Review; however, there are three methods of bringing an amendment to the ballot.

- Citizen Initiative/Petition (2 amendments/2 passed)
- Proposals from the County Commissioners (5 amendments proposed/2 passed)
- Charter Review Commission (62 amendments/37 passed)

The following diagram shows the structure of federal, state and local government. It also outlines the provisions in the Charter for proposals of ordinances, amendments to ordinances and amendments to the Charter by the Board of County Commissioners, the Voters (citizens) and the Charter Review Commission.

Background of LWVCLA Charter Positions. The Clallam County League of Women Voters conducted a study of the Charter in 2002 and reached consensus on positions related to the Charter. This enabled designated members of LWVCLA to speak publicly on the Charter issues addressed in the consensus document. The most recent reaffirmation of LWVCLA positions was done in 2008. (See Addendum for copies of 2002 & 2008 positions.)

In 2008, nine of the 11 previously-adopted positions were reaffirmed. Not reaffirmed were the position in support of extending the frequency of Charter Review from 5 years to 10 years, and the position on redistricting. Both positions were dropped because, in 2007, voters supported Charter amendments that aligned fairly well with those two positions and our League decided we didn’t need them anymore.

Dropping the frequency position proved to be a mistake: in 2015, the voters changed the interval back to every 5 years. This illustrates why it may be wise to retain positions even when they no longer seem relevant.

Goals of the current committee-led process are

- 1) Update our positions
- 2) Assist LWVCLA members in becoming more informed about Charter Review
- 3) Inspire members to run for Charter Review Commissioner

Methodology: The current Update of LWVCLA positions on the Clallam County Charter was approved by the Board of LWVCLA and the membership at the 2022 annual meeting. Five members met once or twice a month for a year and a half. This Discussion Guide is the result of their meetings, interviews and research.

For each issue, the Guide provides:

- Current LWVCLA Position
- Committee Recommendation
- Current Charter Language
- Points to Ponder (facts and issues to consider)
- Deeper Dive (supplemental information)

The discussion-and-consensus process for our current update differs from that of League studies at the state and national level. We are updating positions that already exist. In addition, it is a local study focused entirely on Clallam County government as organized in the County Home Rule Charter. Updated local positions will allow LWVCLA to speak on specific issues important to our community. For this update, there are committee recommendations. After reading and discussing the information, on each recommendation, the members will reach consensus to either:

Adopt a new position.

Remove a position

Reinstate a position that was not voted on in 2008

Retain a position as written

Update a position

Acknowledgements:

Study Committee: Lucy Copass, Sue Erzen, Susan Fisch, Candace Pratt, and Norma Turner

Reading Committee: Bertha Cooper and Carrol Hull

Proofreader: Mary Doherty

Interviews: Mark Nichols, CC Prosecuting Attorney; Mark Ozias, BOCC

From the US Constitution to the Clallam County Charter

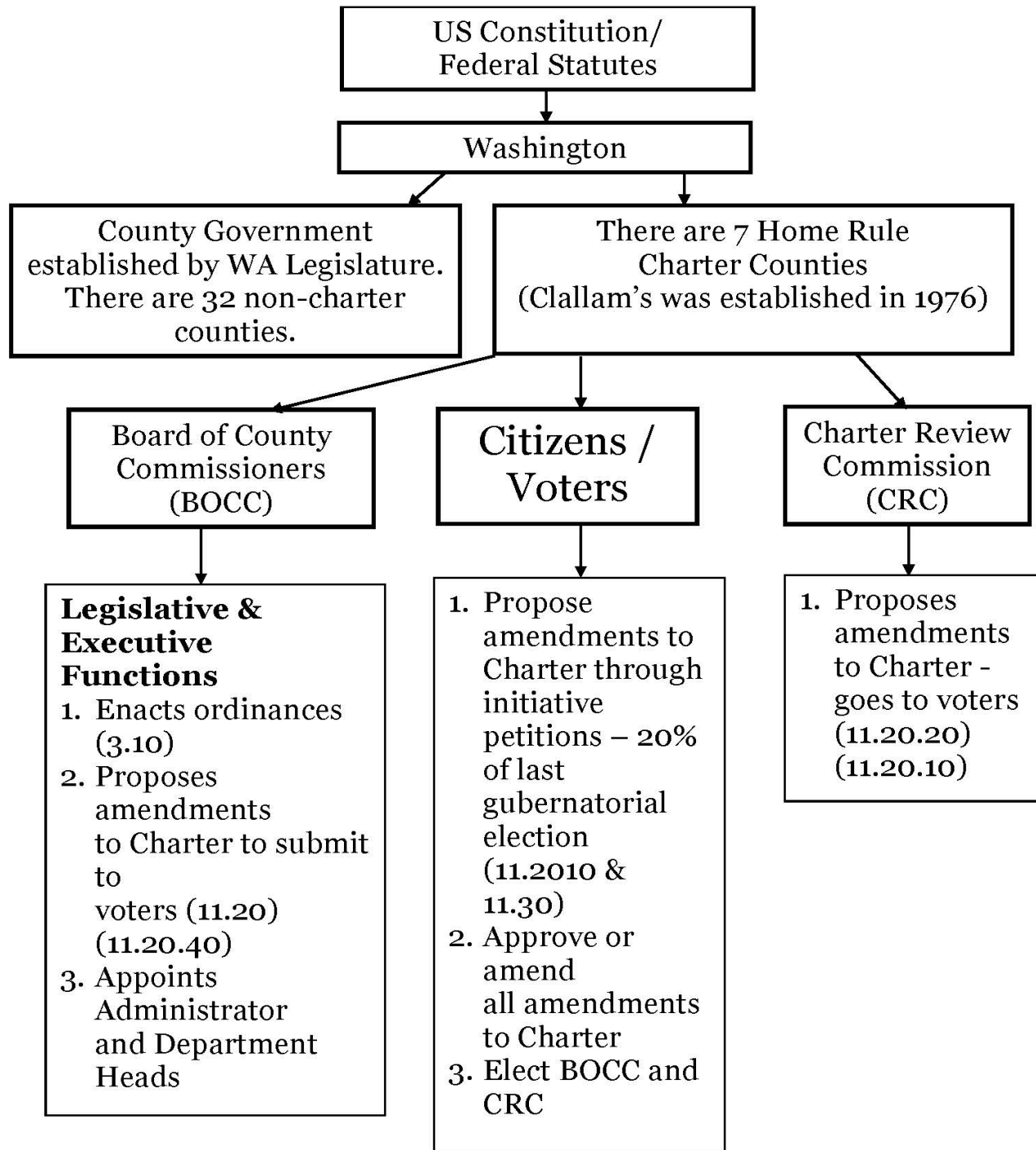


Table of Contents

Introduction	1
Diagram - Relationships between Levels of Government	3
#1 Number of County Commissioners	5
#2 Election of County Commissioners: Countywide/District	6
#3 Non-Partisan BOCC	7
#4 Powers of County Commissioners	9
#5 Appointed/elected Department Directors	10
#6 Professional Administrator	12
#7 County Administrator May Not Serve as Department Director	14
#8 Council-Manager Form of Government	15
#9 Coroner	16
#10 Frequency of CR	18
#11 Redistricting	20
#12 Initiative and Referendum	22

Addendum

Acronyms	24
Committee Recommendations	24
LWVCLA Position on CC Home Rule Charter 2002	25
LWVCLA Position on CC Home Rule Charter 2008	26

1 - NUMBER OF COMMISSIONERS

Current LWVCLA position

In order to improve geographic representation and possibly provide a broader range of ideas and opinions, the number of Commissioners should be increased when warranted by a larger population.

Committee Recommendation: Update

In order to improve geographic representation and possibly provide a broader range of ideas and opinions, the number of Commissioners should be increased when warranted by a larger population, *consistent with state law*.

Current Charter Language

ARTICLE 11 Section 2.20 The Board of County Commissioners shall consist of three members.

Background

A proposal to increase the number of commissioners was defeated in 1994. Since then, it has been discussed frequently by CRC but never gained enough traction to land on the ballot.

Points to Ponder

- Can three commissioners follow the Open Public Meetings Act (OPMA)? (Deeper Dive) With three commissioners, two is a quorum so potential for violation of OPMA is always possible. While there have been no accusations of violations, there is the potential for appearance of violation.
- Thirty five of 39 counties in Washington state have three Commissioners.
- More commissioners would require redistricting or additional commissioners could be at-large.
- There is increased financial cost for additional commissioners.
- According to state law, non charter counties must have a population greater than 300,000 to increase the number of commissioners. In 2022, Clallam County had a population of 78,805.

Deeper Dive (supplemental information)

Title 42 RCW 42.30.010 Legislative declaration. The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly. The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed and informing the people's public servants of their views so that they may retain control over the instruments they have created. For these reasons, even when not required by law, public agencies are encouraged to incorporate and accept public comment during their decision-making process. Any non charter county with a population of 400,000 or more must have a board of commissioners with five members.

Any county with a population greater than 300,000 and less than 400,000 may voluntarily increase the number of commissioners from three to five, with voter approval. In 2022, Clallam County had a population of 78,805. Alternatively, county voters may petition to increase the number of commissioners from three to five.

2 - ELECTION OF COUNTY COMMISSIONERS: COUNTYWIDE/DISTRICT

Current LWVCLA Position: In the current system of three County Commissioners, the Commissioners should continue to be nominated by district and elected at large.

Committee Recommendation: Retain

Current Charter Language

ARTICLE 11 Section 2.20. The Board of County Commissioners shall consist of three members. The Commissioner shall be nominated by the voters from each of the three districts and elected by the voters countywide for a term of four years as provided in this charter.

Background

The original charter (1976) provided for nominating County Commissioners by district and electing county wide. The voters have been presented with several opportunities to address this issue.

1983 & 2003 - election by district	FAILED
2015 - election by district	PASSED
2020 - election countywide	PASSED

Between 2015 and 2020, Clallam was the only charter county in the state electing commissioners by district. During this time, the three county commissioners were elected a very small percentage of the countywide electorate--13%, 17% and 24%.

Points to Ponder

- County Commissioners make decisions that affect the entire county so they should be accountable at the ballot box and voted on by the entire county.
- Election by district is done at the state and national level (At state senate level would be 1 of 49, State House of Representative 1 of 98 and national House of Representatives 1 of 435) so it should be done at the local level.
- At state and national levels one vote is rarely a “swing” vote, but with only three commissioners one vote can often be the “swing” vote.
- Election by district gives those voters their “own” commissioner.
- Election countywide means all three commissioners are all voters’ “own” commissioner
- District only elections allow two commissioners to impose rules affecting a third district but those voters would not be able to express their disapproval at the ballot box.
- District only voting means the commissioner knows the district best.
- If the candidate campaigns in their district alone, they do not get to know the issues in other districts.
- Election by district costs less and takes less time to campaign in the smaller area.
- Under State law, RCW 36, the 32 non charter counties elect three commissioners county wide and nominate them by district.

3 - NON-PARTISAN/PARTISAN BOARD OF COUNTY COMMISSIONERS

Current LWVCLA Position: Insofar as permitted by state law, all County Elected officials should be non-partisan, including Commissioners.

Committee Recommendation: Update

Insofar as permitted by state law, all County Elected officials should be non-partisan, *except* Commissioners.

Charter Language: ARTICLE IV Section 4.10

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

Background

In 1976, the newly adopted Clallam County Charter was similar to the organization of non-charter counties outlined in state law. All elected officials other than judicial were left as partisan as per RCW29.A.04.110.

In 1989, 61% of the county voters approved a Charter Review Commission (CRC) proposal to convert the offices of Treasurer, Auditor, Sheriff and Assessor to non partisan. The reasoning presented was these offices carry out functions defined by the state and have no policy making powers. Two county elected offices were not included, Board of County Commissioners and Prosecuting Attorney.

The Board of County Commissioners (BOCC) were NOT included because under the charter they have legislative, administrative and policy-making powers. It was also believed that because of their policy-making powers it was important for voters to know the basic governance philosophy of commissioner candidates. No CRC has proposed changing BOCC to a non partisan office.

The Prosecuting Attorney argued before the 1989 CRC that his office under state law had to be partisan and his opinion was not challenged. The 2020 CRC challenged that assertion and 66% of the voters approved changing the Prosecuting Attorney office to non partisan.

Points to Ponder

- LWVUS promotes an “open government system that is representative, accountable and responsive” as stated in the LWVUS publication Impact on Issues. (Deeper Dive)
- A political party label enables the voter to identify with the candidate’s political philosophy.
- Party identification, particularly at the local level, is not necessarily an indicator of personal philosophy.
- With nonpartisan candidates an election campaign could be focused on the discussion of issues and policies rather than political party control.
- Nonpartisan elections reduce the pressure for a party to put forth a candidate, just to have a bi-partisan race.
- A nonpartisan BOCC reduces the likelihood of polarization and bloc voting along party lines.
- Parties provide election campaign workers and financial support.
- Partisan commissioners can more easily connect with state and federal government office holders that share their party affiliation.

Deeper Dive...

Legislative reference: RCW29A.04.110

“Partisan office” means a public office for which a candidate may indicate a political party preference on his or her declaration of candidacy and have that preference appear on the primary and general election ballot in conjunction with his or her name. The following are partisan offices...All county offices except (a) judicial offices and (b) those offices for which a county home rule charter provides otherwise.

LWVUS on Issues, A Guide to Public Policy Positions of the League of Women Voters

Page 10 Summary of Public Policy Positions

League of Women Voters ® of the United States REPRESENTATIVE GOVERNMENT

Promote an open governmental system that is representative, accountable and responsive.

Page 51 VOTER REPRESENTATION/ELECTORAL SYSTEMS

The League’s Position: Statement of Position on Voter Representation/Electoral Systems as adopted by concurrence by the 54th National Convention in June 2020:

LWVUS promotes an open governmental system that is representative, accountable, and responsive. We encourage electoral methods that provide the broadest voter representation possible and are expressive of voter choices.

Whether for single or multiple winner contests, the League supports electoral methods that:

- *Encourage voter participation and voter engagement.*
- *Encourage those with minority opinions to participate, including under-represented communities.*
- *Are verifiable and auditable.*
- *Promote access to voting.*
- *Maximize effective votes/minimize wasted votes.*
- *Promote sincere voting over strategic voting.*
- *Implement alternatives to plurality voting.*
- *Are compatible with acceptable ballot-casting methods, including vote-by-mail.*

4 - POWERS OF COUNTY COMMISSIONERS

Current LWVCLA Position: All legislative powers of the County shall continue to be vested in the elected Board of County Commissioners (BOCC) who should be viewed as the “the public face” of the County government. The BOCC is responsible for determining County policy and should be principally a legislative, rather than an administrative body.

Committee Recommendation: Remove

This position is not necessary as the Charter vests all legislative power in the BOCC.

Current Charter Language

ARTICLE XII Section 2.10 The Legislative and executive body shall be the Board of County Commissioners, hereafter referred to as the ‘Commissioners.’”

Article II Section 2.30.20 The Commissioners shall delegate duties, functions and responsibilities but will remain accountable for all executive actions.

Background

- In Clallam County, executive and legislative powers rest with the County Commissioners. The BOCC can delegate all or some of its duties, functions and responsibilities but remain accountable for all executive actions. This is the form of government of the 32 non charter counties in Washington (Washington Constitution Article 11). (See Deeper Dive for description of two types of county government.)
- The charter explicitly makes the BOCC “accountable for all executive actions.” The executive powers of Clallam County government can only be changed by changing the Charter statement. LWVCLA appears never to have studied the effect of removing that statement.

.....

Deeper Dive

MRSC Description of two types of county government

- **Commissioner/Council-appointed Administrator Form** In this form, an elected body, be it a county commission or council, continues to have the policy-making, legislative, and budget-adoption functions. However, the council or commission delegates all or a portion of its administrative authority to an appointed professional administrator with the specific intent of enhancing administrative coordination and control functions. As an appointed official, the county administrator serves at the pleasure of the council or commission.
- **Council-Elected Executive Form** In this form, the county executive is elected by the voters and serves as the head of the executive branch of government. The county council is the legislative branch of government, and it enacts ordinances, adopts the budget, and exercises oversight of the administration. Its role is similar to the role of a city council in a mayor-council city. The county executive has the power to veto legislation; however, a veto can be overridden by the council with a two-thirds majority vote or greater. The county executive proposes policies to the council, executes policies adopted by the council, prepares a budget, and has responsibility for general administration of the county. The county executive appoints and may dismiss department heads, generally with the consent of the council. The county executive's role is similar to the role of a mayor in a council-mayor city.

5 - APPOINTED/ELECTED DEPARTMENT DIRECTORS

Current LWVCLA Position:

Administrative Departments should be headed by appointed (not elected) officials bearing the necessary skills, training and competency to assure that the County's policies, programs and responsibilities are carried out in a professional, cost-effective manner.

Committee Recommendation: Retain

Current Charter Language

ARTICLE IV Section 4.10 Elected county officials in addition to the County Commissioners shall include the Auditor, Assessor, Treasurer, Director of the Department of Community Development, Sheriff, Prosecuting Attorney, and Judges of the Superior and District Courts. The Director of the Department of Community Development shall be elected November 2003 for an initial term of three (3) years, and every four (4) years thereafter. All elected officials shall be non partisan, except for the County Commissioners.

Background

This position, adopted by LWVCLA in 2002 and retained in 2008, is in accord with the national League's fundamental principles and its positions on representative government. Up until 2003, directors of administrative departments (though not all County officials) were appointed. In that year, as a result of a Charter amendment proposed by the Charter Review Commission and approved by the voters in 2002, Director of the Department of Community Development (DCD) became an elective position. The position is non-partisan. In three subsequent years (2007, 2015 and 2020), the issue of amending the Charter to change the position back to an appointive one was put before the voters and failed. LWVCLA spoke in support of the change in 2007 and 2015, but did not take action in 2020.

Administrative department are those that are under the County Administrator, helping with the work of the BOCC. They do not refer to any of the departments headed by elected officials except for the DCD.

Points to Ponder

- In general, county governments follow the League's reasoning in regard to the value of appointing their DCD directors.
- Among county governments in the state of Washington, Clallam County is the only one that elects its DCD director.
- County voters do not appear eager for a change. They voted three times in a row to keep the office of DCD director as an elective position.
- In view of this, should the League actively champion a position that seems to be so at odds with current public opinion in Clallam County?
- A situation occurred in 2022 when the elected DCD director was working remotely from another state for the remainder of her term and had relinquished her voting rights in Clallam County. The County, faced with an unprecedented and challenging situation, ultimately removed her from her position and appointed an interim director.

Deeper Dive

ARTICLE IV Section 4.25 Director of the Department of Community Development

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

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

Section 4.20: Powers and Duties All other elected officials shall exercise the powers and duties of their respective offices as provided by law. All elected officials and their departments shall utilize the personnel, budgeting, purchasing, property control and records management systems established by the Commissioners through ordinance except insofar as such utilization would be contrary to the powers and duties of the constitutional officers. The Prosecuting Attorney will serve as ex-officio coroner without extra compensation.

6 - PROFESSIONAL ADMINISTRATOR

Current LWVCLA Position

The County Administrator should be a professional administrator, subject to appointment, removal and general supervision by the Board of Commissioners. Administrative responsibilities are the purview of the County Administrator, enabling the County Commissioners to focus on their legislative and policy-setting responsibilities.

Committee Recommendation: Remove

This position is not necessary as the Charter requires the Commissioners to appoint an administrator and requires them to select a person who has executive experience and professional administrative qualifications.

Current Charter Language

ARTICLE VI – ADMINISTRATOR Section 6.10 Administrator

The Commissioners shall appoint an Administrator, selected on the basis of his or her executive experience and professional administrative qualifications, to carry out the administrative responsibilities of the county. (Deeper Dive 6.10 and 6.20)

Background

This position was adopted by LWVCLA in May 2002. **ARTICLE VI Section 6.20** of the Charter, Duties & Responsibilities was approved by the voters in the November 2002 election. That amendment added the word “professional” to administrative qualifications.

Separation of powers between an Executive (elected) and a legislative body is the form of government for the four largest counties in Washington: King, Pierce, Snohomish and Whatcom. All smaller counties have a variation of the Commissioner form of government in Clallam County. (Deeper Dive MRSC)

Points to Ponder

- LWVCLA adopted this position in May 2002. Section 6:20 of the Charter, Duties & Responsibilities was approved by the voters in the November 2002 election. That amendment added the word “professional” administrative qualifications.
- In Clallam County, the Administrator currently carries out the administrative functions assigned by the Commissioners. The Commissioners may delegate duties, functions and responsibilities but remain accountable for all actions.

Deeper Dive

ARTICLE VI Section 6.10 Administrator

The Commissioners shall appoint an Administrator, selected on the basis of his or her executive experience and professional administrative qualifications, to carry out the administrative responsibilities of the county. He or she need not, at the time employment commences, be a resident of the county or state.

ARTICLE VI Section 6.20 Duties and Responsibilities

The Administrator shall be directly responsible to the Commissioners and he or she shall serve the Commissioners and the county by making recommendations concerning the affairs of the county as may be necessary; keeping the Commissioners advised as to the needs of the county and making recommendations when appropriate; preparing and submitting the proposed annual budget to the Commissioners; supervising, performing, and delegating other responsibilities as may be prescribed by this Charter or be required of him or her by ordinance or resolution of the Commissioners. The Administrator and any other officer or officers of the county are authorized to exercise and perform any of their duties or responsibilities through any of their respective subordinates.

Refer to #4 Powers of County Commissioners for MRSC's description of two types of county government.

7 - COUNTY ADMINISTRATOR MAY NOT SERVE AS DEPARTMENT DIRECTOR

Current LWVCLA Position: None

Committee Recommendation: New

The appointed County Administrator should not be allowed to also serve as Director of a department.

Current Charter Language:

ARTICLE VI Section 6.10 Administrator

The Commissioners shall appoint an Administrator, selected on the basis of his or her executive experience and professional administrative qualifications, to carry out the administrative responsibilities of the county. He or she need not, at the time employment commences, be a resident of the county or state (2015).

Background

The Director of Human Resources was ALSO appointed to be the Interim County Administrator in 2018. The term “Interim” was dropped in 2020. He served in both capacities for five years. In July 2023, a new Administrator was hired and the former Administrator then continued in his original position as Director of Human Resources.

The recommended position supports an amendment to Clallam County Home Rule Charter stating that a sitting Administrator cannot also serve as Director of a Department.

Points to Ponder

- Shared responsibility may result in conflict of interests as per the current Admin/HR on personnel issues. As an example, if an employee has a complaint, the administrator would be both judge and jury.
- It is contrary to League principles of good government.
- This restriction could be instituted through county policy but an amendment to the Charter would be stronger.

8 - COUNCIL MANAGER FORM OF GOVERNMENT

Current LWVCLA Position: Clallam County should move toward adoption of the council-manager form of government.

Committee Recommendation: Remove

The state of Washington provides for only two forms of county government. They do not include a “Council/Manager” form of government, rendering the position moot. (Deeper Dive mrsc.org)

Current Charter Language

ARTICLE II Section 2.10 The legislative and executive body shall be the Board of County Commissioners, hereafter referred to as “Commissioners.”

ARTICLE II Section 2.30.20 The Commissioners shall delegate duties, functions and responsibilities but will remain accountable for all executive actions.

Background

All 32 non charter counties with a population below 300,000 have our current form of government-- Commission/Council-Appointed Administrator. In Washington there is not “Council/Manager” form of government.

Of the seven Charter Counties in Washington, three counties (Clallam, Clark and San Juan) have this form of government and they have the smallest population of the Charter counties.

Points to Ponder

- Does it make any sense to advocate for a form of government that is not recognized by State law?
- This position does not explain how Council-Manager differs from Clallam County’s current form of government, in which the Administrator carries out the administrative functions assigned by the Commissioners. The Commissioners may delegate duties, functions and responsibilities but remain accountable for all executive actions.
- If the intention is to separate the legislative and executive powers of the Commissioners, it would require an amendment to the Charter.

Deeper Dive

For a description of two types of county government refer to Deeper Dive Position #4 that describes Commissioner/Council-Appointed Administrator Form of Government

9 – CORONER

Current LWVCLA Position The Charter position that the Prosecuting Attorney serves as ex-officio coroner is no longer acceptable as presently implemented. At a minimum, the County Commissioners are urged to work with the affected departments and agencies to develop a system which will assure the death investigations are conducted by qualified medically trained professionals in a consistent, timely manner.

Committee Recommendation: Update

Revise to read: The Charter provision that the Prosecuting Attorney serves as ex-officio coroner is not acceptable. The County must adopt a system that assures that death investigations are conducted by qualified, medically-trained professionals in a consistent, timely manner. LWVCLA favors a system in which the coroner is appointed by the BOCC and neither the administrator nor the prosecutor may be the appointee. The BOCC should develop a job description based on current medical investigator criteria, education and experience.

Current Charter Language

ARTICLE IV Section 4.20 states that the Prosecuting Attorney will serve as the ex-officio coroner without extra compensation.

Background

The current charter language stating that the Prosecutor will serve as the ex-officio coroner has never been changed or amended. In 1994, the Charter Review Commission submitted an initiative that would have given the BOCC the authority to create a death investigation system. The initiative was submitted to the voters and was defeated by a vote of 11,687- 10,096. The issue has not been submitted to the voters since 1994 even though the prosecutor has advocated for removing the coroner functions from its office.

Current Options

1. Prosecutor remains as Ex-Officio Coroner
2. Coroner is appointed by the BOCC (department separate from Prosecutor)
3. Coroner is elected
4. Create an Office of Medical Examiner
5. Enter into an interlocal agreement for Coroner/Medical Examiner

Points to Ponder

- Legislation passed in 2021 (effective 2025) is designed to decouple the coroner from the prosecutor. The RCW does not mention charter counties; however, both the House and Senate bill reports state the amendments affect non-charter counties with a population less than 40,000. There is no mention in either the amendments or the bill reports of Clallam County and the amendments don't specifically disqualify the prosecutor from being appointed coroner in non-charter counties.
- If the Clallam County Charter remains the same, it will be the only county with a population over 40,000 that will have a prosecutor who is the ex-officio coroner. Also, if our Charter remains the same, it will be inconsistent with the intent of Washington State law.

- A coroner's office that is separate and independent from the prosecutor will have a greater likelihood of attracting qualified, experienced death investigators. Better trained investigators enhance the use of and aid law enforcement, assist the prosecution and defense equally, make more accurate death determinations and use resources more efficiently.
- There are inherent conflicts of interest when the coroner is coupled with the prosecutor. Death investigators are not truly independent when they are employed in and supervised by the elected prosecutor. Even if there are no actual conflicts of interest there is always the potential for conflicts and the perception of conflicts. One conflict is that coroners can perform functions that the prosecutor and law enforcement cannot. This includes searching without a warrant and obtaining medical records and other privileged records. The coroner is tasked with making independent, evidence-based conclusions on manner and cause of death that should not be influenced by the prosecutor.
- The coroner function has become a full-time job for the prosecutor and his staff. This diverts resources from prosecutorial functions.
- Costs can be reduced with a separate office. First, the prosecutors will be able to focus on prosecutorial functions and not independent death investigations. Second, the coroner's office would be able to focus on hiring trained and experienced death investigators. These professionals can save the county money by making informed decisions as to when an autopsy is needed, collecting evidence and using their knowledge and experience to be more efficient.
- If the coroner was an appointed position, the BOCC would be able to create a job description based on education and experience-based qualifications ensuring that we have a qualified death investigator. The Washington state statute does not specify qualifications for an elected coroner.
- The medical examiner approach is financially out of reach. There is a nation-wide shortage of board-certified forensic pathologists. In addition, the County would have to finance a morgue, a lab and all the necessary equipment.
- An interlocal agreement also may not be possible. The law requires that this agreement be made with an adjoining county. Jefferson County is currently contracting with Kitsap County. Kitsap is currently unable to help Clallam County with medical examiner needs due to resource issues.

10 - FREQUENCY OF CHARTER REVIEW COMMISSION

2002 LWVCLA Position: The election of a Charter Review Commission (CRC) at ten-year intervals, rather than five, would serve the citizens of Clallam County equally well and create less of a drain on County staff and fiscal resource. In the interim, amendments to the Charter can still be proposed by the County Commissioners or by the public filing an initiative petition.

Committee Recommendation: Reinstate

Reinstate 2002 position, revising it to read: The interval between Charter Review Commissions should be 10 years.

Current Charter Language

Article XI Section 22.10.10 Election and Period of Office Commencing with the statewide general election in November 2019 and every five years thereafter, the Commissioners shall cause an election of a Charter Review Commission, hereinafter referred to as the Commission.

Background

Clallam County is the only charter county that meets to review its charter every five years. The other six charter counties all use an interval of ten years.

In 2007, county voters passed an amendment to the Charter that mandated the CRC meet at 8 year intervals instead of 5 year intervals.

In 2008, LWVCLA dropped its 2002 position supporting 10-year intervals, believing that the voter-approved interval of 8 years would suffice. However, the CRC that met in 2015 proposed an amendment to return to 5-year intervals and it passed. In 2020, when the issue was again put to the voters, they again supported 5-year intervals.

Points to Ponder

- **Reinstate:** Retaining a position, even when the Charter has been changed in ways LWVCLA supports, acknowledges that LWVCLA considers it good government. In the past, amendments have passed and then were changed by a later Charter Review Commission. (Deeper Dive) Retaining the position allows the League to use the position if a later amendment changes the frequency.
- **Stability:** A review every 10 years allows time for Charter amendments to be implemented and evaluated. When the potential for major structural change in the form of government occurs every 5 years, it can lead to constant uncertainty and make long-range planning efforts less effective.
- **Citizen Input:** The number of citizens participating in CRC process has decreased which could be a result of disaffection because of the frequency of the review as well as the repetition of issues. On the other hand, it is an opportunity for citizen input to change the Charter every five years. It allows citizens to bring issues to an elected citizen volunteer board, in addition to the BOCC, more frequently.

- **Fiscal Considerations:** Charter review requires support from County government. Mandating that CRC meet at intervals that are more frequent than necessary can be costly, especially in terms of staff time.
- **Rehashing:** Meeting every 5 years has led to repeated votes on old issues rather than examining new ones. Both election of DCD and election by district or countywide were each placed on the ballot by four Commissions. Frequency of CRC has been placed on the ballot by seven different Commissions. (Deeper Dive)
- **League Advocacy:** Although good-government principles and policies at the state and national level of the League of Women Voters provides helpful guidance to local Leagues, positions such as the frequency position, adopted at the local level, enable local League leaders to speak at public forums and to elected officials with greater specificity and authority.

Deeper Dive

Home Rule Charter Counties Compared

Clallam County elects CRC every **5** years.

San Juan, Whatcom, Snohomish, Pierce, King, Clark Counties elect every **10** years (allows time to implement)

Difference in 5 & 10 Year CRC Terms	
<u>If CRC is 5 years</u>	<u>If CRC is 10 Years</u>
Election years * <u>2024</u> , 2029, 2034, 2039, <u>2044</u> , 2049, 2054 In 30 years – 7 CRCs	<u>2024</u> , 2034, <u>2044</u> , 2054 In 30 years -- 4 CRCs
<i>*Note: Underline shows presidential election years</i>	

Repeat Amendments

- Elect DCD: 4 CRCs '02 '07 '15 '20
- Elect CRC by District: 4 CRCs '83 '03 '15 '20

Frequency of CRC placed on the ballot by 7 CRCs:

- 7 years in '81 (Y **6,152**, No 3,691)
- 5 years in '83 (Y **7,600**, No 6,198)
- 5 years in '94 (Y **14,178**, No 6,187)
- 10 years in '03 (Y 7,667, **No 10,713**)
- 8 years in '07 (Y **14,246**, No 7,131)
- 5 years in '15 (Y **12,590**, No 8,152)
- 8 years in '20 (Y 10,390, **No 34,353**)

11 - REDISTRICTING

Current LWVCLA Position: The date-specific provisions of Charter Section 7.40 concerning procedures for County redistricting are problematic when census data arrives late. The timetable for the appointment of the Districting Commission, the employment of a Districting Master, the subsequent public hearings, meetings, and plan approval should begin with receipt of the decennial census information rather than a fixed date.

Committee Recommendation: Reinstate

Current Charter Language

ARTICLE VII Section 7.40: County Commissioner District Boundaries

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

By January 31, 1991 and by January 31st of each tenth year thereafter, a Districting Commission shall be appointed. Each member of the Board of Commissioners shall appoint one member. A member of the Board of Commissioners shall not serve on the Districting Commission. The central committee of each major political party, as such party is defined by state law, shall each appoint one member to the Districting Commission. Members of the Districting Commission shall serve without compensation, but will be reimbursed for expenses.

The Districting Commission shall meet within 15 days after appointment and develop procedures for the employment of a Districting Master who shall be qualified by training, education and experience to draw a districting plan. The Districting Master shall be hired by March 15. Immediately thereafter, the Districting Commission shall schedule public hearings to provide input on preliminary districting proposals being developed by the Districting Master. The Districting Master shall meet with the Districting Commission to consider recommendations for changes by the Districting Commission members. The Districting Master shall submit the final draft of the districting plan to the Districting Commission for consideration of adoption.

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

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

Background

The Charter requires the appointment of a Districting Commission by January 31 of the year following the decennial census. Each member of the BOCC appoints one member and central committee of each major political party appoints one member. The five elect a chair from among the group. The Districting Commission

must hire a Districting Master by March 15, who must complete a final districting plan by May 15. The plan must be approved by a majority plus one vote of the Districting Commission by June 1.

There are two significant issues where Clallam County's procedures differ from most other counties:

- 1) The RCWs governing non-charter counties require approval of a final districting plan no later than eight months after receipt of the decennial census information.
- 2) In some other Charter counties, the governing board (Council) appoints two people from each major political party and these four appoint a fifth member who serves as chair.

Points to Ponder

- An Amendment proposed by the Charter Review Commission and approved by the voters November 5, 2002 corrected part of the existing problems and, in 2008, the LWVCLA decided the position wasn't needed anymore.
- Retaining a position, even when the Charter has been changed in ways LWVCLA supports, acknowledges that LWVCLA considers it good government. In the past, amendments have passed and then were changed by a later Charter Review Commission. (see Deeper Dive in "Frequency") Retaining the position allows the League to use the position if a later amendment changes the redistricting process.

12 – INITIATIVE and REFERENDUM

LWVCLA Current Position: The people are entitled to clear and complete information concerning the powers reserved to them, as well as the limitations on those powers. The limitations on the local initiative and referendum processes are stated in the Charter should be amended to include (as stated in the County Administrative Code) “those which do not conflict with the federal and state constitutions, the laws of the State of Washington or the County Charter.” Furthermore, citizens should have made available to them a packet containing all necessary information regarding the initiative, referendum and recall procedures.

Committee Recommendation: Retain

Charter Language

ARTICLE VIII Section 8.20: Initiative – General Provisions

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

ARTICLE VIII Section 8.30: Initiative – Limitations

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

The County Administrative Code limits initiatives to those which do not conflict with the federal and state constitutions, the laws of the State of Washington or the County Charter. Limitations placed on referendums mirror the foregoing, except they apply to ordinances already in existence.

Background

In Washington State, only citizens of charter counties are given the power to initiate, amend and reject county ordinances. The initiative power allows citizens to propose new or amended ordinances, while the power of referendum gives citizens the right to challenge existing ordinances.

However, there are limitations on these powers. The Clallam County Charter states that The Process for both initiative and referendum begins with a sponsor presenting a petition to the Auditor for registration. If the petition is in proper form, and after the Prosecuting Attorney formulates a statement of purpose of the measure and prepares a legislative title, the petitioner has ninety days to collect and file the signatures of legal voters. After signature verification, the Auditor presents the petition and the verification to the County Commissioners for consideration. If the Commissioners reject the petition, the proposed initiative or referendum is submitted to the voters.

In November 2002, the CRC proposed amending the Charter concerning the initiative, mini-initiative and referendum. The amendment read: “The Clallam County Charter Review Commission has proposed amending the Clallam County Home Rule Charter concerning the initiative, mini-initiative and referendum process. The proposal would delete existing Home Rule Charter Section 8.10 and 8.80, ‘inclusive’ and replace them with

new provisions for the initiative, mini-initiative and referendum process. The amendment failed: **Y 9,924 N 10,625.**

Points to Ponder

- Retain this position because the LWVCLA may want to speak to it at another time.
- Information concerning the Initiative and referendum process is located in three places: the Charter, the County Code, and the RCW. The county has no central place for the citizen to collect all the relevant information. Signatures are collected before a judgment is made concerning the constitutionality of an initiative.
- There is no public input. Without public hearings, only one side is addressed. There is no opportunity for comment, debate, or chance of compromise.
- A charter amendment is not necessarily required. An issue such as this can be addressed in the County Code and administrative procedures. The county could help citizens understand the initiative and referendum process by developing a packet containing all necessary information.
- A publicly-funded forum, held in advance of circulation of a petition, would allow broader understanding of the issues involved.

ADDENDUM

ACRONYMS

BOCC	Board of County Commissioners
CRC	Charter Review Commission/-er
DCD	Director of Community Development
LWVCLA	LWV of Clallam County
LWVUS	LWV of United States
MRSC	Municipal Research & Services Center
OPMA	Open Public Meetings Act
RCW	Revised Code of Washington

COMMITTEE RECOMMENDATIONS

Retain:

#2 Election of County Commissioners: Countywide/District

#5 Appointed/Elected Department Heads

#12 Initiative and Referendum

Remove:

#4 Powers of County Commissioners

#6 Professional Administrator

#8 Council-Manager Form of Government

Reinstate:

#10 Frequency of CRC

#11 Redistricting

New:

#7 County Administrator May Not Serve as Department Director

Update:

#1 Number of County Commissioners,

#3 Non-Partisan BOCC

#9 Coroner

The League of Women Voters of Clallam County Believes (May 2002)

1. All legislative powers of the County shall continue to be vested in the elected County Commissioners who should be viewed as “the public face” of the County government. The Board of Commissioners is responsible for determining County policy and should be principally a legislative, rather than an administrative, body.
2. Insofar as permitted by State law, all County elected officials should be non-partisan, including Commissioners.
3. In the current system of three County Commissioners, the Commissioners should continue to be nominated by district and elected at large.
4. In order to improve geographic representation and possibly provide a broader range of ideas and opinions, the number of Commissioners should be increased when warranted by a larger population.
5. The County Administrator should be a professional administrator, subject to appointment, removal and general supervision by the Board of Commissioners. Administrative responsibilities are the purview of the County Administrator, enabling the County Commissioners to focus on their legislative and policy-setting responsibilities.
6. Clallam County should move toward adoption of the council-manager form of government.
7. Administrative departments should be headed by appointed (not elected) officials bearing the necessary skills, training and competency to assure that the County’s policies, programs and responsibilities are carried out in a professional, cost-effective manner.
8. The Charter provision that the Prosecuting Attorney serves as ex-officio coroner is no longer acceptable as presently implemented. At a minimum, the County Commissioners are urged to work with the affected departments and agencies to develop a system which will assure that death investigations are conducted by qualified medically-trained professionals in a consistent, timely manner.
9. The date-specific provisions of Charter Section 7.40 concerning procedures for County redistricting are problematic when census data arrives late. The timetable for the appointment of the Districting Commission, the employment of a Districting Master, the subsequent public hearings, meetings, and plan approval should begin with receipt of the decennial census information rather than a fixed date.
10. The election of a Charter Review Commission at ten-year intervals, rather than five, would serve the citizens of Clallam County equally well and create less of a drain on County staff and fiscal resources. In the interim, amendments to the Charter can still be proposed by the County Commissioners or by the public filing an initiative petition.
11. The people are entitled to clear and complete information concerning the powers reserved to them, as well as the limitations on those powers. The limitations on the local initiative and referendum processes as stated in the Charter should be amended to include (as stated in the County Administrative Code) *those which do not conflict with the federal and state constitutions, the laws of the State of Washington or the County Charter*. Furthermore, citizens should have made available to them a packet containing all necessary information regarding the initiative, referendum and recall procedures.

LEAGUE OF WOMEN VOTERS OF CLALLAM COUNTY
LOCAL POSITION: CLALLAM COUNTY HOME RULE CHARTER

As updated May 15, 2008

- All legislative powers of the County shall continue to be vested in the elected County Commissioners who should be viewed as “the public face” of the County government. The Board of Commissioners is responsible for determining County policy and should be principally a legislative, rather than an administrative, body.
- Insofar as permitted by State law, all County elected officials should be non-partisan, including Commissioners.
- In the current system of three County Commissioners, the Commissioners should continue to be nominated by district and elected at large.
- In order to improve geographic representation and possibly provide a broader range of ideas and opinions, the number of Commissioners should be increased when warranted by a larger population.
- The County Administrator should be a professional administrator, subject to appointment, removal and general supervision by the Board of Commissioners. Administrative responsibilities are the purview of the County Administrator, enabling the County Commissioners to focus on their legislative and policy-setting responsibilities.
- Clallam County should move toward adoption of the council-manager form of government.
- Administrative departments should be headed by appointed (not elected) officials bearing the necessary skills, training and competency to assure that the County’s policies, programs and responsibilities are carried out in a professional, cost-effective manner.
- The Charter provision that the Prosecuting Attorney serves as ex-officio coroner is no longer acceptable as presently implemented. At a minimum, the County Commissioners are urged to work with the affected departments and agencies to develop a system which will assure that death investigations are conducted by qualified medically-trained professionals in a consistent, timely manner.
- The people are entitled to clear and complete information concerning the powers reserved to them, as well as the limitations on those powers. The limitations on the local initiative and referendum processes as stated in the Charter should be amended to include (as stated in the County Administrative Code) “those which do not conflict with the federal and state constitutions, the laws of the State of Washington or the County Charter.” Furthermore, citizens should have made available to them a packet containing all necessary information regarding the initiative, referendum and recall procedures.

Note: This position was originally adopted by the LWVCLA in 2002, subsequently reaffirmed at annual meetings, and amended in 2008 to acknowledge goals which had been accomplished.