
SNOHOMISH COUNTY CHARTER

PREAMBLE

We, the citizens of Snohomish county, in order to:

- secure the benefits of home rule;
 - encourage citizen participation in county government;
 - separate the executive and legislative powers;
 - provide for a responsible and responsive county government,
- do hereby adopt this charter.

Article 1 — Powers of the County

Section 1.10 Home Rule Powers

The county shall have all possible powers that a home rule county may have under the Constitution and laws of the state of Washington.

Section 1.20 Powers Liberally Construed

The powers of the county under this charter shall be liberally construed in favor of the county. Grants of specific powers shall not be construed as a limit on the general powers of the county. Reference to the state Constitution and laws in this charter shall be construed as a continuing reference to them as they may be amended from time to time. This charter and the ordinances enacted hereunder shall supersede special and general laws of the state of Washington which are inconsistent with the charter and ordinances to the extent permitted by the state Constitution.

Section 1.30 Intergovernmental Relations

In the exercise of its powers or in the performance of its duties, whether or not specifically assigned by this charter to any officer, board, commission or agency, the county may by ordinance authorize participation in any function, project or activity with any one or more governments, governmental agencies, municipal corporations or private agencies or corporations in any manner permitted by law, and may share the responsibilities and costs of such function, project or activity.

Section 1.40 Name, Boundaries and County Seat

The name, boundaries and county seat of Snohomish county shall remain as they are on the effective date of this charter until changed as provided by law.

Article 2 — The Legislative Branch

Section 2.10 Description

The legislative body shall be the county council.

Section 2.20 Powers

All powers of the county, not reserved by the people or vested in specific offices by this charter, shall be vested in the county council. The county council shall exercise its legislative power by adoption and enactment of ordinances, resolutions and motions. It shall have the power:

1. To levy taxes, appropriate revenue and adopt budgets for the county;
2. To establish the compensation to be paid to all county officials and employees and to provide for the reimbursement of expenses, except as provided in Section 6.120;
3. Except as otherwise provided for herein, to establish by ordinance executive departments and to establish their powers and responsibilities;
4. To adopt by ordinance zoning regulations and other land use and development regulations, including improvement plans for the present and future development of the county;
5. To employ legal counsel as allowed by the laws of the state of Washington;
6. To confirm or reject without cause nominations of members of all county boards and commissions, provided, the county council shall have concurrent authority with the county executive to nominate members of the Snohomish county planning commission;
7. To approve contracts or establish by ordinance methods by which any type of contract shall be approved;
8. To set collective bargaining guidelines to be followed by the county executive and to approve any and all collective bargaining agreements negotiated by the county executive.

The enumeration of particular powers shall not be construed as limiting the powers of the county council.

(Amended during General Election, Nov. 5, 1996, Eff date Nov. 30, 1996; Amended during General Election, November 7, 2006, Eff date Jan. 1, 2007).

Section 2.30 Composition

The county council shall consist of five members nominated and elected from districts. Councilmembers shall be residents and registered voters of the district they represent at the time of filing for election to said office and at all times during their terms. Any change in the boundaries of a councilmember's district which shall cause him to be no longer a resident shall not disqualify him from holding office during the remainder of the term for which he was elected or appointed.

Section 2.40 Term of Office

The term of office of each councilmember shall be four years following election and until a successor is elected and qualified.

Section 2.50 Organization

The county council shall annually elect one of its members as chair and one as vice-chair who shall act in the absence of the chair. The council shall be responsible for its own organization, the rules of conduct of its business and for the employment and supervision of such persons as it deems necessary to assist it in the performance of its duties. A majority of the council shall constitute a quorum at all meetings. Council action shall require at least a majority of the entire council except as provided by this charter or ordinance.

Section 2.60 Rules of Procedure

The county council 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. The rules of procedure shall provide for public access to agendas, minutes and voting records of individual county council members. The rules of procedure shall also provide for an opportunity for public comment during any meeting of the county council. All meetings shall be open to the public except to the extent executive sessions are authorized by state law.

(Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 2.70 Relationship with Other Branches

Except in the performance of its legislative functions under this charter, the county council, its staff, and individual council members shall not interfere in the administration of the executive branch or give orders to or direct, either publicly or privately, any officer or employee subject to the direction and supervision of the county executive or other elected officials. The county executive and county council jointly shall hold biennial public hearings and provide a county operation review forum for public comment on the operation of each county department.

Section 2.80 Council Subpoena Powers

The county council may, in connection with the legislative process, make investigations into the affairs of the county and the conduct of any county department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence, and may invoke the aid of any court of competent jurisdiction to carry out such powers; provided that any witness shall have the right to be represented by counsel.

Section 2.90 Audit

The county council may conduct or cause to be conducted audits of the financial operations of the county government or any portion thereof. The county council may conduct or cause to be conducted periodic performance and program audits to review the effectiveness and efficiency of the programs and operations of the county. Annual audits shall continue to be performed by the state in accordance with general law.

(Amended during General Election, Nov. 5, 1996, Eff date Nov. 30, 1996).

Section 2.100 Ordinances — Form

No ordinance shall contain more than one subject which shall be clearly expressed in the title. Ordinances may, by reference, adopt Washington state statutes, or any recognized, printed codes or compilations in whole or in part. All ordinances of the county of a general and permanent nature shall be incorporated into and become part of a Snohomish County Code. The county council shall establish by ordinance procedures to codify ordinances and to correct deficiencies and conflicts and to remove obsolete provisions from the code. Proposals for enactment of technical revisions to the code shall be submitted to the county council.

Section 2.110 Ordinances — Enactment

Proposed ordinances may be introduced by any councilmember, mini-initiative or initiative. Every proposed ordinance shall be introduced in its entirety in writing. At least thirteen days shall pass between the introduction and the final passage of every ordinance, except emergency ordinances. Brief summaries of proposed ordinances providing reasonable notice as to the nature of the action contemplated shall be published before consideration. The council shall hold at least one public hearing after due notice to consider the proposed ordinance. Any proposed ordinance may be amended by motion at hearing without publication, provided, that such amendments shall not change the scope and object of the proposed ordinance. No proposed ordinance shall become a law unless on its final passage the vote be taken by roll call by yeas and nays. Ordinances, or summaries of them, shall be published after enactment. Except for emergency ordinances, a minimum of three affirmative votes shall be required to adopt an ordinance.

Every ordinance shall be presented to the county executive within five working days after adoption by the county council. Within ten working days after presentation, the county executive shall either sign the ordinance and return it or veto the ordinance and return it to the county council with his written objections. If an ordinance is not returned to the county council within ten working days after its presentation, it shall be deemed enacted without the county executive's signature. If the county executive vetoes an ordinance, the county council shall have thirty days to reconsider the ordinance. If the ordinance receives at least four affirmative votes it shall become law. Except as otherwise provided by this charter, all ordinances shall take effect ten days after they are signed by the county executive or otherwise enacted, or at a later date if stated in the ordinance.

Section 2.115 Ordinances — Amendment, Repeal

No ordinance shall be amended unless the proposed new ordinance sets forth each amended section at full length. The county council in repealing laws shall include in such proposed ordinance references to the law affected. All ordinances which establish programs requiring funding shall provide for repeal on the date six years following enactment unless re-enacted prior to that date.

Section 2.120 Emergency Ordinances

Any proposed ordinance may be enacted as an emergency ordinance if the county council finds as a fact, and states in the ordinance, that the ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions. A minimum of four affirmative votes shall be required to enact an emergency ordinance. Emergency ordinances shall not be subject to the veto power of the county executive. All emergency ordinances shall be effective immediately upon passage by the county council.

Section 2.130 Resolutions

The county council may pass resolutions to express its opinion concerning any item of business or matter of administration coming within its powers. Resolutions shall not have the force of law, shall not be subject to veto and the county council, in passing resolutions, need not comply with procedure requirements for the introduction, consideration and passage of ordinances.

Section 2.140 Motions

The county council may pass motions to confirm or reject nominations or appointments, to adopt comprehensive plans, to approve interfund loans, to organize and administer the legislative branch, to perform other administrative acts, to issue rulings in quasi-judicial proceedings except rezone actions, and to request information from any other agency of county government. Motions shall not be subject to veto or the requirements for the introduction, consideration and passage of ordinances.

Section 2.150 Office of County Performance Auditor

The county council shall establish by ordinance within the legislative branch the independent office of county performance auditor for the purpose of reviewing, evaluating and reporting on the integrity of the county's financial management system, the accuracy of financial record keeping, compliance with applicable laws, policies, guidelines and procedures, and the efficiency and effectiveness of operations and programs. The office shall commence functioning no later than July 1, 2007 and shall have the duties and responsibilities expressed in this section as well as those established by ordinance. The performance auditor shall have appropriate professional credentials, legal authority or access to records, adequate funding, and shall use generally accepted accounting/auditing standards. The office of performance auditor shall adhere to government auditing standards in conducting its work and shall be considered independent as defined by those standards.

The performance auditor shall be named through appointment by a majority vote of the county council and shall serve a term of four years unless removed for cause.

(Added during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Article 3 — The Executive Branch

Section 3.10 Composition and Powers

The executive branch shall be composed of the county executive, the county assessor, the county auditor, the county clerk, the prosecuting attorney, the county sheriff, the county treasurer, the officers and employees of executive departments established by this charter or created by the county council and the members of boards and commissions except those that exercise quasi-judicial powers. The executive branch shall have all executive powers of the county under this charter.

Section 3.20 Powers and Duties of County Executive

As chief executive officer, the county executive shall have all the executive powers of the county which are not expressly vested in other elective officers by this charter. The county executive shall have the power to:

1. Supervise all appointed executive departments established by this charter or created by the county council;

2. Execute and enforce all ordinances and state statutes within the county, subject to Section 3.120;
3. Present to the county council an annual statement of the governmental affairs of the county and any other report which the county executive may deem necessary;
4. Prepare and present to the county council a proposed budget and a budget message setting forth proposals for the county during the next fiscal year;
5. Prepare and present to the county council comprehensive plans including capital improvement plans for the present and future development of the county;
6. Veto any ordinance adopted by the county council except as otherwise provided in this charter;
7. Assign duties to appointed executive departments which are not specifically assigned by this charter or by ordinance;
8. Sign or cause to be signed, on behalf of the county, all claims, deeds, contracts, and other instruments;
9. Nominate members of all county boards and commissions;
10. Employ legal counsel as allowed by the laws of the state of Washington;
11. Conduct any and all collective bargaining on behalf of the county and county officers in accordance with guidelines set by the county council and as allowed by the laws of the state of Washington.

The specific statement of particular executive powers shall not be construed as limiting the executive powers of the county executive.

(Amended during General Election, Nov. 5, 1996, Eff date Nov. 30, 1996).

Section 3.30 Election — Terms of Office

The county executive shall be nominated and elected by the voters of the county for a term of four years and until a successor is elected and qualified.

Section 3.40 Appointments by County Executive and Confirmation

The county executive shall nominate, and by and with the advice and consent of a majority of the county council, shall appoint the chief officer of each executive department and office, except the separately elected offices. The county executive may appoint a confidential secretary and a deputy county executive without council confirmation.

Section 3.50 Acting County Executive

The deputy county executive shall be the acting county executive and shall perform the duties of the county executive during the latter's temporary inability to perform by reason of absence from the county or disability. If a vacancy occurs in the office of the county executive, the acting county executive shall serve until the vacancy is filled pursuant to this charter.

Section 3.60 Appointments by the Chief Officers

The chief officer of each executive department shall appoint all officers and employees of the office or department and shall comply with the rules of the personnel system when appointing officers and employees to positions covered by the personnel system.

Section 3.70 Qualifications

The chief officers of appointed executive departments shall be selected on the basis of their abilities, qualifications, integrity and prior experience concerning the duties of the office to which they shall be appointed.

Section 3.90 The Executive Departments

The executive departments shall consist of the departments of the county assessor, the county auditor, the county clerk, the county sheriff, the county treasurer and those agencies of the executive branch which are primarily engaged in the execution and enforcement of ordinances and statutes concerning the public peace, health and safety and which furnish or provide governmental services directly to or for the residents of Snohomish county.

Section 3.100 Election and Term of Office

There is hereby created by the adoption of this charter the offices of county assessor, county auditor, county clerk, prosecuting attorney, county sheriff and county treasurer. These elected officers shall be nominated and elected by the voters of the county, and their terms of office shall be four years and until their successors are elected and qualified.

(Amended during General Election Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 3.110 Powers and Duties

The county assessor, auditor, clerk, treasurer and sheriff established under this charter shall have the powers and duties established by ordinance. All executive departments and elected officers shall be subject to the personnel, budgeting, expenditure and any other policies established by the county council.

Section 3.120 County Prosecuting Attorney

The county prosecuting attorney shall have all the powers, authorities and duties granted to and imposed upon a prosecuting attorney by state law and as provided by this charter.

Article 4 — Elections

Section 4.10 Election Procedures

Except as provided in this article, primaries and elections shall be conducted in accordance with general law governing the election of county officials.

(Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 4.15 Non-Partisan Offices

The offices of county treasurer, county auditor, county assessor, county sheriff, and county clerk shall be non-partisan offices.

(Added during General Election, Nov. 5, 1996, Eff date Nov. 30, 1996).

Section 4.30 Qualifications — Limitations

Each county official 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 over the age of twenty-one, a county resident for the three years immediately prior to filing for or appointment to office, and a registered voter of the county. No person shall be eligible to be elected to more than three consecutive full terms for any office. For the purposes of this section, different positions on the county council shall not be considered different offices.

(Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 4.40 Conflict of Interest

No county elected officer shall hold any other office or employment within county government during his term of office.

Section 4.50 District Boundaries

The boundaries of each council district shall be established as nearly as practical in accordance with the criteria promulgated by state law.

Section 4.60 Districting Committee

Within thirty days after each federal decennial census data is received from the state redistricting commission or its successor, a five-member districting committee shall be appointed. The county council shall appoint four persons to the committee, two from each major political party from a list of five submitted by the party's central committee, the four to appoint the fifth who shall be chair. Members of the districting committee shall serve without salary but shall be compensated for reasonable-out-of-pocket expenses. The districting committee shall within thirty days of its appointment, meet and appoint a districting master who shall be qualified by education, training and experience to draw a redistricting plan. If the districting committee is unable to agree upon the appointment of a districting master within thirty days, the county council shall appoint a districting master.

(Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 4.70 Districting Plan

Within one month after appointment, the districting master shall draw a districting plan for the county which shall be submitted to the committee for adoption. Following public hearing at least one week in advance, the districting committee shall adopt the districting plan within thirty days as submitted or as amended by four affirmative votes of the committee members. Upon adoption, the plan shall be filed with the county council by

the districting committee. No later than the first day of June following the receipt of the census data from the state, the county council shall adopt by ordinance a districting plan.

(Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 4.80 Vacancies

An elective office shall become vacant on the death, resignation or recall of the official or if he ceases being resident of Snohomish county or is absent from the county for thirty consecutive days without being excused by the council. The council shall fill a vacancy from a list of three people submitted by the county central committee of the party which the official in office immediately prior to the vacancy represented. In the event that the official in office immediately prior to the vacancy was a non-partisan candidate, the vacancy shall be filled by the council.

Vacancies in elective office shall be filled at the next November general election, unless the vacancy occurs after the last day for filing declarations of candidacy, in which case the vacancy shall be filled at the next succeeding November general 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 council shall fill the vacancy by appointment. All persons appointed to fill vacancies shall meet the qualifications for office set forth in this charter.

(Amended during General Election, Nov. 5, 1996, Eff date Nov. 30, 1996; Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007).

Section 4.90 Commencement of Terms of Office

With the exception of the prosecuting attorney, the election of county officers provided for in this charter shall be held in odd-numbered years as provided by general law and the provisions of this charter. The terms of office of elected county officers shall commence on the first day of January immediately following the November general election.

Article 5 — The Powers Reserved By the People

Section 5.10 Direct Government

The people of Snohomish 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 county council. The veto power of the county executive does not cover measures initiated by or referred to the people.

Section 5.20 The Initiative

The first power reserved to the people is the initiative. Any ordinance or amendment to an ordinance except as limited by this charter, may be proposed by filing with the officer in charge of holding elections an initiative petition. No ordinance enacted as a result of initiative shall be amended or repealed within one year after enactment except as a result of a subsequent initiative or referendum.

Section 5.30 Initiative — Limitations

Ordinances providing for the compensation or working conditions of county employees, redistricting of council districts, authorization or repeal of any appropriation of money or any portion of the budget, and authorization or repeal of taxes or fees, shall not be subject to initiative.

(Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 5.40 Initiative — Procedure

Any registered voter of Snohomish county may file an initiative proposal containing the full text of the ordinance or amendment and proposed ballot title with the officer in charge of holding elections. The officer in charge of holding elections shall give the proposed initiative a number, which shall thereafter be the identifying number for the measure and shall transmit a copy of the proposal to the Prosecuting Attorney, who within ten working days, of the filing date, shall formulate a concise statement, posed as a positive question, not to exceed fifty words, which shall express and give a true and impartial statement which shall be the ballot title. The prosecuting attorney shall file the ballot title with the officer in charge of holding elections, who shall provide notice of the ballot title to the petitioner. The ballot title shall be subject to appeal in accordance with state law. Within fifteen working days after the ballot title is filed with the officer in charge of holding elections or, if the ballot title is appealed, within five working days after a final decision of the court on the appeal, the officer in charge of holding elections shall confer with the petitioner to review and establish the form and style of the initiative petition as required by such officer or ordinance.

The petitioner shall have ninety days from the day after such officer confers with the petitioner as to form and style of the initiative petition to collect the signatures of the registered voters of the county equal in number to not less than seven percent of the number of votes cast in the county in the last governor's election. Each petition shall contain the warning clause prescribed by state law, the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title. If the initiative proposal is identical to a mini-initiative that was rejected by the council, the initiative petition may include signatures collected for the mini-initiative.

The officer in charge of holding elections 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 being not less than one hundred twenty days from the submission of the petition for signature verification, unless the county council enacts the proposal without change or amendment not less than ninety days prior to said election. If the county council does not adopt the proposed measure and adopts a substitute measure concerning the same subject matter not more than fifteen days after the petition has been validated, the substitute measure shall be placed on the same ballot with the initiative proposal.

The voters shall be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other. If a majority of the voters 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.

(Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 5.50 Mini-Initiative to the Council

The second power reserved to the people is the mini-initiative. Any ordinance or amendment to an existing ordinance may be proposed to the county council by registering with the officer in charge of holding elections initiative petitions bearing the signatures of qualified voters equal in number to not less than three percent of the number of votes cast in the county in the last governor's election. Upon verifying the sufficiency of the signatures, such officer shall transmit the initiative petition to the county council which shall hold a public hearing on the proposed ordinance and enact, reject or modify the proposed ordinance within thirty days.

Section 5.60 The Referendum

The third power reserved by the people is the referendum. It may be ordered on any ordinance, or any part thereof passed by the county council except as limited by this charter.

Section 5.70 Referendum — Limitations

Emergency ordinances and ordinances or portions of ordinances providing for the compensation or working conditions of county employees, authorizing or repealing any appropriations of money or any portion of the budget and authorizing or repealing taxes or fees, shall not be subject to referendum.

(Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 5.80 Referendum — Procedure

Within ten days after the ordinance is passed by the county council, any registered voter of Snohomish County may file a referendum petition signed by one hundred (100) registered voters of Snohomish County against the ordinance or portion thereof with the officer in charge of holding elections. Within 15 days of the filing of the petition, the officer in charge of holding elections shall verify the sufficiency of the signatures. After filing of the referendum petition, and verification of the signatures on the referendum petition, the ordinance or portion thereof so referred shall be suspended until the officer in charge of holding elections shall determine that petitions with sufficient numbers of signatures to place the referendum on the ballot have not been filed within the allocated time, or until the voters have ratified and approved the ordinance or portion thereof. The filing of a referendum petition against a portion of an ordinance shall not delay the remainder of the measure from taking effect.

Within five working days of filing the referendum petition, the officer in charge of holding elections shall confer with the petitioner to review the proposal as to form and style as required by such officer or ordinance. The officer in charge of holding elections shall give the referendum petition a number, which shall thereafter be the identifying number for the measure and shall then transmit a copy of the petition to the prosecuting attorney, who within ten working days after receipt thereof, shall formulate a concise statement, posed as a question, not to exceed fifty words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title. The prosecuting attorney shall then file the ballot title with the officer in charge of holding elections, who shall provide notice of the ballot title to the petitioner. The ballot title shall be subject to appeal in accordance with state law.

The petitioner shall have forty-five days after the ballot title is filed with the officer in charge of holding elections or, if the ballot title is appealed, forty-five days after a final decision of the court on the appeal to collect the signatures of registered voters of the county equal in number to not less than five percent of the number of votes cast in the county in the last governor's election. Each petition shall contain the full text of the measure being referred and the ballot title.

The officer in charge of holding elections shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the measure to the people at the next general election being not less than one hundred twenty days from the submission of the petition for signature verification.

(Amended during General Election, Nov. 5, 1996, Eff date Nov. 30, 1996; Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007).

Section 5.80 Referendum — Procedure

Within ten days after the ordinance is passed by the county council, any registered voter of Snohomish County may file a referendum petition signed by one hundred (100) registered voters of Snohomish County against the ordinance or portion thereof with the officer in charge of holding elections. After filing of the referendum petition, and verification of the signatures on the referendum petition, the ordinance or portion thereof so referred shall be suspended until the officer in charge of holding elections shall determine that petitions with sufficient numbers of signatures to place the referendum on the ballot have not been filed within the allocated time, or until the voters have ratified and approved the ordinance or portion thereof. The filing of a referendum petition against a portion of an ordinance shall not delay the remainder of the measure from taking effect.

Within five working days of filing the referendum petition, the officer in charge of holding elections shall confer with the petitioner to review the proposal as to form and style as required by such officer or ordinance. The officer in charge of holding elections shall give the referendum petition a number, which shall thereafter be the identifying number for the measure and shall then transmit a copy of the petition to the prosecuting attorney, who within ten working days after receipt thereof, shall formulate a concise statement, posed as a question, not to exceed fifty words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title. The prosecuting attorney shall then register the referendum petition with the officer in charge of holding elections.

The petitioner shall have forty-five days from registration to collect the signatures of registered voters of the county equal in number to not less than five percent of the number of votes cast in the county in the last governor's election. Each petition shall contain the full text of the measure being referred and the ballot title.

The officer in charge of holding elections shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the measure to the people at the next general or special election date, as designated by state law, said date being not less than sixty days from the submission of the petition for signature verification.

(Amended during General Election, Nov. 5, 1996, Eff date Nov. 30, 1996).

Section 5.90 The Recall

The fourth power reserved for the people is the recall as provided in the constitution and the laws of the state of Washington.

Article 6 — Financial Administration

Section 6.05 Biennial Budgets

The county council may budget either annually or biennially in accordance with state law. The procedure and steps for adopting a biennial budget shall conform with the procedure and steps for adopting an annual budget. References in this charter to the fiscal year or to specific dates shall apply to the corresponding annual or biennial period or date. Reference to "quarterly" shall mean three months.

(Added during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 6.10 Budget Information

At least one hundred thirty-five days prior to the end of the fiscal year, all agencies of county government including elected department officers shall submit to the county executive information which the county executive deems necessary to prepare the proposed budget.

Section 6.20 Presentation of Proposed Budget

At least seventy-five days prior to the end of each fiscal year preceding the preparation of an annual budget, or one hundred days prior to the end of each fiscal year preceding the preparation of a biennial budget, the county executive shall present to the county council a complete proposed budget and budget message, including a budget ordinance which identifies proposed operating and capital appropriations and estimated revenues and reserves necessary to balance the budget. The county executive shall present to the county council proposed tax and revenue ordinances which may be necessary to generate additional resources not being collected in the current year. The county executive also shall present to the county council a proposed capital improvement program for the next six fiscal years. Copies of the proposed budget, budget message, ordinances and capital improvement program shall be delivered to each council member. Copies of the proposed budget, budget message and ordinances shall be furnished by the county executive to any interested person for a reasonable fee as established by ordinance and shall be available for public inspection at the office of the county executive.

(Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 6.30 Contents of Budget

The proposed budget shall be presented in a form as specified by ordinance and shall include all funds, revenues and reserves, shall be divided into categories, projects, and objects of expense and shall include supporting data deemed advisable by the county executive or required by ordinance or motion. The proposed budget shall indicate as to each category, project or object of expense the actual expenditures of the preceding fiscal year, the current year adjusted appropriations reflecting all budget modifications subsequent to original adoption, and requested appropriations for the next fiscal year. The appropriations included in the budget for the ensuing fiscal year shall not exceed the estimated revenues 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 four year financial plan of the county.

Section 6.50 Consideration and Adoption of the Budget

At least thirty days prior to the end of the fiscal year, the county council shall adopt budget, tax and revenue ordinances for the next fiscal year. Prior to the adoption of any budget ordinance for the next fiscal year, the county council shall hold a public hearing to consider the proposed budget presented by the county executive and shall hold any other public hearings on the budget or any part thereof that it deems advisable. The county council in considering the budget ordinance proposed by the county executive, may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditure of certain appropriations, provided that the county council shall adopt a six (6) year capital improvement program as an adjunct to the budget, including a balance of proposed expenses and potential revenue sources.

The appropriations included in the budget ordinance adopted by the county council shall not exceed the estimated revenues of the county for the next fiscal year for each fund including surpluses and reserves.

However the county council may increase the amount of the estimated revenues contained in the budget proposed by the county executive by reestimating the amount by motion passed by a minimum of four affirmative votes, by utilizing reserves in a manner not proposed by the county executive or by creating additional sources of revenue which were not included in the proposed tax and revenue ordinances presented by the county executive.

(Amended during General Election, Nov. 5, 1996, Eff date Nov. 30, 1996; Amended during General Election, Nov. 7 2006, Eff date Jan. 1, 2007).

(Amended during General Election, Nov. 5, 1996, Eff date Nov. 30, 1996).

Section 6.60 Budget Control

Every three months, and more often if required, the county executive shall submit to the county council 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 county council 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.

(Added during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 6.70 Contingency Appropriations

The budget ordinance may include contingency appropriations within various funds which shall not be expended unless the county executive certifies in writing that sufficient funds are available and the county council approves a budget transfer.

(Added during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 6.75 Budget Revision Ordinances

The county council may adopt budget revision ordinances to reduce spending authority or to increase spending authority beyond that included in the original adopted budget. Budget revisions that increase spending authority shall be funded from the unreserved undesignated fund balance to the extent deemed advisable by the county executive who shall certify in writing that such funds are available for appropriation.

Section 6.80 Supplemental Appropriations

The county council may adopt supplemental appropriation ordinances which may appropriate unanticipated funds available to the county.

Section 6.85 Emergency Appropriations

When a public emergency which could not reasonably have been foreseen at the time of making the budget, or upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health or for the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by a calamity, or in settlement of approved claims for personal injuries or

property damages, exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by law, the county council may adopt emergency appropriation ordinances 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 6.90 Additional Capital Budget Appropriations

The county council shall not adopt an additional or amended capital budget appropriation ordinance during the fiscal year without a written recommendation by the county executive.

Section 6.95 Transfers of Appropriations

The county council may establish by ordinance procedures for the transfer of appropriations between general classifications of expenditures.

Section 6.100 Lapses of Appropriations

Unless otherwise provided by the budget ordinance, all unexpended and unencumbered appropriations in the budget ordinance shall lapse at the end of the fiscal year. An appropriation in the capital budget appropriation ordinance shall lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three years.

Section 6.110 Illegal Contracts

Except as otherwise provided by ordinance, any contract in excess of an appropriation shall be null and void; and any officer, agent or employee of the county knowingly responsible shall be personally liable to anyone damaged by his action. The county council when requested to do so by the county executive may adopt an ordinance permitting the county to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years, but real property shall not be leased to the county for more than one year, unless it is included in a capital budget appropriation ordinance.

Section 6.120 Salaries of Elected Officials

The county council shall establish by ordinance and in accordance with law an independent "salary commission," which shall fix the salaries for the county council, executive, assessor, auditor, clerk, prosecuting attorney, sheriff and treasurer. Salary commission members shall serve two year terms ending December 31, 2009 and every two years thereafter. Members of the salary commission shall serve without compensation, but may receive reimbursement for mileage to and from meetings and for such other expenses directly related to their service as provided by ordinance.

The salary commission shall meet biennially and shall file the salary schedule with the county council and county auditor not later than May 1. The salary schedule shall become effective January 1 of the following calendar year and incorporated into the county budget without further action of the county council, county executive or salary commission. Salary changes fixed by the salary commission shall be subject to referendum petition in the manner as prescribed by law for county commissioner and councilmember salary commissions.

The salaries for the county council, executive, assessor, auditor, clerk, prosecuting attorney, sheriff and treasurer in effect on January 1, 2007 shall remain in effect until changed as provided herein.

Article 7 — Personnel System

Section 7.10 Ordinance Required — Administration

The county council shall, by ordinance, establish and maintain a personnel system for the county, which shall be administered by the county executive in accordance with the ordinance. The personnel system shall include a grievance procedure.

Section 7.20 Exclusions from the Personnel System

The personnel system shall include all county employees except the following:

1. Contract employees;
2. Members of all boards and commissions;
3. All elective county officials; four persons in the county executive's office; and not more than two persons in each other elected official's office;
4. Those excluded employees in the prosecuting attorney's office, the district courts, the superior court, and such other excluded employees according to state law;
5. Chief officers of each executive department; and
6. Such other employees as may be designated by ordinance.

Article 8 — Charter Review and Amendments

Section 8.10 Charter Review Commission

This charter shall be reviewed periodically by a charter review commission as provided in this article.

Section 8.20 Election and Period of Office

Five years after the adoption of this charter and every ten years thereafter, the county council shall cause an election of a charter review commission, hereinafter referred to as the commission. The commission shall consist of fifteen persons, an equal number from each council district. There shall be no filing fee nor shall there be a primary. The election shall be held at the November general election and candidates shall run on a nonpartisan basis. The member of the commission who receives the greatest number of votes shall convene the commission. The term of office shall be one year. The commission may meet at such times and in such places as it deems appropriate.

Section 8.30 Vacancy

Any vacancy on the commission shall be filled by the remaining members of the commission within thirty days; provided, that within fourteen days of the declaration of a vacancy, notice shall be given to the residents of the district in which the vacancy occurs in such manner as the commission in its discretion deems advisable. Selection of the person to fill the vacancy shall be from those residing in the district in which there is a vacancy by a simple majority vote of the commission.

Section 8.40 Procedures

The commission shall review the charter to determine its adequacy and suitability to the needs of the county and may propose amendments. Members of the commission shall serve without salary, but shall be reimbursed for reasonable out-of-pocket expenses. The county council shall provide the commission with reasonable funds, facilities and services appropriate to an elected agency.

Section 8.50 Charter Amendments — General Provisions

Charter amendments may be proposed by the commission, the county council or by the public. Any proposed charter amendment shall be filed and registered with the officer in charge of holding elections and submitted to the voters at the next November general election occurring at least ninety days after registration of the proposed amendment with such officer. 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 different sections of one or more articles.

If a proposed amendment is approved by a majority of the voters voting on the issues, it shall be effective ten days after the results of the election are certified, unless a later date is specified in the amendment. Any implementing ordinance required by any charter amendment shall be enacted by the council within one hundred and eighty days after the amendment is effective, unless the amendment provides otherwise.

Section 8.60 Amendments by the Charter Review Commission

The commission may propose amendments to the charter by filing such proposed amendments with the county council who shall submit the amendment to the officer in charge of holding elections.

Section 8.70 Amendments by the Public

Any member of the public may propose amendments to the charter in accordance with this section. A petitioner shall first file the full text of the proposed amendment with the officer in charge of holding elections who shall give the proposed amendment a number, which shall thereafter be the identifying number for the amendment, and shall transmit a copy of the proposal to the Prosecuting Attorney, who within ten working days of the filing date, shall formulate a concise statement, posed as a positive question, not to exceed fifty words, which shall express and give a true and impartial statement which shall be the ballot title. The prosecuting attorney shall file the ballot title with the officer in charge of holding elections, who shall provide notice of the ballot title to the petitioner. The ballot title shall be subject to appeal in accordance with state law. Within fifteen working days after the ballot title is filed with the officer in charge of holding elections or, if the ballot title is appealed, within five working days after a final decision of the court, the officer in charge of holding elections shall

confer with the petitioner to review and establish the form and style of the amendment petition as required by such officer.

The petitioner shall have one hundred twenty days from the day after such officer confers with the petitioner as to form and style of the amendment petition to collect the signatures of the registered voters of the county equal in number to not less than twenty percent of the number of votes cast in the the county in the last governor's election. Each petition shall contain the warning clause prescribed by state law, the full text of the proposed amendment and the ballot title.

The officer in charge of holding elections 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 being not less than one hundred twenty days from the submission of the petition for signature verification.

(Amended during General Election, Nov. 7,2006, Eff date Jan. 1, 2007)

Section 8.80 Amendments by the County Council

The county council 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 days after enactment. A minimum of four affirmative votes shall be required to enact such an ordinance. An ordinance proposing an amendment to the charter shall not be subject to the veto power of the county executive.

Article 9 — General Provisions

Section 9.05 Nondiscrimination

In the exercise of its powers and in the performance of its duties, the county shall ensure that no person is discriminated against because of race, creed, color, sex, age, handicap, or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose and shall take whatever action necessary to accomplish this purpose as defined in the state and federal constitutions and applicable court interpretations.

(Added during General Election, Nov. 5, 1996, Eff date Nov. 30, 1996).

Section 9.10 Purchasing, Contracts, Claims, and Bonds

The county council shall by ordinance establish 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.

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 9.20 Franchises

All franchises granted by the county council shall be for a fixed term not to exceed twenty-five years and no exclusive franchise shall be granted for the use of any street, road or public place. All franchises shall be subject to the power of eminent domain and the right of the council or the people acting for themselves through the initiative or referendum to repeal, amend or modify the franchise in the interest of the public; and every

ordinance granting a franchise shall contain a reservation of these rights. In any proceeding under eminent domain the franchise itself shall have no value.

Section 9.30 Public Disclosure and Ethics Ordinance

The county council shall by ordinance provide for the disclosure of financial interests by elected officials, a code of ethics for other officers and employees of the county and provide penalties for violations of the ordinance.

Section 9.40 Oath of Office and Bonds

An oath or affirmation to support the Constitutions of the United States and the state of Washington and the charter and ordinances of Snohomish county and to perform faithfully, impartially, and honestly the duties of office, shall be subscribed and filed with the officer in charge of recording public documents by each elected officer before entering upon the duties of office.

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.

Section 9.50 Rules of Construction

Unless otherwise specified, reference to "days" shall mean calendar days. Unless the context clearly indicates otherwise, references to the masculine gender shall include references to the feminine, the singular shall include the plural, and vice versa.

Section 9.60 Term of Office—Boards and Commissions

The term of office of any board or commission member shall not be longer than four years. Members of boards and commissions shall be limited to three, consecutive full terms.

Section 9.70 Severability

If any section, subsection, clause, word or phrase of this charter is for any reason held to be invalid, unconstitutional or inapplicable to any person by a court of competent jurisdiction, such invalidity, unconstitutionality or inapplicability to any person shall not affect the validity or constitutionality or applicability to all other persons of the remaining portions of this charter.

Article 10 — Transitional Provisions

(Reviser's Note) Article 10, Transitional Provisions, became effective on December 1, 1979 and by its terms was repealed December 31, 1983.

Article 11 — Transitional Provisions

Section 11.10 Purpose

The provisions of this article relate to the transition from the existing form of government to the form of government established by this amended charter, and where inconsistent with the foregoing articles of this charter, the provisions of this article shall constitute exceptions.

Section 11.20 Continuation of Ordinances and Vested Rights

All ordinances, administrative rules and resolutions in force at the time this amended charter takes effect, to the extent they are not inconsistent with the provisions of this amended charter, shall remain in force until amended or repealed. All rights, claims, obligations, proceedings and liabilities either in favor of or against the county, and any criminal proceedings existing on the effective date of this amended charter, shall not be affected by the adoption of this amended charter.

Section 11.30 Boards and Commission

All boards and commissions existing when this amended charter takes effect shall continue until modified or abolished by ordinances.

Section 11.40 Budget

The budget for 2007 which is in effect when this amended charter takes effect, shall remain effective until revised.

(Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

Section 11.50 Other Employment Provisions

Every elective county official holding office on the effective date of this amended charter, whose office is eliminated or made appointive by the terms of this amended charter, shall continue in county employment at as nearly a similar position as possible and shall receive not less than the same rate of compensation which such official was receiving on the effective date of this amended charter for the remainder of the term for which such official was elected.

Thereafter, such official shall be entitled to be appointed at the same rate of compensation to an executive position subject to all of the rules of the personnel system, except for the rules concerning initial appointment.

Section 11.60 Status of County Employees

All non-elective county employees in offices eliminated by this charter, employed by the county on the effective date of this amended charter, shall be covered by the county personnel system.

Section 11.70 Effective Date

This amended charter shall take effect January 1, 2007. The term "effective date of this amended charter" shall mean January 1, 2007.

Section 11.80 Codification

Following the election at which any proposed provision of this amended charter is approved by a majority of the voters voting thereon, the county council shall cause such amendment to be incorporated into the text of the original charter and shall publish the amended charter; provided, that the text of this article shall appear only once in the amended charter as published. In the process of incorporating amendments into the text of the original charter, the clerk of the county council may, at the discretion of the county council, correct manifest errors in reference to other charter sections and correct manifest spelling, clerical or typographic errors, additions, or omissions.

(Amended during General Election, Nov. 7, 2006, Eff date Jan. 1, 2007)

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