

## **Executive Reardon, County Executive Presentation 3/8/06**

### Fiscal

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- Fiscal Housekeeping

### Salary Commission

### Disability of an Elected Official

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# FISCAL

## 1. Biennial Budget

### Section 6.005 Budget - general

The county council shall, in accordance with state law, adopt an ordinance to budget biennially. Sections 6.10 through 6.110 below shall apply to an annual budget. The procedure and steps for adopting a biennial budget shall conform with the procedure and steps for adopting an annual budget and with requirements established by the state auditor, including the requirements for preparing and adopting the mid-biennium review and modification for the second year of the biennium.

### **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 programs, departments, and activities as directed by ordinance~~ 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 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 ~~annual~~-budget, and authorization or repeal of taxes or fees, shall not be subject to initiative.

### **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 ~~annual~~-budget and authorizing or repealing taxes or fees, shall not be subject to referendum

## **Section 11.40 Budget**

The budget for ~~1987~~2007 which is in effect when this amended charter takes effect, shall remain effective until revised.

### **2. Fiscal Notes**

New Section: Fiscal Notes

Any proposed legislative enactment which could have a financial impact to the county shall be accompanied with a fiscal note outlining the fiscal impacts to the county if the proposal is enacted.

### **3. Fiscal Responsibility**

New Section: General Fund Spending Lid

The County shall limit general fund spending. The general fund budget shall contain two reserve accounts: a fund balance liquidity reserve account and an emergency fund balance reserve. The fund balance liquidity reserve account shall be sufficient to assure sufficient cash flow to fund operations for the current year. The emergency reserve account shall be equal to one month's average annual revenues from the most recently completed calendar year. Any appropriation ordinance from either reserve account must receive the affirmative vote of [supermajority number depending on size of Council] members of the County Council. Any appropriation ordinance reducing either reserve account must include a plan to re-establish the reserve account to its balance prior to the time the appropriation was made.

Note: This section will need a transition provision to require a funding plan to fully fund these reserves by the 2009 budget.

### **4. Fiscal Housekeeping**

#### **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 may be adopted as an alternative to other budget modifications; but 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 not described in this section which could not reasonably have been foreseen at the time of making the budget requires, 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.

## SALARY COMMISSION

If the Commission wants a salary commission to set the salary of all elected officials, including the Council, it must structure the Snohomish County Salary Commission differently, to comply with Washington State law.

The following materials are:

1. Proposed Charter Change
2. Current County Code
3. Washington State law on the issue

### 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, as regards the salaries of elected county officials and council members, to provide by ordinance for the establishment of a county citizens' commission on salaries for elected officials that is empowered under state law to directly establish the salaries of elected county officials and council members and to provide for the reimbursement of expenses, except that no council member may receive a salary increase for the term of office ~~he~~/she holds during which the ~~ordinance~~ salary increase is adopted, unless the increase is adopted by the county citizens' commission on salaries for elected officials;
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, except as provided by this charter, -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).

## Chapter 2.105

# CITIZENS' COMMISSION ON SALARIES OF ELECTED OFFICIALS

### 2.105.010 Definitions.

In this chapter, unless the context clearly requires otherwise,

(1) "Commission" means the citizens' commission on salaries of elected officials created by SCC 2.105.020.

(2) "Elected officials" means the county council, executive, assessor, auditor, clerk, prosecuting attorney, sheriff, and treasurer.

(3) "Immediate family member" means a parent, spouse, sibling, child, or dependent relative of the official or employee, whether or not living in the same household.

(Added Ord. 97-001, § 1, Feb. 5, 1997, Eff date Feb. 16, 1997).

### 2.105.020 Creation and purpose.

It is the policy of Snohomish County to base salaries of elected officials on realistic standards so that officials may be paid according to the duties of their offices and so that persons of the highest quality may be attracted to public service. To effectuate this policy, the citizens' commission on salaries of elected officials is hereby created consisting of seven members with duties and responsibilities as set forth in this chapter.

(Added Ord. 97-001, § 1, Feb. 5, 1997, Eff date Feb. 16, 1997).

### 2.105.030 Duties of commission.

The commission shall study the relationship of salaries to the duties of all elected officials and shall recommend the salary for each position. Except as provided in this chapter, the commission shall be solely responsible for its own organization, and shall enjoy the fullest cooperation of all elected officials, departments, and agencies of the county. Staff support shall be provided as determined by the county executive.

(Added Ord. 97-001, § 1, Feb. 5, 1997, Eff date Feb. 16, 1997).

### 2.105.040 Eligibility and appointment.

(1) The commission shall consist of seven members, consisting of two at-large members and five members each of whom is a legal resident of one of the five council districts. Members of the commission must be at least eighteen years of age, registered to vote, and legal residents of Snohomish County. No Snohomish County official or employee, or immediate family member of a Snohomish County official or employee, is eligible for membership on the commission.

(2) The members of the commission shall be appointed pursuant to Chapter 2.03 SCC, except that the county council may recommend persons for nomination by the county executive. The members of

the commission shall serve four-year terms ending December 31, 2000, and every four years thereafter, except that three of the first seven members shall be appointed for terms ending December 31, 1998, as determined by lot. Notwithstanding SCC 2.03.080, members of the commission may be removed by the county executive, with the approval of the county council, only for incapacity, incompetence, neglect of duty, malfeasance in office, or for a disqualifying change of eligibility. The unexcused absence of any member of the commission from two consecutive meetings of the commission shall constitute relinquishment of that person's membership and create a vacancy on the commission. Upon a vacancy prior to the end of a term, a successor shall be nominated and appointed to fill the unexpired term. The county executive and council shall endeavor to fill vacancies within 60 days of their occurrence.

(Added Ord. 97-001, § 1, Feb. 5, 1997, Eff date Feb. 16, 1997).

#### **2.105.050 Meetings and operation.**

(1) All business of the commission shall be subject to the Open Public Meetings Act, Chapter 42.30 RCW. Prior to recommending any salary schedule, the commission shall hold no fewer than two public hearings within the two months immediately preceding the recommendation.

(2) The members of the commission shall elect a chair from among their number. The commission shall recommend a schedule of salaries by an affirmative vote of not less than five members of the commission.

(Added Ord. 97-001, § 1, Feb. 5, 1997, Eff date Feb. 16, 1997).

#### **2.105.060 Recommended salary schedules.**

The commission shall recommend its initial schedule of salaries for elected officials to the county council no later than May 15, 1997, and shall recommend a salary schedule to the county council and executive on or before May 15 every two years commencing May 15, 1999. The signature of the chair of the commission shall be affixed to each salary schedule recommended by the commission. The chair of the commission shall certify that the salary schedule has been recommended in accordance with the provisions of this chapter and with the rules, if any, of the commission.

(Added Ord. 97-001, § 1, Feb. 5, 1997, Eff date Feb. 16, 1997).

#### **2.105.070 Compensation.**

Members of the commission shall serve without compensation, but may receive reimbursement for mileage to and from meetings and for other expenses approved by the county executive in accordance with chapter 2.03 SCC.

(Added Ord. 97-001, § 1, Feb. 5, 1997, Eff date Feb. 16, 1997).

**RCW 36.17.024****County commissioner and councilmember salary commissions.**

(1) Salaries for county commissioners and councilmembers may be set by county commissioner and councilmember salary commissions established by ordinance or resolution of the county legislative authority and in conformity with this section.

(2) Commissions established under subsection (1) of this section shall be known as the (Insert name of county) county citizens' commission on salaries for elected officials. Each commission shall consist of ten members appointed by the county commissioner or executive with the approval of the county legislative authority, or by a majority vote of the county legislative authority if there is no single county commissioner or executive, as provided in this section.

(a) Six of the ten commission members shall be selected by lot by the county auditor from among those registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission under (c) of this subsection. In noncharter counties, the county auditor shall select two commission members living in each commissioner's district. The county auditor shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection from a commissioner's district if a person selected from the district declines appointment to the commission or if, following the person's appointment, the person's position on the commission becomes vacant before the end of the person's term of office.

(b) The remaining four of the ten commission members must be residents of the county and shall be appointed by the county commissioner or executive with approval of the county legislative authority, or by a majority vote of the county legislative authority if there is no single county commissioner or executive. The persons selected under this subsection shall have had experience in the field of personnel management. Of these four members, one shall be selected from each of the following four sectors in the county: Business, professional personnel management, legal profession, and organized labor.

(c) If there is a single county commissioner or executive, the county auditor shall forward the names of persons selected under (a) of this subsection to the county commissioner or executive who shall appoint these persons to the commission.

(d) No person may be appointed to more than two terms. No member of the commission may be removed by the county commissioner or executive, or county legislative authority if there is no single county commissioner or executive, during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.

(e) The members of the commission may not include any officer, official, or employee of the county or any of their immediate family members. "Immediate family member" as used in this subsection means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.

(f) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as for the original appointment.

(3) Any change in salary shall be filed by the commission with the county auditor and shall become effective and incorporated into the county budget without further action of the county legislative authority or salary commission.

(4) Salary increases established by the commission shall be effective as to county commissioners and all members of the county legislative authority, regardless of their terms of office.

(5) Salary decreases established by the commission shall become effective as to incumbent county commissioners and councilmembers at the commencement of their next subsequent terms of office.

(6) Salary increases and decreases shall be subject to referendum petition by the people of the county in the same manner as a county ordinance upon filing of such petition with the county auditor within thirty days after filing of the salary schedule. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by vote of the people.

(7) Referendum measures under this section shall be submitted to the voters of the county at the next following general or municipal election occurring thirty days or more after the petition is filed, and shall be otherwise governed by the provisions of the state Constitution and laws generally applicable to referendum measures.

(8) The action fixing the salary of a county commissioner or councilmember by a commission established in conformity with this section shall supersede any other provision of state statute or county ordinance related to municipal budgets or to the fixing of salaries of county commissioners and councilmembers.

(9) Salaries for county commissioners and councilmembers established under an ordinance or resolution of the county legislative authority in existence on July 22, 2001, that substantially complies with this section shall remain in effect unless and until changed in accordance with such charter provision or ordinance.

[2001 c 73 § 5.]

**NOTES:**

**Findings -- Intent -- Severability -- 2001 c 73:** See notes following RCW 35.21.015.

**RCW 36.17.040****Payment of salaries of officers and employees.**

The salaries of county officers and employees of counties other than counties with a population of less than five thousand may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the last day of the month, draw a warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him or her, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw a warrant, not later than the fifteenth day of the following month, and the county legislative authority, with the concurrence of the county auditor, may enter an order on the record journal empowering him or her so to do: PROVIDED, That if the county legislative authority does not adopt the semimonthly pay plan, it, by resolution, shall designate the first pay period as a draw day. Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him or her on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to be paid on the draw day. If officers and employees are paid once a month, the draw day shall not be later than the last day of each month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the fifteenth day of the following month.

In counties with a population of less than five thousand salaries shall be paid monthly unless the county legislative authority by resolution adopts the foregoing draw day procedure.

[1991 c 363 § 53; 1988 c 281 § 9; 1963 c 4 § 36.17.040. Prior: 1959 c 300 § 1; 1953 c 37 § 1; 1890 p 314 § 37; RRS § 4220.]

**NOTES:**

**Purpose -- Captions not law -- 1991 c 363:** See notes following RCW 2.32.180.

**Severability -- 1988 c 281:** See RCW 39.59.900.

## PROVISION TO DEAL WITH DISABILITY OF AN ELECTED OFFICIAL

### Section 4.80 Vacancies

An elective office shall become vacant on the death, resignation, incapacity, or recall of the official or if ~~he~~he/she ceases being resident of Snohomish county or is absent from the county for thirty consecutive days without being excused by the council. “Incapacity” shall mean “unable to perform the ordinary and usual tasks or duties of the office”. Upon motion passed by a majority of the county council and approved by the county executive providing that there is a belief that an elected official is incapacitated, the prosecuting attorney on behalf of the county shall bring a petition in the Superior Court for a determination of whether a vacancy exists by reason of incapacity. If the county executive is the elected official about whom there is a question of incapacity, and if a motion is passed by (five) members of the county council providing that there is a belief that the county executive is incapacitated, the prosecuting attorney on behalf of the county shall bring a petition in the Superior Court for a determination of whether a vacancy exists by reason of incapacity. 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 an independent or non-partisan candidate, the vacancy shall be filled by the council from a list of three names submitted by the county executive.

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.

## GENERAL HOUSEKEEPING

### 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~~ participate in any function, project or activity jointly or in cooperation 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 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 as required by this charter;
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. Approve contracts for which budgetary appropriation or other authorization has been made;
- 9.8. Sign or cause to be signed, on behalf of the county, all claims, deeds, contracts, and other instruments;

10.9. Nominate members of all county boards and commissions;

11.10. Employ legal counsel as allowed by the laws of the state of Washington;

12.11. 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.

13. Institute and defend all types of litigation and direct litigation in cooperation with the Prosecuting Attorney or designated counsel for the County.

14. Settle litigation and claims for which a budgetary appropriation or other authorization has been made.

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

#### **Section 11.70 Effective Date**

This amended charter shall take effect January 1, ~~1987~~2007. The term "effective date of this amended charter" shall mean January 1, ~~1987~~2007.

### **ARTICLE 10 - Transitional Provisions**

Will need to provide for once edits are decided upon.

#### **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 a date no~~ more than six years following enactment unless re-enacted prior to that date.