

**2006 Snohomish County Charter Review Commission
Briefing Paper
The Executive Veto
May 31, 2005**

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Background

The Charter Review Commission has decided to study and debate whether the County Executive should be granted section or line item veto authority.

The Issue

Section versus Line Item Veto. Shall the executive be granted section veto authority whereby a section of an ordinance can be vetoed, while the remainder approved?

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Yes	No
Gary Nelson, Ellis, Somers Reardon, Koster	1 citizen, Dave Gossett
Survey 47% (57)	Survey 47% (57)

In part the current charter reads:

“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.”¹

Other home rule counties with council/executive forms of government have similar language related to veto in their charters.

The Washington State Governor has section/line item veto authority

¹ Snohomish County Charter, Section 2.110

Impacts of the Current System

Currently the County Council passes an ordinance and transmits to the Executive for approval or veto. The current power of veto is limited to an entire ordinance. If the executive exercises veto power, it requires a supermajority of the county council to override the veto. Currently that is four votes. Attachment 1 shows how the veto has been used over the life of the Charter.

Section Veto

This type of veto would allow the Executive the power to veto a section of an ordinance that was found to be objectionable without vetoing an entire ordinance. In a budget it could include entire sections unless a budget section contains more than one appropriation. In that case individual appropriations can be vetoed within a section can be vetoed. This is how the veto works for the Governor as described in Attachment 2, Veto Power from the State Constitution.

Unless a change to the Charter was made, it would still require 4 votes to override a veto.

Pros/Cons of Section

Pros

- Provides flexibility in that only sections of an ordinance are vetoed while the remaining parts are passed.
- Council would still have the power to over ride the vetoed section.
- Provides opportunity for Executive and Council to work together in crafting a workable solution for both parties.
- Entire budgets do not have to be vetoed.

Cons

- Some say the balance of power is tilted towards the executive with the section. Legislation is a compromise between competing interests. Council members must vote on entire ordinances. They cannot pick and choose sections that they like or dislike.
- Some would say the executive has a weighted vote when it comes to the veto override that requires a super majority.

Line Item Veto

The line item veto would allow the executive to veto lines of an ordinance or lines in a budget. This is literally eliminating lines from proposed ordinances. The same pros and cons apply as to the section veto. The only additional caveat is whether there is a legal issue if the line itemed sentence(s) changes the original intent of the legislative authority. We are asking legal counsel for advice in this regard.

Attachments

1. List of Vetoes over the life of the Charter
2. Article III, Section 12, State Constitution

LIST OF VETOED ORDINANCES

<u>ORDINANCE NO.</u>	<u>DESCRIPTION</u>
85-123	Alderwood Area Comp Plan Amend/Canyon Park
85-034	B&J Properties rezone
90-032	Amend Title 18 re: Planned Res. Retirement Housing
00-077	Increase in Prop. Tax Revenues for Road Tax - 2001
02-095	2002 Docket - Council Alternative - Revising Monroe UGA
02-094	2002 Docket - Council Alternative - Revising Gold Bar UGA
02-093	2002 Docket - Council Alternative - Revising Arlington UGA
02-091	2002 Docket - Council Alternative - Adopting map & text changes to GMACP
03-106	2003 Docket - Adopting GPP Map & text amendments & areawide rezone (Veto overruled)
03-080	County Budget & App. Of Budget transfers and amending SCC 4.26.130
03-059	2003 Docket - Council initiated - Maltby UGA, GPP map and rezone - Frank Heath
04-095	7-year comp review re: parcels divided by an urban growth area boundary
04-078	County Budget, providing for temporary reserve for county
05-096	Salaries of Elected officials

SECTION 12 VETO POWERS. Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the governor, within twenty days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next session in like manner as if it had been returned by the governor: *Provided*, That within forty-five days next after the adjournment, Sundays excepted, the legislature may, upon petition by a two-thirds majority or more of the membership of each house, reconvene in extraordinary session, not to exceed five days duration, solely to reconsider any bills vetoed. If any bill presented to the governor contain several sections or appropriation items, he may object to one or more sections or appropriation items while approving other portions of the bill: *Provided*, That he may not object to less than an entire section, except that if the section contain one or more appropriation items he may object to any such appropriation item or items. In case of objection he shall append to the bill, at the time of signing it, a statement of the section or sections, appropriation item or items to which he objects and the reasons therefor; and the section or sections, appropriation item or items so objected to shall not take effect unless passed over the governor's objection, as hereinbefore provided. The provisions of Article II, section 12 insofar as they are inconsistent herewith are hereby repealed. [AMENDMENT 62, 1974 Senate Joint Resolution No. 140, p 806. Approved November 5, 1974.]