



AGENDA

CHARTER REVIEW COMMISSION

223 East 4th Street, Room 160
Port Angeles, Washington
January 27, 2025 – 5:30 p.m.

Notes for the Audience

- Assistive listening devices are available. Please notify Clerk before the meeting if you would like a SoundMate personal listening system.
- Please utilize the public comment sign-up sheets located at the front door.

****ATTENTION****

Charter Review Commission meetings will also be available virtually at:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/8755617844> and use meeting ID: 875 561 7844 and passcode: 12345

This meeting can be viewed on a live stream at this link: <https://www.clallamcountywa.gov/669/Live-Archived-Meetings-Online>

Public comment can be directed to the Clerk at 360-417-2256 or Loni.Gores@clallamcountywa.gov

CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- Meeting Minutes January 13, 2025

PUBLIC COMMENT ON AGENDA ITEMS – Please limit comments to three minutes

CORRESPONDENCE/PETITIONS

INTRODUCTIONS OF CHARTER REVIEW COMMISSIONERS

REPORTS

- Chair Report – Commissioner Fisch
 - Nomination of Loni Gores, Clerk as CRC Secretary
 - Public comment update
 - May 26, 2025 meeting date change to May 27, 2025

BUSINESS ITEMS

- Coroner discussion – Administrator Mielke
- Timeline discussion

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SUBCOMMITTEE REPORTS

- Bylaws and Rules Committee

PROPOSED CHARTER ARTICLE AMENDMENTS

- Process discussion – Commissioner Fisch

PUBLIC COMMENT – Please limit comments to three minutes

GOOD OF THE ORDER/FUTURES AGNEDA ITEMS

ADJOURNMENT

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**INSTRUCTIONS FOR SPEAKING AT A
CHARTER REVIEW COMMISSION MEETING:**

- Members of the public wishing to address the Commission on general items may do so during the designated times on the agenda.
- Members of the public wishing to comment at the public hearing are asked to sign in on the sheet provided giving their name, address and topic.
- Public comment is limited to 3 minutes for each speaker subject to the Commissions concurrence.
- Speakers, generally, will be heard in the order they signed up. All comments must be made from the speaker's rostrum and any individual making comments shall first state their name and address for the official record.
- General comments, applause, booing from members of the audience are inappropriate and may result in removal.

These guidelines are intended to promote an orderly system for conducting a public hearing so that each person has an opportunity to be heard and to ensure that exercising their right of free speech embarrasses no one.

Note: Written testimony presented by members of the public during the meeting is considered a public document and must be submitted to the Clerk of the Charter Review Commission. Copies of public documents from meetings are available by contacting the Public Records Department.

CHARTER REVIEW COMMISSION UPCOMING MEETING DATES

Dates are subject to change as needed. For most up to date meeting information visit the Clallam County CivicClerk Portal at: <https://clallamcowa.portal.civicclerk.com/>

- February 10, 2025 at 5:30 p.m.
- February 24, 2025 at 5:30 p.m.
- March 10, 2025 at 5:30 p.m.
- March 24, 2025 at 5:30 p.m.
- April 14, 2025 at 5:30 p.m.
- April 28, 2025 at 5:30 p.m.
- May 12, 2025 at 5:30 p.m.
- May 27, 2025 at 5:30 p.m.
- June 9, 2025 at 5:30 p.m.
- June 23, 2025 at 5:30 p.m.
- July 14, 2025 at 5:30 p.m.
- July 28, 2025 at 5:30 p.m.
- August 11, 2025 at 5:30 p.m.
- August 25, 2025 at 5:30 p.m.
- September 8, 2025 at 5:30 p.m.
- September 22, 2025 at 5:30 p.m.
- October 13, 2025 at 5:30 p.m.
- October 27, 2025 at 5:30 p.m.
- November 10, 2025 at 5:30 p.m.
- November 24, 2025 at 5:30 p.m.
- December 8, 2025 at 5:30 p.m.
- December 22, 2025 at 5:30 p.m.

CHARTER REVIEW COMMISSION

DRAFT MINUTES JANUARY 13, 2025



CLALLAM COUNTY CHARTER REVIEW COMMISSION MINUTES of January 13, 2025

SPECIAL MEETING OF THE CHARTER REVIEW COMMISSION (CRC)

Convening Chair Susan Fisch called the meeting to order at 5:30 p.m., Thursday, January 13, 2025. Also present were Commissioners Bill Benedict, Jim Stoffer, Jeff Tozzer, Alex Fane, Ron Cameron, Patti Morris, Chris Noble, Paul Pickett, Ron Richards, Rod Fleck, Mark Hodgson, Christy Holy, and Cathy Walde. Karen O'Donnell was absent.

OATHS OF OFFICE TO NEW COMMISSIONERS

- Loni Gores, MMC, Notary Public administered the oaths of office.

ROLL CALL/INTRODUCTIONS OF COMMISSIONERS

- Gores administered roll call:
 - District I: Fisch, Benedict, Stoffer, Tozzer, and Fane (all present)
 - District II: Cameron, Morris, Noble, Pickett, and Richards (all present)
 - District III: Fleck, Hodgson, O'Donnell, Holy and Walde (4 present and O'Donnell was absent)

ELECTION OF OFFICERS

- Election of Chair:

Fisch called for nominations for Chair

ACTION TAKEN: Stoffer nominated Susan Fisch for Chair, second; motion passed

(14 voted in favor of)

Fisch accepted the position

- 1st Vice Chair:

Fisch called for nominations for 1st Chair

ACTION TAKEN: Benedict nominated Patti Morris for 1st Chair, seconded

(7 voted in favor of and 7 voted opposed)

ACTION TAKEN: Stoffer nominated Chris Noble for 1st Chair, second; motion passed

(7 voted in favor of and 7 voted opposed)

Morris defers the position to Chris Noble

Noble accepted the position

- 2nd Vice Chair:

Fisch called for nominations for 2nd Chair

ACTION TAKEN: Holy nominated Mark Hodgson for 2nd Chair, second; motion passed

(14 voted in favor of)

Hodgson accepted the position

- Parliamentarian:

Fisch called for nominations for Parliamentarian

ACTION TAKEN: Stoffer nominated Ron Cameron for Parliamentarian, second

ACTION TAKEN: Benedict nominated Rod Fleck for Parliamentarian, second; motion passed

(14 voted in favor of)

Cameron declined

Rod Fleck accepted the position

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

Richards requested to modify the agenda under Prosecuting Attorney legal counsel in anticipation that the Coroner issues comes up. He noted that the Prosecutor has disqualified himself as being the County Commissioners representative on this issue due to conflict of interest. He questioned if the Prosecuting

CLALLAM COUNTY CHARTER REVIEW COMMISSION
MINUTES of January 13, 2025
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Attorney's office should be acting as the legal advisor for the CRC. He would like the CRC to consider asking the Prosecutor to get an independent attorney advisor.

Fisch commented she will add that as an issue on the agenda when the CRC gets to the legal counsel. She noted that perhaps the Prosecuting Attorney's office would be open to questions after their introduction. No additional modifications were requested.

ACTION TAKEN: No objection to the agenda as modified

Richards commented on the 3 minutes public comment rule. He would like the bylaws changed to allow 5 minutes for public comment. Fleck responded that he has a drive home and City Council meetings starting at 7:30 pm. He also only gets 2 minutes to comment at the Board of Natural Resources and 3 minutes at the State Senate meetings. He believes 3 minutes is normal for comments. Fisch stated that for the current meeting the CRC will follow the 2020 bylaws of 3 minutes.

Stoffer questioned the absence of Karen O'Donnell. Fisch responded that she has not received any information that anyone from the Commission has resigned.

PUBLIC COMMENT

- Norma Turner, Port Angeles, thanked the Commissioners for their service
- Ed Bowen, Clallam Bay, thanked the Commissioners for their service, bylaw, representing the citizens

INTRODUCTIONS – STAFF SUPPORT

- Legal Counsel – Dee Boughton, Civil Deputy Prosecuting Attorney
Dee Boughton, Chief Civil Deputy, Prosecuting Attorney's Office, commented that he will be the legal counsel to the CRC. He plans to attend meetings virtually on Zoom.
- Commissioners Office – Todd Mielke, County Administrator
Todd Mielke, County Administrator, Board of Commissioners Office, commented that he is here to serve the Charter Review Commission. He noted that his last name is spelt wrong on the agenda. His email address is: todd.mielke@clallamcountywa.gov
- Clerk – Loni Gores, Clerk of the Board of County Commissioners
Loni Gores, Clerk of the Board, Board of Commissioners Office, commented that she is here to serve the Charter Review Commission. Contact Gores for information requests.
- Budget – Mark Lane, Clallam County Chief Financial Officer
Mark Lane, Chief Financial Officer, Finance Department, commented that he is here to serve the Charter Review Commission. He noted that if there are any questions regarding budget, he is available to assist.

DISCUSSION ITEMS

- **Open Public Meetings Act (OPMA) – Prosecuting Attorney's Office – Dee Boughton**
- **Public Records Act (PRA) – Public Records Office – Jesse Major**

Boughton and Major provided Open Public Meetings Act and Public Records Act training. CRC Members asked questions and held discussion.

Richards questioned if they have information to be sent to the Commission should they send it to the Clerk and she can forward. Boughton responded that it is best practice to send information to the Clerk to forward to the Commission.

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- **Discussion regarding Charter, Code and Policy differences – Dee Boughton**

Boughton provided a handout in the agenda packet regarding the differences between County Charter, Code and Policy. CRC Members had no questions.

- **Bylaws and Rules of Procedures**

- Bylaw

Stoffer requested that the CRC accept the 2020 bylaws because the CRC needs a template to work from the move forward. Once those have been approved the members can establish a committee for edits. He noted that there needs to be a basis on how the CRC moves forward in the meeting.

ACTION TAKEN: Stoffer moved to adopt the 2020 bylaws, Morris second

CRC Members held discussion on the original motion.

Richards commented that he has concerns regarding Article VI and Section 1.

Article VI Section 1. All inquiries or requests for legal opinions or rulings shall be referred to the Prosecuting Attorney's Office at such times and in such manner as the Commission may decide.

He stated it avoids a conflict tonight. He also noted there is a CRC budget. He feels he would be more comfortable not referring to the Prosecuting Attorney's Office especially with the Coroner issue. He requests to amend the motion.

ACTION TAKEN: Richards moved to amend the original motion reading all inquiries or requests for legal opinions and request shall be referred to the CRC attorney at such times and in such matters the commission may decide, Noble second; motion failed
(2 voted in favor of and 12 voted opposed)

CRC Members held discussion on the amended motion. Vote was taken and motion failed.

CRC Members held discussion on the original motion.

Fisch clarified that the original motion is to adopt the 2020 bylaws today. The CRC will form a committee to continue to review and edit the bylaws.

Hodgson requested to amend the original motion.

ACTION TAKEN: Hodgson moved to amend the original motion to include the language from the original motion AND form a bylaws and rules committee consisting of one representative from each district, Stoffer second; withdraw

Discussion was held regarding the amended motion.

Stoffer withdraws his second to the amended motion.

Hodgson withdraws his amended motion.

Original Motion:

ACTION TAKEN: Stoffer moved to adopt the 2020 bylaws, Morris second; motion passed
(14 voted in favor of)

ACTION TAKEN: Stoffer moved to establish a bylaws and rules committee made up of one Commissioner from each district to review the bylaws and rules, Hodgson second; motion passed
(14 voted in favor of)

CLALLAM COUNTY CHARTER REVIEW COMMISSION

MINUTES of January 13, 2025

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- Rules

ACTION TAKEN: Fleck moved to adopt the 2020 rules subject to the committee that was established for review, Morris second; motion passed
(14 voted in favor of)

- **County Email Update – Loni Gores, Clerk**

Gores mentioned that all CRC Members have been set up with a County email address from January 1 through December 31, 2025. This will assist in the Public Records requirements. She will forward the 3 remaining user agreements to IT so they can set those accounts up.

- **2025 Meeting Schedule**

CRC members discussed the meeting schedule, location and length. Gores noted that the 2nd and 4th Monday or 2nd and 3rd Tuesday of each month are available in the Board of Commissioners Board Room 160. It was suggested to hold the meetings starting at 5:30 p.m. CRC Members held discussion.

ACTION TAKEN: Cameron moved to hold meetings on the 2nd and 4th Monday of each month, Walde second; motion passed
(13 voted in favor of and 1 voted opposed)

- **Discussion Items for Next Meeting**

- Coroner Topic
- Town Hall Meetings
- Collecting Information from public and public officials
- Timeline to comply
- CRC priorities roundtable
- Charter position vacancy

COMMITTEE FORMATION

Fisch suggested forming bylaws and rules, Coroner and town hall outreach committees.

- **Bylaws and Rules**

Holy, Fisch, Pickett, and Noble volunteered to serve on the bylaws and rules committee.

- **Coroner**

Hodgson requested to have a presentation regarding the Coroner topic before a committee is formed. Fisch will work with Administrator Mielke to discuss a Coroner presentation for the next meeting.

- **Town Hall Outreach:**

Stoffer, Morris, Cameron, and Walde volunteered to serve on the town hall outreach committee.

PUBLIC COMMENT

- Terry Golden, Port Angeles, commented on public records
- Pepai Whipple, Sequim, thanked the Commissioners for their service, commented on County meetings, bylaws, County Commissioner holding meetings that the public can't attend, Town Hall Meetings
- Karin Cummins, Sequim, thanked the Commissioners for their service, public comment time limit, ethics committee
- Ed Bowen, Clallam Bay, commented on 2020 Charter Review Commission, roundtable list of topics, Coroner topic
- Eric Fehrmann, Sequim, commented on County Commissioners' response at meetings

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ITEMS FOR THE GOOD OF THE ORDER

- Mileage reimbursement forms

Gores noted that mileage forms are due to her every two months. Mileage is calculated from your home to the courthouse. You can collect mileage from your home to each district town hall meeting.

- Discussion was held regarding Charter Review Commissioner Karen O'Donnell

Gores noted that she has not been contacted by Karen O'Donnell to resign.

ADJOURNMENT - Meeting concluded at 7:46 p.m.

Respectfully submitted,

Loni Gores, MMC
Clerk to the Charter Review Commission

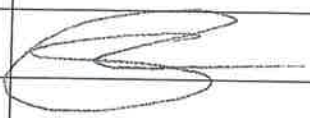
Approved:

DRAFT

CHARTER REVIEW COMMISSION PUBLIC COMMENT SIGN-UP SHEET

General Public Comment – 1st Session

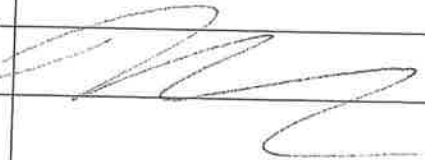
I declare under penalty of perjury under the laws of the State of Washington that any testimony that I give is true and accurate. Please print name and address clearly.

No	PRINTED NAME	SIGNATURE	ADDRESS
1	Gayle Baker		7458 Old Olympic Hwy Sequim
2			
3			
4	Pepai Whipple	Pepai Whipple	Sequim WA 98382
5	Norma Turner		Mr. Angelo Del PA
6			
7			
8			
9			
10			
11			
12			
13			
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17			
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20			

CHARTER REVIEW COMMISSION PUBLIC COMMENT SIGN-UP SHEET

General Public Comment – 2nd Session

I declare under penalty of perjury under the laws of the State of Washington that any testimony that I give is true and accurate. Please print name and address clearly.

Nº	PRINTED NAME	SIGNATURE	ADDRESS
1	TERAY Golden		232951 Hwy 101 PA 98368
2			
3			
4	Pepai Whipple	Pepai Whipple	13 Sequim WA 98382
5	Grain Lumm	Karin Luminis	Grain
6			
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CHARTER REVIEW COMMISSION

BUSINESS ITEMS

Coroner discussion

RCW 36.16.030**Elective county officers enumerated. (Effective until January 1, 2025.)**

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

[2021 c 127 s 5; 2015 c 53 s 61; 1996 c 108 s 1; 1991 c 363 ss 46, 47; 1990 c 252 s 8; 1963 c 4 s 36.16.030. Prior: 1955 c 157 s 5; prior: (i) Code 1881 s 2707; 1869 p 310 ss 1-3; 1863 p 549 ss 1-3; 1854 p 424 ss 1-3; RRS s 4083. (ii) Code 1881 s 2738; 1863 p 552 s 1; 1854 p 426 s 1; RRS s 4106. (iii) 1891 c 5 s 1; RRS s 4127. (iv) 1890 p 478 s 1; 1886 p 164 s 1; 1883 p 39 s 1; Code 1881 s 2752; 1869 p 402 s 1; 1854 p 428 s 1; RRS s 4140. (v) 1943 c 139 s 1; Code 1881 s 2766; 1863 p 557 s 1; 1854 p 434 s 1; Rem. Supp. 1949 s 4155. (vi) Code 1881 s 2775, part; 1863 p 559 s 1, part; 1854 p 436 s 1, part; RRS s 4176, part. (vii) 1933 c 136 s 2; 1925 ex.s. c 148 s 2; RRS s 4200-2a. (viii) 1937 c 197 s 1; 1933 c 136 s 3; 1925 ex.s. c 148 s 3; RRS s 4200-3a. (ix) 1937 c 197 s 2; 1933 c 136 s 4; 1925 ex.s. c 148 s 4; RRS s 4200-4a. (x) 1927 c 37 s 1; 1890 p 304 s 2; RRS s 4205-1.]

NOTES:

Expiration date—2021 c 127 s 5: "Section 5 of this act expires January 1, 2025." [2021 c 127 s 10.]

Effective dates—1991 c 363 ss 28, 29, 33, 47, 131: See note following RCW 28A.343.660.

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

RCW 36.16.030**Elective county officers enumerated. (Effective January 1, 2025.)**

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand the county legislative authority may determine that no coroner shall be elected and instead appoint a coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

[2021 c 127 s 4; 2015 c 53 s 61; 1996 c 108 s 1; 1991 c 363 ss 46, 47; 1990 c 252 s 8; 1963 c 4 s 36.16.030. Prior: 1955 c 157 s 5; prior: (i) Code 1881 s 2707; 1869 p 310 ss 1-3; 1863 p 549 ss 1-3; 1854 p 424 ss 1-3; RRS s 4083. (ii) Code 1881 s 2738; 1863 p 552 s 1; 1854 p 426 s 1; RRS s 4106. (iii) 1891 c 5 s 1; RRS s 4127. (iv) 1890 p 478 s 1; 1886 p 164 s 1; 1883 p 39 s 1; Code 1881 s 2752; 1869 p 402 s 1; 1854 p 428 s 1; RRS s 4140. (v) 1943 c 139 s 1; Code 1881 s 2766; 1863 p 557 s 1; 1854 p 434 s 1; Rem. Supp. 1949 s 4155. (vi) Code 1881 s 2775, part; 1863 p 559 s 1, part; 1854 p 436 s 1, part; RRS s 4176, part. (vii) 1933 c 136 s 2; 1925 ex.s. c 148 s 2; RRS s 4200-2a. (viii) 1937 c 197 s 1; 1933 c 136 s 3; 1925 ex.s. c 148 s 3; RRS s 4200-3a. (ix) 1937 c 197 s 2; 1933 c 136 s 4; 1925 ex.s. c 148 s 4; RRS s 4200-4a. (x) 1927 c 37 s 1; 1890 p 304 s 2; RRS s 4205-1.]

NOTES:

Effective date—2021 c 127 ss 4 and 6: "Sections 4 and 6 of this act take effect January 1, 2025." [2021 c 127 s 9.]

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each county with a population of less than forty thousand the county legislative authority may determine that no coroner shall be elected and instead appoint a coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

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[Home \(/\)](#) | [AG Opinions \(/ago-opinions\)](#) | **Eligibility Of County Prosecuting Attorneys To Be Appointed County Coroner After January 1, 2025**

Eligibility Of County Prosecuting Attorneys To Be Appointed County Coroner After January 1, 2025

AGO 2024 No. 3 - Aug 22 2024

Attorney General

CORONER — COUNTIES — APPOINTMENT — PROSECUTING ATTORNEY — STATUTORY AUTHORITY — Eligibility Of County Prosecuting Attorneys To Be Appointed County Coroner After January 1, 2025

RCW 36.16.030 currently requires that county prosecutors in counties with populations of less than 40,000 perform the services of coroner, but effective January 1, 2025, that statute will no longer so require. After January 1, 2025, general statutory prohibitions on coroners practicing law will preclude county prosecuting attorneys from acting as both coroner and prosecutor.

August 22, 2024

The Honorable Amy Vira
San Juan County Prosecuting Attorney
350 Court Street
Friday Harbor, WA 98205

The Honorable Dolly Hunt
Pend Oreille County Prosecuting Attorney
229 S Garden Avenue
Newport, WA 99156-5070

Cite As:
AGO 2024 No. 3

C. Dale Slack
Columbia County Prosecuting Attorney
215 E Clay Street
Dayton, WA 99328

Dear Prosecutors Vira, Hunt, and Slack:

By letter previously acknowledged, you have requested our opinion on the following question:

May a county legislative authority for a county with a population of less than 40,000 appoint the prosecuting attorney to perform the services of the county coroner after January 1, 2025, the effective date of the 2021 amendments to RCW 36.16.030?

BRIEF ANSWER

No. As of January 1, 2025, the prosecuting attorney in a county with a population of less than 40,000 will no longer be statutorily required to act as coroner. In the absence of that statutory requirement, statutory prohibitions on coroners practicing law, contained in RCW 36.24.170 and RCW 2.48.200, would preclude the prosecuting attorney from acting as both coroner and

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prosecutor after January 1, 2025. Our conclusion is further supported by the legislative history of recent statutory amendments, which indicates that the legislature intended to separate roles of prosecuting attorney and coroner.

BACKGROUND

Your request focuses on the legislature's 2021 amendments to RCW 36.16.030, a statute enumerating the elective county officers in Washington. The 2021 amendments removed the requirement that the prosecuting attorney act as coroner in counties with populations of less than 40,000 people. Although we believe that two other statutes, RCW 36.24.170 and RCW 2.48.200, resolve your question, we provide a brief overview of the 2021 amendments for context. Laws of 2021, ch. 127, §§ 4, 9.

Since approximately 1925, the prosecuting attorney has been *ex officio*^[1] coroner in counties with populations of less than 40,000 people. RCW 36.16.030; Laws of 1925, 1st Ex. Sess, ch. 148, § 2. RCW 36.16.030 currently states:

[I]n every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner.

(Emphasis added.)

In 2021, the legislature passed Engrossed Substitute House Bill 1326, 67th Leg., Reg. Sess. (Wash. 2021), which adopted a variety of provisions relating to coroners and medical examiners. Laws of 2021, ch. 127. Of particular relevance here, the legislature amended RCW 36.16.030 to provide an expiration date for the current requirements relating to county coroners and to provide new requirements effective January 1, 2025. Laws of 2021, ch. 127, §§ 4, 5, 9, 10. Beginning January 1, 2025, in counties with populations of less than 40,000, the coroner will either be elected or be appointed by the county legislative authority. Laws of 2021, ch. 127, §§ 4, 9. Specifically, effective January 1, 2025, RCW 36.16.030, in relevant part, will read:

[I]n every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand the county legislative authority may determine that no coroner shall be elected and instead appoint a coroner.

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Laws of 2021, ch. 127, §§ 4, 9 (emphasis added). RCW 36.16.030 does not address whom the county may appoint as county coroner.

ANALYSIS

You asked whether a county legislative authority in a county with a population less than 40,000 may appoint the prosecuting attorney to perform the services of the county coroner after January 1, 2025. Your question calls for our construction of RCW 36.16.030 and the statutes governing county coroners, found in RCW 36.24. Based on RCW 36.16.030 and RCW 36.24.170, we conclude that in a county with a population of less than 40,000, a prosecuting attorney may not act as coroner after January 1, 2025. In the absence of the statutory requirement for the prosecuting attorney to act as coroner, statutory prohibitions on coroners practicing law would preclude the prosecuting attorney from performing both roles. Our conclusion is further supported by the legislative history of the 2021 amendments.

We begin the inquiry by considering what the legislature intended when it amended RCW 36.16.030 to remove the requirement that prosecuting attorneys act as ex officio coroners in counties with populations of less than 40,000. The goal of statutory interpretation is to determine and give effect to the legislature's intent. *Wash. State Ass'n of Cnty. v. State*, 199 Wn.2d 1, 10, 502 P.3d 825 (2022). To do so, we start with the plain language of the text, considering the context of the statutes or provisions at issue, amendments to the provisions, related provisions, and the overall statutory scheme. *State ex rel. Banks v. Drummond*, 187 Wn.2d 157, 170, 385 P.3d 769 (2016).

RCW 36.16.030 (effective January 1, 2025) does not address whether the county legislative authority in a county with a population of less than 40,000 may appoint the prosecuting attorney to continue to perform the duties of coroner. Because the plain language of that statute does not address your question, we consider related statutes to help resolve the question. *See Drummond*, 187 Wn.2d at 170.

RCW 36.24.170^[2] prohibits coroners from practicing law. RCW 36.24.170 provides: "The coroner shall not appear or practice as attorney in any court, except in defense of himself or herself or his or her deputies." RCW 2.48.200 also prohibits coroners from practicing law, stating that "[n]o person shall practice law who holds a commission as judge in any court of record, or as sheriff or coroner . . .". We presume that the legislature does not intend to create inconsistent statutes, and so we seek to interpret statutes harmoniously. *Associated Gen. Contractors of Wash. v. State*, 544 P.3d 486, 496 (Wash. 2024). Accordingly, we strive to interpret RCW 36.16.030 in harmony with RCW 36.24.170 and RCW 2.48.200.

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In 1976, our office opined that RCW 36.24.170 does not prohibit the prosecuting attorney in a county with a population of less than 40,000^[3] from performing the duties of coroner. AGLO 1976 No. 30. In reaching our conclusion, we relied on RCW 36.16.030's requirement that the prosecuting attorney perform the coroner's duties in a county with a population of less than 40,000. AGLO 1976 No. 30, at 2-3. Under RCW 36.16.030, one of the prosecuting attorney's statutory duties was to act as coroner. AGLO 1976 No. 30, at 2-3. But, as previously explained, the legislature has since amended RCW 36.16.030 (effective January 1, 2025) to remove the requirement that prosecuting attorneys in counties with less than 40,000 people act as coroner. Laws of 2021, ch. 127, §§ 4, 9. As a result, because the basis of our earlier opinion has changed, our interpretation of RCW 36.24.170 has also changed.

Interpreting RCW 36.16.030 (effective January 1, 2025) to allow a county to appoint a prosecuting attorney to act as coroner would conflict with the statutory prohibitions on a coroner practicing law. Without the express statutory requirement for the prosecuting attorney to act as coroner, the plain language of RCW 36.24.170 and RCW 2.48.200 would preclude the prosecuting attorney from acting as both prosecuting attorney and coroner. *See State v. Twitchell*, 61 Wn.2d 403, 406-07, 378 P.2d 444 (1963) (noting that a deputy prosecutor would be disqualified from practicing law if they accepted a commission as deputy sheriff under RCW 36.28.110 and RCW 2.48.200).

Our conclusion is also supported by the legislative history behind the 2021 amendments. The sequential versions of the bill, amendments, and testimony demonstrate the legislature's intent to separate the roles of prosecuting attorney and coroner, and to withdraw its authorization for the prosecuting attorney to perform the coroner's duties. The original bill proposed that all counties elect their coroner, which would separate the prosecuting attorney and the coroner. H.B. 1326, 67th Leg., Reg. Sess. (Wash. 2021) (as introduced).^[4] Then, the House passed a substitute bill, which authorized the county legislative authority of counties with populations of less than 40,000 to "determine that no coroner shall be elected and

instead appoint a coroner or direct the prosecuting attorney [to] serve as ex-officio coroner.” Engrossed Substitute H.B. 1326, 67th Leg., Reg. Sess. (Wash. 2021). Once in the Senate, Senator Kuderer introduced and the Senate adopted an amendment to “[r]emove[] the option for the prosecuting attorney to serve as ex-officio coroner.”^[5] 1326-S.E AMS HLG S2197.1, <https://app.leg.wa.gov/committeeschedules/Home/Document/233341#toolbar=...> (<https://app.leg.wa.gov/committeeschedules/Home/Document/233341#toolbar=0&navpanes=0>) (Engrossed Substitute H.B. 1326, as amended by the

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Senate). Senator Kuderer testified that “one of the reasons that the committee striking amendment was adopted, because that amendment removes the ability of a county to appoint a prosecuting attorney to act in the capacity of a coroner and that is because there is a direct conflict of interest in that.” Sen. Floor Deb. on Substitute H.B. 1326, 67th Leg., Reg. Sess. (Wash. Apr. 3, 2021), at 32:05, *video recording by* TVW, Washington State’s Public Affairs Network, <https://www.tvw.org/watch/?clientID=9375922947&eventID=2021041040> (<https://www.tvw.org/watch/?clientID=9375922947&eventID=2021041040>). Although “[o]ne legislator’s comments from the floor ordinarily are not determinative of legislative intent,” courts presume that legislators understand the meaning of the amendments that they propose. *Nelson v. P.S.C., Inc.*, 2 Wn.3d 227, 241, 535 P.3d 418 (2023) (citing *Duke v. Boyd*, 133 Wn.2d 80, 87, 942 P.2d 351 (1997)). Interpreting RCW 36.16.030 as allowing a county to appoint a prosecuting attorney to act as coroner would fundamentally frustrate the legislature’s intent as expressed during the legislative process, and such an approach would be contrary to our goal of advancing the legislature’s intent. See *Nelson*, 2 Wn.3d at 237-39 (rejecting interpretation that would frustrate the legislature’s intent).

Your request mentions the doctrine of incompatible offices. The common-law doctrine of incompatible offices prohibits someone from simultaneously holding two incompatible offices. AGO 2016 No. 7, at 3. “Offices are incompatible when the nature and duties of the offices are such as to render it improper, from consideration of public policy, for one person to retain both.” *Kennett v. Levine*, 50 Wn.2d 212, 216, 310 P.2d 244 (1957). Importantly, the doctrine applies “in the absence of specific statutory provisions governing the positions in question.” AGLO 1973 No. 90, at 3. Here, both RCW 36.24.170 and RCW 2.48.200 prohibit a coroner from practicing law. Therefore, we need not apply the common law doctrine of incompatible offices to answer your question.

Your request could be interpreted as asking whether a county has the authority to assign substantive duties to the prosecuting attorney in addition to their statutory duties, or to require the prosecuting attorney to exercise the powers and perform the duties of both the prosecuting attorney and the county coroner. The Washington Constitution delegates to the legislature the authority to prescribe the duties of prosecuting attorneys and to require certain officers to “exercise the powers and perform the duties of two or more officers.” Const. art. XI, § 5. Although your request could potentially implicate issues related to article XI, section 5 of the Washington Constitution, we do not believe it is necessary to address them because we resolve your question on statutory grounds. Like courts, we generally avoid reaching constitutional issues where the issues can be resolved on other grounds. *Tunstall ex rel. Tunstall v. Bergeson*, 141 Wn.2d 201, 210, 5 P.3d 691 (2000). And here, we are able to resolve the inquiry based on statutory interpretation, and therefore do not reach any potential constitutional issues.

We want to emphasize that Attorney General Opinions answer broad legal questions and are not intended to resolve any particular case. This opinion expresses no view on what the remedy should be, if any, if the principles discussed here were not followed in a particular case. Such issues are beyond the scope of this opinion and might turn on a variety of facts specific to the case.

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In conclusion, RCW 36.24.170 and RCW 2.48.200 will prohibit a prosecuting attorney from performing the services of the county coroner when the 2021 amendments to RCW 36.16.030 go into effect on January 1, 2025.

We trust that the foregoing will be useful to you.

ROBERT W. FERGUSON

Attorney General

KIERA MILLER

Assistant Attorney General

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[1] Ex officio means “[b]y virtue or because of an office.” Ex officio, *Black’s Law Dictionary* (11th ed. 2019).

[2] The prohibition on coroners practicing law was originally codified in the same statute as the prohibition on sheriffs practicing law. Laws of 1854, § 5, at 434 (“No sheriff, deputy sheriff, or coroner, shall appear or practice as attorney in any court, except in defen[s]e of themselves or their deputies; and either of said officers, for a violation of this section, shall forfeit a sum not exceeding fifty dollars.”). Coroners and sheriffs were later separated into two statutes. See RCW 36.24.170; see also RCW 36.28.110 (providing “[n]o sheriff shall appear or practice as attorney in any court”).

[3] AGLO 1976 No. 30 refers to fourth class counties. In 1976, fourth class counties were counties with a population of less than 40,000 people. Former RCW 36.13.010, *repealed by* Laws of 1991, ch. 363, § 163.

[4] See Hr’g on H.B. 1326 Before the Sen. Housing and Local Gov’t Comm., 67th Leg., Reg. Sess. (Wash. Mar. 16, 2021), at 29:24 to 29:52, *video recording by* TVW, Washington State’s Public Affairs Network, <https://www.tvw.org/watch/?clientID=9375922947&eventID=2021031300> (<https://www.tvw.org/watch/?clientID=9375922947&eventID=2021031300>) (bill sponsor Representative Lekanoff noting that removing prosecuting attorneys from the role of coroner was one of the primary goals of the legislation).

[5] See Hr’g on H.B. 1326 Before the Sen. Housing and Local Gov’t Comm., 67th Leg., Reg. Sess. (Wash. Mar. 23, 2021), at 05:36, *video recording by* TVW, Washington State’s Public Affairs Network, <https://www.tvw.org/watch/?clientID=9375922947&eventID=2021031490> (<https://www.tvw.org/watch/?clientID=9375922947&eventID=2021031490>) (statement of Senator Kuderer).

PDF RCW 36.24.170**Coroner not to practice law.**

The coroner shall not appear or practice as attorney in any court, except in defense of himself or herself or his or her deputies.

[**2009 c 549 s 4039**; **1963 c 4 s 36.24.170**. Prior: 1891 c 45 s 4, part; Code 1881 s 2770, part; 1863 p 558 s 5, part; 1854 p 434 s 5, part; RRS s 4171, part.]



Richard H. Schuyler

CLALLAM COUNTY COURT HOUSE
PORT ANGELES, WASHINGTON

CLALLAM COUNTY HOME RULE CHARTER

such other places as the Commissioners deem appropriate.

Section 3.50: Resolutions

(Amendment proposed by the Charter Review Commission and deleted by the voters November 8, 1983.)

ARTICLE IV – OTHER ELECTED OFFICIALS

Section 4.10: Composition

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

(Amendment proposed by the Charter Review Commission and approved by the voters November 7, 1989. Amendment proposed by the Charter Review Commission and approved by the voters November 5, 2002.) (Amendment proposed by the Charter Review Commission and approved by the voters November 3, 2020.)

Section 4.20: Powers and Duties

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

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

Section 4.25: Director of the Department of Community Development

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

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

Ordinances shall be reviewed and amended, if necessary, by December 31, 2004 to incorporate changes required by the conversion from an appointed administrative position to an elected office. Until such time as the review is

PDF RCW 36.24.160**District judge may act as coroner.**

If the office of coroner is vacant, or the coroner is absent or unable to attend, the duties of the coroner's office may be performed by any district judge in the county with the like authority and subject to the same obligations and penalties as the coroner. For such service a district judge shall be entitled to the same fees, payable in the same manner.

[**1987 c 202 s 204**; **1963 c 4 s 36.24.160**. Prior: (i) Code 1881 s 2793; **1863 p 562 s 19**; **1854 p 438 s 19**; RRS s 4198. (ii) Code 1881 s 2795; **1863 p 562 s 21**; **1854 p 438 s 21**; RRS s 4199.]

NOTES:

Intent—1987 c 202: See note following RCW **2.04.190**.

SECTION 4. COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION

The legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

Any county may frame a "Home Rule" charter for its own government subject to the Constitution and laws of this state, and for such purpose the legislative authority of such county may cause an election to be had, at which election there shall be chosen by the qualified voters of said county not less than fifteen (15) nor more than twenty-five (25) freeholders thereof, as determined by the legislative authority, who shall have been residents of said county for a period of at least five (5) years preceding their election and who are themselves qualified electors, whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. Such proposed charter shall be submitted to the qualified electors of said county, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said county and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter. Said proposed charter shall be published in two (2) legal newspapers published in said county, at least once a week for four (4) consecutive weeks prior to the day of submitting the same to the electors for their approval as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten (10) days before the day of election in all election districts of said county. Said elections may be general or special elections and except as herein provided, shall be governed by the law regulating and controlling general or special elections in said county. Such charter may be amended by proposals therefor submitted by the legislative authority of said county to the electors thereof at any general election after notice of such submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others.

Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law, and for their compensation, but shall not affect the election of the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, or the jurisdiction of the courts.

Notwithstanding the foregoing provision for the calling of an election by the legislative authority of such county for the election of freeholders to frame a county charter, registered voters equal in number to ten (10) per centum of the voters of any such county voting at the last preceding general election, may at any time propose by petition the calling of an

election of freeholders. The petition shall be filed with the county auditor of the county at least three (3) months before any general election and the proposal that a board of freeholders be elected for the purpose of framing a county charter shall be submitted to the vote of the people at said general election, and at the same election a board of freeholders of not less than fifteen (15) or more than twenty-five (25), as fixed in the petition calling for the election, shall be chosen to draft the new charter. The procedure for the nomination of qualified electors as candidates for said board of freeholders shall be prescribed by the legislative authority of the county, and the procedure for the framing of the charter and the submission of the charter as framed shall be the same as in the case of a board of freeholders chosen at an election initiated by the legislative authority of the county.

In calling for any election of freeholders as provided in this section, the legislative authority of the county shall apportion the number of freeholders to be elected in accordance with either the legislative districts or the county commissioner districts, if any, within said county, the number of said freeholders to be elected from each of said districts to be in proportion to the population of said districts as nearly as may be.

Should the charter proposed receive the affirmative vote of the majority of the electors voting thereon, the legislative authority of the county shall immediately call such special election as may be provided for therein, if any, and the county government shall be established in accordance with the terms of said charter not more than six (6) months after the election at which the charter was adopted.

The terms of all elective officers, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, who are in office at the time of the adoption of a Home Rule Charter shall terminate as provided in the charter. All appointive officers in office at the time the charter goes into effect, whose positions are not abolished thereby, shall continue until their successors shall have qualified.

After the adoption of such charter, such county shall continue to have all the rights, powers, privileges and benefits then possessed or thereafter conferred by general law. All the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees.

The provisions of sections 5, 6, 7, and the first sentence of section 8 of this Article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof. The authority conferred on the board of county commissioners by Section 15 of Article II as amended, shall be exercised by the legislative authority of the county. **[AMENDMENT 21, 1947 Senate Joint Resolution No. 5, p 1372. Approved November 2, 1948.]**

Art. 28 Section 1 was later amended by Amendment 78.

Authorizing compensation increase during term: See Amendment 54.

AMENDMENT 21

Art. 11 Section 4 COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION. The legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

Any county may frame a "Home Rule" charter for its own government subject to the Constitution and laws of this state, and for such purpose the legislative authority of such county may cause an election to be had, at which election there shall be chosen by the qualified voters of said county not less than fifteen (15) nor more than twenty-five (25) freeholders thereof, as determined by the legislative authority, who shall have been residents of said county for a period of at least five (5) years preceding their election and who are themselves qualified electors, whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. Such proposed charter shall be submitted to the qualified electors of said county, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said county and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter. Said proposed charter shall be published in two (2) legal newspapers published in said county, at least once a week for four (4) consecutive weeks prior to the day of submitting the same to the electors for their approval as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten (10) days before the day of election in all election districts of said county. Said elections may be general or special elections and except as herein provided, shall be governed by the law regulating and controlling general or special elections in said county. Such charter may be amended by proposals therefor submitted by the legislative authority of said county to the electors thereof at any general election after notice of such submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others.

Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law, and for their compensation, but shall not affect the election of the prosecuting attorney, the county superintendent of schools, the judges

of the superior court, and the justices of the peace, or the jurisdiction of the courts.

Notwithstanding the foregoing provision for the calling of an election by the legislative authority of such county for the election of freeholders to frame a county charter, registered voters equal in number to ten (10) per centum of the voters of any such county voting at the last preceding general election, may at any time propose by petition the calling of an election of freeholders. The petition shall be filed with the county auditor of the county at least three (3) months before any general election and the proposal that a board of freeholders be elected for the purpose of framing a county charter shall be submitted to the vote of the people at said general election, and at the same election a board of freeholders of not less than fifteen (15) or more than twenty-five (25), as fixed in the petition calling for the election, shall be chosen to draft the new charter. The procedure for the nomination of qualified electors as candidates for said board of freeholders shall be prescribed by the legislative authority of the county, and the procedure for the framing of the charter and the submission of the charter as framed shall be the same as in the case of a board of freeholders chosen at an election initiated by the legislative authority of the county.

In calling for any election of freeholders as provided in this section, the legislative authority of the county shall apportion the number of freeholders to be elected in accordance with either the legislative districts or the county commissioner districts, if any, within said county, the number of said freeholders to be elected from each of said districts to be in proportion to the population of said districts as nearly as may be.

Should the charter proposed receive the affirmative vote of the majority of the electors voting thereon, the legislative authority of the county shall immediately call such special election as may be provided for therein, if any, and the county government shall be established in accordance with the terms of said charter not more than six (6) months after the election at which the charter was adopted.

The terms of all elective officers, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, who are in office at the time of the adoption of a Home Rule Charter shall terminate as provided in the charter. All appointive officers in office at the time the charter goes into effect, whose positions are not abolished thereby, shall continue until their successors shall have qualified.

After the adoption of such charter, such county shall continue to have all the rights, powers, privileges and benefits then possessed or thereafter conferred by general law. All the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees.

The provisions of sections 5, 6, 7, and the first sentence of section 8 of this Article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof. The authority conferred on the board of county com-

missioners by Section 15 of Article II as amended, shall be exercised by the legislative authority of the county. [1947 Senate Joint Resolution No. 5, p 1372. Approved November 2, 1948.]

AMENDMENT 22

Section 7, Article XI, Constitution of the State of Washington is hereby repealed. [1947 House Joint Resolution No. 4, p 1385. Approved November 2, 1948.]

AMENDMENT 23

Art. 11 Section 16 COMBINED CITY AND COUNTY. The legislature shall, by general law, provide for the formation of combined city and county municipal corporations, and for the manner of determining the territorial limits thereof, each of which shall be known as a "city and county," and, when organized, shall contain a population of at least three hundred thousand (300,000) inhabitants. No such city and county shall be formed except by a majority vote of the qualified electors of the area proposed to be included therein and also by a majority vote of the qualified electors of the remainder of that county from which such area is to be taken. Any such city and county shall be permitted to frame a charter for its own government, and amend the same, in the manner provided for cities by section 10 of this article: *Provided, however,* That the first charter of such city and county shall be framed and adopted in a manner to be specified in the general law authorizing the formation of such corporations: *Provided further,* That every such charter shall designate the respective officers of such city and county who shall perform the duties imposed by law upon county officers. Every such city and county shall have and enjoy all rights, powers and privileges asserted in its charter, not inconsistent with general laws, and in addition thereto, such rights, powers and privileges as may be granted to it, or possessed and enjoyed by cities and counties of like population separately organized.

No county or county government existing outside the territorial limits of such county and city shall exercise any police, taxation or other powers within the territorial limits of such county and city, but all such powers shall be exercised by the city and county and the officers thereof, subject to such constitutional provisions and general laws as apply to either cities or counties: *Provided,* That the provisions of sections 2, 3, 4, 5, 6, 7, and 8 of this article shall not apply to any such city and county: *Provided further,* That the salary of any elective or appointive officer of a city and county shall not be changed after his election or appointment or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed. In case an existing county is divided in the formation of a city and county, such city and county shall be liable for a just proportion of the existing debts or liabilities of the former county, and shall account for and pay the county remaining a just proportion of the value of any real estate or other property owned by the former county and taken over by the county and city, the method of determining such just proportion to be prescribed by general law, but such division shall not affect the rights of creditors. The officers of a city and county, their compensation, qualifications, term of office and manner of election or appointment

Submitted after the agenda packet was
posted on 1-27-25

Clallam County Coroner Issue

**Clallam County
Charter Review Commission**

January 27, 2025



Washington State Constitution

- Article XI, Section 4
- “Any county may frame a “Home Rule” charter for its own government subject to the Constitution and laws of the State,
...”
- “Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or general law, and for their compensation, but shall not affect the election of the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, or the jurisdiction of the courts.”



Two Forms of County Government

Code Counties

- 32 of 39 Counties
- “Play Book” incorporated in Title 36 RCW
- Generally, Counties can “do only those things specifically authorized in law”

Home Rule (Charter) Counties

- 7 of 39 Counties
- “Play Book” is the State Constitution & ‘general’ laws of the State
- Generally, “consistent with the State Constitution”, Counties can “do anything that isn’t specifically prohibited [required]in law”



RCW 36.16.030 (prior to January 1, 2025)

“Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner.”



Clallam County Charter

Section 4.20: Powers and Duties

“...The Prosecuting Attorney will serve as ex-officio coroner without extra compensation.”



RCW 36.16.030 (after January 1, 2025)

“Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand the county legislative authority may determine that no coroner shall be elected and instead appoint a coroner.”

Amended 2021



“Can a Prosecutor be appointed as Coroner?”

- Attorney General Opinion issued August 22, 2024
- Too late to put anything on the Fall, 2024, ballot
- Cited RCW 36.24.170:

“The coroner shall not appear or practice as attorney in any court, except in defense of himself or herself or his or her deputies.”
- Prosecutor cannot serve as coroner unless there is specific statutory authority. None exists.
- Also reviewed legislative intent & testimony for RCW 36.16.030.



Clallam County's Interim Solution...

- State Law allows for the appointment of a coroner...
- Clallam County Charter states the Prosecutor will be the ex-officio coroner...
- AG's Opinion states Prosecutor CANNOT serve as the coroner...
- AG's Opinion references a lack of specific statutory authority for the Prosecutor to fulfill the role...
- SOLUTION – RCW 36.24.160!!!



RCW 36.24.160...

RCW 36.24.160 states:

“If the office of coroner is vacant, or the coroner is absent or unable to attend, the duties of the coroner’s office may be performed by any district judge in the county with the like authority and subject to the same obligations and penalties as the coroner. For such service a district court judge shall be entitled to the same fees, payable in the same manner.”



Where do we go from here?

Duncan K. Fobes
Founding Principal
Patterson · Buchanan · Fobes & Leitch,
Inc., P.S.



QUESTIONS



CHARTER REVIEW COMMISSION

BUSINESS ITEMS

Timeline discussion

2025 Election Calendar

More calendar information available at <https://www.sos.wa.gov/elections/calendar.aspx>
Candidate Filing Period: May 5-9, 2025

	February 11 Special Election	April 22 Special Election	August 5 Primary	November 4 General Election
Cutoff for Ballot Resolutions (60 days) Special Elections	December 13, 2024	February 21, 2025		
Cutoff for Ballot Resolutions Primary – Friday before filing week General – Day of Primary			May 2, 2025	August 5, 2025
Military & Overseas Mailed Special – 32 days Primary & General – 46 days	January 10, 2025	March 21, 2025	June 20, 2025	September 19, 2025
Ballots Mailed (20 days)	January 22, 2025	April 2, 2025	July 16, 2025	October 15, 2025
Cutoff for Registering to Vote by mail or online (8 days)	February 3, 2025	April 14, 2025	July 28, 2025	October 27, 2025
Cutoff for Registering to Vote <u>In-Person</u> Available in the Elections and Voter Registration's Office ONLY	February 11, 2025	April 22, 2025	August 5, 2025	November 4, 2025
Election is Certified: Special – 10 days Primary – 14 days General – 21 days	February 21, 2025	May 2, 2025	August 19, 2025	November 25, 2025



ELECTIONS GUIDE FOR JURISDICTIONS & CANDIDATES

Includes Local Voters' Pamphlet Administrative Rules



2025

**Clallam County Auditor's Office
Elections and Voter Registration Division**

223 E 4th St, Room 042
Port Angeles, WA 98362

(360) 417-2217

www.clallamcountywa.gov/elections
elections@clallamcountywa.gov

Amended December 2024

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Questions about:	Contact:
Planning for and Scheduling Elections Filing a Resolution Ballot Titles Election Costs Voters' Pamphlet Materials	Ian Hillway, Elections Manager 360-417-2217 ian.hillway@clallamcountywa.gov
Bond and Levy Validation Numbers Voter and Election Data Questions Maps	Lorrie Paulsen, Voter Registration Coordinator 360-417-2221 lorrie.paulsen@clallamcountywa.gov

Submittal Deadlines

Election Date	February 11, 2025	April 22, 2025	August 5, 2025	November 4, 2025
Jurisdiction's Responsibility and Deadlines				
1. Resolution				
2. Resolution Cover Sheet				
3. Explanatory Statement	Dec. 13, 2024	February 21, 2025	May 2, 2025	August 5, 2025
4. For and Against Committee Appointment Form				
Committee's Responsibility and Deadlines				
For and Against Statements	Dec. 20, 2024	February 28, 2025	May 9, 2025	August 12, 2025
Candidate's Responsibility and Deadlines				
Statement, Biography and Photo			May 20, 2025	May 20, 2025

Jurisdiction and Committee Deadlines are at 4:30 p.m. on each designated day.

Candidate Deadlines are at 5:00 p.m. on each designated day.

All jurisdictional and committee documents must be emailed by the corresponding deadlines to elections@clallamcountywa.gov.

Candidates will receive an email after filing with a link to upload candidate documents.

CHARTER REVIEW COMMISSION

SUBCOMMITTEE REPORTS

Bylaws and Rules Committee

Gores, Loni

From: Pickett, Paul
Sent: Tuesday, January 21, 2025 8:32 PM
To: Gores, Loni
Cc: Fisch, Susan
Subject: CRC Proposed Revisions to Bylaws and Rules
Attachments: adopted updated bylaws 2020.pdf; proposed revised bylaws 2025 - Committee final draft.pdf; proposed revised bylaws 2025 - Committee edits redline.pdf; proposed revised bylaws 2025 - Committee edits redline.docx; adopted rules 2020.pdf; Proposed amended rules 2025 - Committee edits redline.pdf; Proposed amended rules 2025 - Committee final draft.pdf; Proposed amended rules 2025 - Committee edits redline.docx

Loni,

Here is a message and files regarding the revisions proposed by the Bylaws and Rules Committee. Please forward it to the Commission.

Thank you!

Paul Pickett

To the Charter Review Commission:

The Bylaws and Rules Committee met on Sunday January 19, 2025. In attendance was Paul Pickett, Susan Fisch, Christy Holy, and Chris Noble.

The Committee elected Paul Pickett Committee Chair.

We reviewed the 2020 Bylaws and Rules and edited them with suggested amendments.

Attached you will find for the Bylaws and Rules (a file for each):

- The original 2020 versions
- Word documents with our redline edits
- PDF documents showing redline edits
- PDF documents showing the clean final draft

The Executive Board have decided to add this to the agenda of our next meeting.

If you have questions about why we propose any specific changes, feel free to contact me for a 1:1 discussion so I can try to explain our reasons. This would save some time at the meeting if your questions are answered before then.

Thank you,

Paul Pickett
Chair, Clallam Charter Review Commission Bylaws and Rules Committee

Reference

2020 Bylaws and Rules

CLALLAM COUNTY CHARTER REVIEW COMMISSION

2020 BYLAWS

ARTICLE I – OBJECT

These Bylaws are for the governance of the Clallam County Charter Review Commission and its committees and members.

ARTICLE II – OFFICERS AND STAFF

Section 1. There shall be elected from the members of the Charter Review Commission, hereafter referred to as "the Commission," the following officers who shall serve for the period of time necessary to comply with Article XI of the Clallam County Charter.

- a. There shall be a Chair of the Commission whose duties shall be to convene and preside at all regular or special meetings, may act as a member of all committees and make all appointments to committees with the approval of the majority of members present at the regular Commission meeting. The Chair shall perform the duties specified in these Bylaws and other duties as may be found consistent with proper conduct of business.
- b. There shall be a First and Second Vice Chair, one chosen from each commissioner district other than the district represented by the Chair who may act as members of all committees and who may be selected to chair any committee and who shall perform such other duties as may be specified in these Bylaws or as may be assigned by the Commission.
- c. In the absence of the Chair from any meeting or public hearing, the duties and prerogatives of the Chair shall be carried out and performed by the First Vice Chair and in the absence of the Chair and the First Vice Chair, by the Second Vice Chair.

Section 2. There shall be an Executive Committee consisting of the Chair, First and Second Vice Chairs of the Commission, and such additional members selected by the Chair and approved by a majority of the Commission. Duties of the Executive Committee shall be to:

- a. Make monthly status reports on the budget to the Commission.
- b. Oversee the activities of assigned staff to the Commission.
- c. Interview and recommend employment of consultants to the Commission for approval.
- d. Perform other duties as assigned by the Commission for the orderly conduct of the business of the Commission.

ARTICLE III – MEETINGS

Section 1. Regular meetings of the Commission shall be held as established in the Rules and in compliance with RCW 42.30 (Open Public Meetings Act).

Section 2. Special meetings of the Commission may be called by the Chair or by a majority of the Commission in compliance with RCW 42.30.

Section 3. The Commission and committees may hold other meetings at such time and places as the Commission or committee may decide and which are in compliance with RCW 42.30.

Section 4. The Commission and all committee meetings shall be held in a location accessible to the public.

Section 5. All meetings of the Commission and committees shall be open to the public and to the press; provided, however, that at the direction of the Chair or a majority of the members present, the Commission or committees may at any time meet in or go into closed session or executive session for the purpose of discussion of matters exempted by the state Open Public Meetings Act (RCW 42.30).

Section 6. Non-committee Commission members shall have no vote in committee, but may be allowed to speak on matters before the committee.

Section 7. Two public comment opportunities will be available at each meeting.

Section 8. If a need arises, and with prior approval of the Chair, a member may attend via telephone or similar such means.

Section 9. Commission record shall be maintained at the Clallam County website in compliance with the Open Public Meetings Act.

ARTICLE IV – RULES OF ORDER

Except as modified by these Bylaws and when not in conflict with municipal, state, or federal law, all meetings shall be conducted in accordance with the most recent edition of Roberts Rules of Order. The Commission shall elect a parliamentarian from its members to assist it in its proceedings.

ARTICLE V – QUORUM, ABSENCES FROM COMMISSION AND COMMITTEES

Section 1. Except as otherwise specifically provided in these Bylaws a simple majority of the Commission shall constitute a quorum for the transaction of business.

Section 2. A simple majority of a committee shall constitute a quorum for the conduct of the business of the committee.

Section 3. An attendance record of all Commission and committee meetings shall be kept.

ARTICLE VI – COUNSEL AND RESEARCH STAFF

Section 1. All inquiries or requests for legal opinions or rulings shall be referred to the Prosecuting Attorney's Office at such times and in such manner as the Commission may decide.

Section 2. Questions of review, study, or investigation by the staff of the Commission shall be referred to the staff by a member of the Executive Committee or a majority of the members present at any regular or special meeting of the Commission.

ARTICLE VII – PARTICIPATION BY THE CHAIR

The Chair may discuss any matter as a member and shall be entitled to vote on all matters. On debate on the adoption of proposed Charter provisions section by section, or on the adoption of the amended Charter as a whole, the Chair shall relinquish the Chair while speaking on the question.

ARTICLE VIII – VOTING

Section 1. All votes shall be cast by voice, show of hands, or open roll-call vote. Except for those motions noted within Robert's Rules of Order that require two-thirds vote for passage, and except as otherwise provided for within these Bylaws, a majority vote of the members present shall be sufficient for the adoption of the motion

Section 2. Any issues forwarded to the voters shall require a roll-call vote.

ARTICLE IX – ADOPTION OF PROPOSED AMENDMENTS AND RECOMMENDATIONS TO THE BOARD OF COMMISSIONERS BY THE COMMISSION

Section 1. The following steps must be taken by the Charter Review Commission in order to adopt proposed Charter amendments.

Step 1: GIVE NOTICE TO COMMISSION: Notice, and a draft of the proposed amendment, must be given to the Commission at a meeting that a specific amendment shall be considered at the next meeting. (Bylaws Art 9, Section 1)

Step 2: HOLD MEETING TO CONSIDER AMENDMENT: The CRC adopts specific language for the amendment. Once a final version of the proposed amendment is approved, the Commission votes whether to send the amendment to the next meeting. This can be done as part of a regular meeting or a special meeting.

Step 3: GIVE NOTICE TO PUBLIC: Notice must be given to the public after the meeting at which the amendment was considered and three days before the meeting at which the Commissioners will vote. (Bylaw Art 9, Sec 2)

Step 4: HOLD MEETING TO ADOPT AMENDMENT: Commissioners vote on whether or not to adopt an amendment, which would send it to the Clallam County Voters. Major changes to the underlying content of an amendment would not be acceptable because major changes would render the public notice void. This can be done as part of a regular meeting or at a special meeting. The vote must be taken as a roll call vote on an individual amendment. Approval requires a majority of the Commission. (Bylaws Art 8, Sec 2 and Art 9, Sec 2)

Section 2. Recommendations of the Charter Review Commission may be forwarded to the Clallam County Board of Commissioners by writing if adopted by a simple majority of the Charter Review Commission attending a regular or special meeting. The Commissioner(s) presenting the recommendation on behalf on the CRC, may only speak to the recommendation as voted by the CRC unless the Commissioner explains that she/he is expressing their personal opinion.

ARTICLE X – PUBLIC HEARINGS

Section 1. It is the desire of the Commission to hold as many public hearings as reasonable.

Section 2. The time and place of public hearings shall be fixed by the Commission. Such hearings will be rotated among the three commission districts as deemed appropriate by the Commission.

Section 3. The Chair, a Vice Chair, or in their absence, the designee of the members present, shall preside at public hearings conducted by the Commission or committees.

ARTICLE XI – PUBLIC STATEMENTS

Section 1. While any member has a right to express personal views and opinions pursuant to our constitutional guarantee of freedom of speech, statements purporting to represent the views or pronouncements of the Commission or committees thereof shall not be made except as directed or authorized by a majority of the entire Commission at any special or regular meeting or public hearing and provision shall be made for expression of minority views at the same time.

Section 2. The Chair may make public announcements of meetings or public hearings, and may authorize the issuance of fact statements relating to the Commission's work as the Chair may deem necessary.

ARTICLE XII – VACANCIES

Section 1. Vacancies on the Board occurring pursuant to Article XI of the Clallam County Charter shall be declared by the Chair.

Section 2. Vacancies shall be filled pursuant to Article XI of the Clallam County Charter. Traditionally, the vacancy has been filled by the candidate who received the next highest number of votes in the election in the district in which the vacancy occurs. If that candidate is unable to serve, the position would be offered to the next candidate(s) down the list sequentially by number of votes.

ARTICLE XIII – COMMITTEES

The Commission may establish such standing committees and ad hoc committees as it deems necessary for the proper execution of the Commission's responsibilities. Members of each committee shall elect a Chair from among their own number unless such Chair is named by the Commission.

Committees that are formed to write "For" and "Against" statements about amendments proposed by the Charter Review Commission which will be included in the Voters Pamphlet, are NOT considered to be committees of the Charter Review Commission even though they may be members of the CRC.

ARTICLE XIV – ORDER OF BUSINESS

There shall be an "Order of Business" (Agenda) established in the rules.

ARTICLE XV – AMENDMENT OF THE BYLAWS

These Bylaws may be amended at any time by an affirmative vote of a majority but not less than eight (8) of the Commission members present at any regular or special meeting after written notice of the proposed action has been mailed, emailed, or delivered to members of the Commission at least five (5) days prior to the meeting and following posting of such proposed action on the Clallam County website.

Adopted: November 12, 2020

CLALLAM COUNTY CHARTER REVIEW COMMISSION

2020 RULES

AGENDA

The agenda shall be prepared by the Chair for each regular or special meeting of the Commission. The agenda shall reflect the order of business as provided in these rules and shall be prepared by the Chair for each regular or special meeting of the Commission.

MEETINGS

Meetings shall be held on the second and fourth Thursday of each month, commencing at 6 p.m. Meetings shall not exceed three hours in duration.

PUBLIC HEARINGS AND INTERVIEWS WITH PUBLIC OFFICIALS

- A. Public hearings where the public is invited to submit testimony or informational matter concerning the Charter shall be conducted in the following manner:
 - 1. Any person desiring to address the Commission or committee at a public hearing must first sign the speaker's list giving his or her name and address and the name of the persons, government unit, or organization on whose behalf he or she appears and speaks. Speakers will be recognized in the order of signup.
 - 2. The presiding officer may, in the interest of facilitating the business of the Commission or committee, limit the amount of time to be allowed to any person, governmental unit, organization or group and may limit the number of representatives of any group, governmental unit, or organization who shall be allowed to be heard on a particular subject under discussion.
 - 3. Any member of the Commission desiring to address the Commission or committee at a public hearing or meeting must first be recognized by the presiding officer.
 - 4. In order to assure that each Charter Review Commission member has the opportunity to ask questions of the speakers during public meetings, each member shall be allowed to ask one question until all members in attendance have been afforded the opportunity to ask a question. Once all members have been given the opportunity to ask a question, Chair will proceed in order again after the first round.
 - 5. The Chair will explain at the beginning of public hearings, that speakers can choose whether to answer questions; the Commission realizes that not everyone is comfortable speaking in public.
 - 6. All public comment (email, public hearing statements, letters, and telephone calls) shall be distributed to all Commission members by email or hard copy and Clerk will register all public comments retained for the Commission.
- B. Interviews of public officials and public employees may be conducted as a committee of the whole, provided that all testimony, statements, and papers pertaining to the Charter shall be made a part of the Commission's records.
- C. Public notice shall be given for any public hearing per RCW.

EXPENDITURES

After consultation with county staff, the Chair may expend funds up to \$50 to further the objectives of the commission; PROVIDED the Chair reports on the nature and the amount of such expenditures at the next general meeting of the commission. Any expenditure over this amount must be considered and approved per these rules.

ORDER OF BUSINESS

The order of business will be determined by the Executive Committee with assurance of two public comment periods not exceeding three minutes each per speaker.

SUSPENSION OF THE RULES

These rules may be suspended by a two-thirds vote of the members present at any regular or special meeting.

Adopted: January 9, 2020

2025 Proposed Relined Bylaws and Rules

CLALLAM COUNTY CHARTER REVIEW COMMISSION

2025~~0~~ BYLAWS

ARTICLE I – OBJECT

These Bylaws are for the governance of the Clallam County Charter Review Commission and its committees and members.

ARTICLE II – OFFICERS AND STAFF

Section 1. There shall be elected from the members of the Charter Review Commission, hereafter referred to as "the Commission," the following officers who shall serve for the period of time necessary to comply with Article XI of the Clallam County Charter.

- a. There shall be a Chair of the Commission whose duties shall be to convene and preside at all regular or special meetings, may act as a member of all committees and make all appointments to committees with the approval of the ~~majority of members present at the regular Commission meeting~~. The Chair shall perform the duties specified in these Bylaws and other duties as may be found consistent with proper conduct of business.
- b. There shall be a First and Second Vice Chair, one chosen from each commissioner district other than the district represented by the Chair who may act as members of all committees and who may be selected to chair any committee and who shall perform such other duties as may be specified in these Bylaws or as may be assigned by the Commission.
- c. In the absence of the Chair from any meeting or public hearing, the duties and prerogatives of the Chair shall be carried out and performed by the First Vice Chair and in the absence of the Chair and the First Vice Chair, by the Second Vice Chair.

Section 2. There shall be an Executive Committee consisting of the Chair, First and Second Vice Chairs of the Commission, and such additional members selected by the Chair and approved by a majority of the Commission. Duties of the Executive Committee shall be to:

- a. Make monthly status reports on the budget to the Commission.
- b. Oversee the activities of assigned staff to the Commission.
- c. Interview and recommend employment of consultants to the Commission for approval.
- d. Perform other duties as assigned by the Commission for the orderly conduct of the business of the Commission.

ARTICLE III – MEETINGS

Section 1. Regular meetings of the Commission shall be held as established in the Rules and in compliance with RCW 42.30 (Open Public Meetings Act).

Section 2. Special meetings of the Commission may be called by the Chair or by a majority of the Commission in compliance with RCW 42.30.

Section 3. The Commission and committees may hold other meetings at such time and places as the Commission or committee may decide and which are accessible to the public and are in compliance with RCW 42.30.

~~Section 4. The Commission and all committee meetings shall be held in a location accessible to the public.~~

~~Section 5. All meetings of the Commission and committees shall be open to the public and to the press; provided, however, that at the direction of the Chair or a majority of the members present, the Commission or committees may at any time meet in or go into closed session or executive session for the purpose of discussion of matters exempted by the state Open Public Meetings Act (RCW 42.30).~~

Section 46. Non-committee Commission members shall have no vote in committee, but may be allowed to speak on matters before the committee, subject to rules established by the Commission.

Section 57. Two public comment opportunities will be available at each meeting, subject to rules established by the Commission.

Section 68. Virtual meeting access (teleconferencing) shall be provided for all Commission meetings. If a need arises, and with prior approval of the Chair, aA member may attend via telecoferencingphone or similar such means.

Section 79. Commission records shall be maintained at the Clallam County website in compliance with the Open Public Meetings Act.

ARTICLE IV – RULES OF ORDER

Except as modified by these Bylaws and when not in conflict with municipal, state, or federal law, all meetings shall be conducted in accordance with the most recent edition of Roberts Rules of Order. The Commission shall elect a parliamentarian from its members to assist it in its proceedings.

ARTICLE V – QUORUM, ABSENCES FROM COMMISSION AND COMMITTEES

Section 1. Except as otherwise specifically provided in these Bylaws a simple majority of the Commission shall constitute a quorum for the transaction of business.

Section 2. A simple majority of a committee shall constitute a quorum for the conduct of the business of the committee.

Section 3. An attendance record of all Commission and committee meetings shall be kept.

ARTICLE VI – COUNSEL AND RESEARCH STAFF

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Section 1. All inquiries or requests for legal opinions ~~or rulings~~ shall be referred to the Prosecuting Attorney's Office ~~at such times and in such manner as at the direction of the Commission or Executive Committee may decide.~~

Section 2. Questions of review, study, or investigation by the staff of the Commission shall be referred to the staff by a member of the Executive Committee or a majority of the members present at any regular or special meeting of the Commission.

ARTICLE VII – PARTICIPATION BY THE CHAIR

The Chair may discuss any matter as a member and shall be entitled to vote on all matters. On debate on the adoption of proposed Charter provisions section by section, or on the adoption of the amended Charter as a whole, the Chair shall relinquish the Chair while speaking on the question.

ARTICLE VIII – VOTING

Section 1. All votes shall be cast by voice, show of hands, or open roll-call vote. Except for those motions noted within Robert's Rules of Order that require two-thirds vote for passage, and except as otherwise provided for within these Bylaws, a majority vote of the members present shall be sufficient for the adoption of the motion.

Section 2. Any ~~issues-proposed Charter Amendments~~ forwarded to the voters shall require a roll-call vote.

ARTICLE IX – ADOPTION OF PROPOSED AMENDMENTS AND RECOMMENDATIONS TO THE BOARD OF COMMISSIONERS BY THE COMMISSION

Section 1. The following ~~steps must be taken procedure shall be followed~~ by the Charter Review Commission ~~in order to adopt proposed~~ Charter amendments ~~to the Voters~~.

Step 1: GIVE NOTICE TO COMMISSION: ~~Notice, and a~~ A member or Committee shall ~~provide a~~ draft of the proposed ~~Charter amendment, must be given~~ to the Commission at a meeting. ~~that a specific~~ The proposed amendment shall be ~~placed on the agenda~~ considered at the next meeting. (~~Bylaws Art 9, Section 1~~)

Step 2: HOLD MEETING TO CONSIDER AMENDMENT: ~~The CRC adopts specific language for the amendment. The proposed Charter Amendment will be considered by the Commission for their vote. If Once the Commission approves a final version draft of the proposed amendment is approved, the Commission votes shall schedule a final vote at the next regular meeting. whether to send the amendment to the next meeting. This can be done as part of a regular meeting or a special meeting.~~

Step 3: GIVE NOTICE TO PUBLIC: Notice must be given to the public after the meeting at which the ~~Commission approves a final draft of the proposed~~ amendment ~~was considered~~ and three days before the meeting at which the Commissioners will vote. (~~Bylaw Art 9, Sec 2~~)

Step 4: HOLD MEETING TO ADOPT AMENDMENT: ~~Commissioners vote on whether or not to adopt an amendment, which would send it to the Clallam County Voters. The proposed Charter Amendment shall be placed on the agenda for a roll-call vote by the Commission. A majority vote to approve the proposed Charter Amendment will place it on the ballot for the next statewide general election. Major-The Commission shall make no substantive changes to the underlying content language of an proposed amendment would not be at this meeting, acceptable because major changes would render the public notice void. This can be done as part of a regular meeting or at a special meeting. The vote must be taken as a roll call vote on an individual amendment. Approval requires a majority of the Commission. (Bylaws Art 8, Sec 2 and Art 9, Sec 2)~~

Section 2. ~~Recommendations of the~~ The Charter Review Commission may ~~be forward~~ recommendations (Charter 11.10.30)ed to the Clallam County Board of Commissioners by writing if adopted by a simple majority of the Charter Review Commission attending a regular or special meeting. The Commissioners(s) presenting the recommendation on behalf of ~~on~~ the CRC, may only speak to the recommendation as voted by the CRC unless the Commissioner explains that she/he is expressing their personal opinion.

ARTICLE X – PUBLIC HEARINGS

Section 1. It is the desire of the Commission to hold as many public hearings as reasonable.

Section 2. The time and place of public hearings shall be fixed by the Commission. Such hearings will be rotated among the three commission districts as deemed appropriate by the Commission.

Section 3. The Chair, a Vice Chair, or in their absence, the designee of the members present, shall preside at public hearings conducted by the Commission or committees.

ARTICLE XI – PUBLIC STATEMENTS

Section 1. While any member has a right to express personal views and opinions pursuant to our constitutional guarantee of freedom of speech, statements purporting to represent the views or pronouncements of the Commission or committees thereof shall not be made except as directed or authorized by a majority of the entire Commission at any special or regular meeting or public hearing and provision shall be made for expression of minority views at the same time.

Section 2. The Chair may make public announcements of meetings or public hearings, and may authorize the issuance of fact statements relating to the Commission's work as the Chair may deem necessary.

ARTICLE XII – VACANCIES

Section 1. Vacancies on the Board occurring pursuant to ~~Article XI of~~ the Clallam County Charter shall be declared by the ~~Chair~~Executive Committee.

Section 2. Vacancies shall be filled pursuant to Article XI of the Clallam County Charter. ~~Traditionally, the vacancy has been filled by the candidate who received the next highest number of votes in the election in the district in which the vacancy occurs. If that candidate is unable to serve, the position would be offered to the next candidate(s) down the list sequentially by number of votes.~~

ARTICLE XIII – COMMITTEES

The Commission may establish such standing committees and ad hoc committees as it deems necessary for the proper execution of the Commission's responsibilities. Committees shall have fewer Commission members than a quorum of the Commission. Members of each committee

shall elect a Chair from among their own number unless such Chair is named by the Commission.

Committees that are formed as per state law to write "For" and "Against" statements about amendments proposed by the Charter Review Commission which will be included in the Voters Pamphlet, are NOT considered to be committees of the Charter Review Commission even though they may be members of the CRC.

ARTICLE XIV – ORDER OF BUSINESS

There shall be an "Order of Business" (Agenda) established in the rules.

ARTICLE XV – AMENDMENT OF THE BYLAWS

These Bylaws may be amended at any time by an affirmative vote of a majority but not less than eight (8) of the Commission members present at any regular or special meeting after written notice of the proposed action has been mailed, emailed, or delivered to members of the Commission at least five (5) days prior to the meeting and following posting of such proposed action on the Clallam County website.

Adopted: ~~November 12, 2020~~January 27, 2025

CLALLAM COUNTY CHARTER REVIEW COMMISSION

2025 RULES

AGENDA

The agenda shall be prepared by the Chair for each regular or special meeting of the Commission. The agenda shall reflect the order of business as provided in these rules and shall be prepared by the Chair for each regular or special meeting of the Commission.

MEETINGS

Meetings shall be ~~scheduled by a majority vote of the Commission. held on the second and fourth Thursday of each month, commencing at 6 p.m. Meetings shall not exceed three hours in duration.~~

PUBLIC HEARINGS AND INTERVIEWS WITH PUBLIC OFFICIALS

- A. Public hearings where the public is invited to submit testimony or informational matter concerning the Charter shall be conducted in the following manner:
1. Any person desiring to address the Commission or committee at a public hearing ~~must will be encouraged to~~ first sign the speaker's list giving his or her name and address and the name of the persons, government unit, or organization on whose behalf he or she appears and speaks. Speakers will be recognized in the order of signup.
 2. The presiding officer may, in the interest of facilitating the business of the Commission or committee, limit the amount of time to be allowed to any person, governmental unit, organization or group and may limit the number of representatives of any group, governmental unit, or organization who shall be allowed to be heard on a particular subject under discussion.
 3. Any member of the Commission desiring to address the Commission or committee at a public hearing or meeting must first be recognized by the presiding officer.
 4. In order to assure that each Charter Review Commission member has the opportunity to ask questions of the speakers during public meetings, each member shall be allowed to ask one question until all members in attendance have been afforded the opportunity to ask a question. Once all members have been given the opportunity to ask a question, Chair will proceed in order again after the first round.
 5. The Chair will explain at the beginning of public hearings, that speakers can choose whether to answer questions; the Commission realizes that not everyone is comfortable speaking in public.
 6. All public comment (email, public hearing statements, letters, and telephone calls) shall be distributed to all Commission members by email or hard copy and Clerk will register all public comments retained for the Commission.
- B. Interviews of public officials and public employees may be conducted as a committee of the whole, provided that all testimony, statements, and papers pertaining to the Charter shall be made a part of the Commission's records.

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- C. Public notice shall be given for any public hearing per RCW.

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EXPENDITURES

After consultation with county staff, the Chair may expend funds up to \$50 to further the objectives of the commission; PROVIDED the Chair reports on the nature and the amount of such expenditures at the next general meeting of the commission. Any expenditure over this amount must be considered and approved per these rules.

ORDER OF BUSINESS (AGENDA)

The order of business will be determined by the Executive Committee with assurance of two public comment periods not exceeding three minutes each per speaker.

SUSPENSION OF THE RULES

These rules may be suspended by a two-thirds vote of the members present at any regular or special meeting.

Adopted: January 9, 2020

2025 Proposed Clean Copy Bylaws and Rules

CLALLAM COUNTY CHARTER REVIEW COMMISSION

2025 BYLAWS

ARTICLE I – OBJECT

These Bylaws are for the governance of the Clallam County Charter Review Commission and its committees and members.

ARTICLE II – OFFICERS AND STAFF

Section 1. There shall be elected from the members of the Charter Review Commission, hereafter referred to as "the Commission," the following officers who shall serve for the period of time necessary to comply with Article XI of the Clallam County Charter.

- a. There shall be a Chair of the Commission whose duties shall be to convene and preside at all regular or special meetings, may act as a member of all committees and make all appointments to committees with the approval of the Commission. The Chair shall perform the duties specified in these Bylaws and other duties as may be found consistent with proper conduct of business.
- b. There shall be a First and Second Vice Chair, one chosen from each commissioner district other than the district represented by the Chair who may act as members of all committees and who may be selected to chair any committee and who shall perform such other duties as may be specified in these Bylaws or as may be assigned by the Commission.
- c. In the absence of the Chair from any meeting or public hearing, the duties and prerogatives of the Chair shall be carried out and performed by the First Vice Chair and in the absence of the Chair and the First Vice Chair, by the Second Vice Chair.

Section 2. There shall be an Executive Committee consisting of the Chair, First and Second Vice Chairs of the Commission, and such additional members selected by the Chair and approved by a majority of the Commission. Duties of the Executive Committee shall be to:

- a. Make monthly status reports on the budget to the Commission.
- b. Oversee the activities of assigned staff to the Commission.
- c. Interview and recommend employment of consultants to the Commission for approval.
- d. Perform other duties as assigned by the Commission for the orderly conduct of the business of the Commission.

ARTICLE III – MEETINGS

Section 1. Regular meetings of the Commission shall be held as established in the Rules and in compliance with RCW 42.30 (Open Public Meetings Act).

Section 2. Special meetings of the Commission may be called by the Chair or by a majority of the Commission in compliance with RCW 42.30.

Section 3. The Commission and committees may hold other meetings at such time and places as the Commission or committee may decide and which are accessible to the public and are in compliance with RCW 42.30.

Section 4. Non-committee Commission members shall have no vote in committee, but may be allowed to speak on matters before the committee, subject to rules established by the Commission.

Section 5. Two public comment opportunities will be available at each meeting, subject to rules established by the Commission.

Section 6. Virtual meeting access (teleconferencing) shall be provided for all Commission meetings. A member may attend via teleconferencing.

Section 7. Commission records shall be maintained at the Clallam County website in compliance with the Open Public Meetings Act.

ARTICLE IV – RULES OF ORDER

Except as modified by these Bylaws and when not in conflict with municipal, state, or federal law, all meetings shall be conducted in accordance with the most recent edition of Roberts Rules of Order. The Commission shall elect a parliamentarian from its members to assist it in its proceedings.

ARTICLE V – QUORUM, ABSENCES FROM COMMISSION AND COMMITTEES

Section 1. Except as otherwise specifically provided in these Bylaws a simple majority of the Commission shall constitute a quorum for the transaction of business.

Section 2. A simple majority of a committee shall constitute a quorum for the conduct of the business of the committee.

Section 3. An attendance record of all Commission and committee meetings shall be kept.

ARTICLE VI – COUNSEL AND RESEARCH STAFF

Section 1. All inquiries or requests for legal opinions shall be referred to the Prosecuting Attorney's Office at the direction of the Commission or Executive Committee.

Section 2. Questions of review, study, or investigation by the staff of the Commission shall be referred to the staff by a member of the Executive Committee or a majority of the members present at any regular or special meeting of the Commission.

ARTICLE VII – PARTICIPATION BY THE CHAIR

The Chair may discuss any matter as a member and shall be entitled to vote on all matters. On debate on the adoption of proposed Charter provisions section by section, or on the adoption of the amended Charter as a whole, the Chair shall relinquish the Chair while speaking on the question.

ARTICLE VIII – VOTING

Section 1. All votes shall be cast by voice, show of hands, or open roll-call vote. Except for those motions noted within Robert's Rules of Order that require two-thirds vote for passage, and except as otherwise provided for within these Bylaws, a majority vote of the members present shall be sufficient for the adoption of the motion.

Section 2. Any proposed Charter Amendments forwarded to the voters shall require a roll-call vote.

ARTICLE IX – ADOPTION OF PROPOSED AMENDMENTS AND RECOMMENDATIONS TO THE BOARD OF COMMISSIONERS BY THE COMMISSION

Section 1. The following procedure shall be followed by the Charter Review Commission to propose Charter amendments to the Voters.

Step 1: GIVE NOTICE TO COMMISSION: A member or Committee shall provide a draft of the proposed Charter amendment to the Commission at a meeting. The proposed amendment shall be placed on the agenda at the next meeting.

Step 2: HOLD MEETING TO CONSIDER AMENDMENT: The proposed Charter Amendment will be considered by the Commission for their vote. If the Commission approves a final draft of the proposed amendment, the Commission shall schedule a final vote at the next regular meeting. .

Step 3: GIVE NOTICE TO PUBLIC: Notice must be given to the public after the meeting at which the Commission approves a final draft of the proposed amendment and three days before the meeting at which the Commissioners will vote.

Step 4: HOLD MEETING TO ADOPT AMENDMENT: The proposed Charter Amendment shall be placed on the agenda for a roll-call vote by the Commission. A majority vote to approve the proposed Charter Amendment will place it on the ballot for the next statewide general election. The Commission shall make no substantive changes to the language of a proposed amendment at this meeting.

Section 2. The Charter Review Commission may forward recommendations (Charter 11.10.30) to the Clallam County Board of Commissioners by writing if adopted by a simple majority of the Charter Review Commission attending a regular or special meeting. The Commissioners(s) presenting the recommendation on behalf of the CRC, may only speak to the recommendation as voted by the CRC unless the Commissioner explains that she/he is expressing their personal opinion.

ARTICLE X – PUBLIC HEARINGS

Section 1. It is the desire of the Commission to hold as many public hearings as reasonable.

Section 2. The time and place of public hearings shall be fixed by the Commission. Such hearings will be rotated among the three commission districts as deemed appropriate by the Commission.

Section 3. The Chair, a Vice Chair, or in their absence, the designee of the members present, shall preside at public hearings conducted by the Commission or committees.

ARTICLE XI – PUBLIC STATEMENTS

Section 1. While any member has a right to express personal views and opinions pursuant to our constitutional guarantee of freedom of speech, statements purporting to represent the views or pronouncements of the Commission or committees thereof shall not be made except as directed or authorized by a majority of the entire Commission at any special or regular meeting or public hearing and provision shall be made for expression of minority views at the same time.

Section 2. The Chair may make public announcements of meetings or public hearings, and may authorize the issuance of fact statements relating to the Commission's work as the Chair may deem necessary.

ARTICLE XII – VACANCIES

Section 1. Vacancies on the Board occurring pursuant to the Clallam County Charter shall be declared by the Executive Committee.

Section 2. Vacancies shall be filled pursuant to Article XI of the Clallam County Charter.

ARTICLE XIII – COMMITTEES

The Commission may establish such standing committees and ad hoc committees as it deems necessary for the proper execution of the Commission's responsibilities. Committees shall have fewer Commission members than a quorum of the Commission. Members of each committee shall elect a Chair from among their own number unless such Chair is named by the Commission.

Committees that are formed as per state law to write "For" and "Against" statements about amendments proposed by the Charter Review Commission which will be included in the Voters Pamphlet, are NOT considered to be committees of the Charter Review Commission even though they may be members of the CRC.

ARTICLE XIV – ORDER OF BUSINESS

There shall be an "Order of Business" (Agenda) established in the rules.

ARTICLE XV – AMENDMENT OF THE BYLAWS

These Bylaws may be amended at any time by an affirmative vote of a majority but not less than eight (8) of the Commission members present at any regular or special meeting after written notice of the proposed action has been mailed, emailed, or delivered to members of the Commission at least five (5) days prior to the meeting and following posting of such proposed action on the Clallam County website.

Adopted: January 27, 2025

CLALLAM COUNTY CHARTER REVIEW COMMISSION

2025 RULES

AGENDA

The agenda shall be prepared by the Chair for each regular or special meeting of the Commission. The agenda shall reflect the order of business as provided in these rules and shall be prepared by the Chair for each regular or special meeting of the Commission.

MEETINGS

Meetings shall be scheduled by a majority vote of the Commission. .

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