



# governance, county charters, and structural reform:

**FOUR CASE STUDIES IN WASHINGTON STATE**



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MORE EQUITABLE  
DEMOCRACY

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# 1 History of the County Commission form of Government in the United States

To many, the origins of county government in the United States may be unfamiliar. The mechanics of dividing a state into counties is not a parallel to how the federal government considers states but rather comes from British colonial administration. County commissions in the US can trace their roots back to 1682 when William Penn established the government for Pennsylvania. Penn essentially saw counties as administrative units that would carry out the work

of the State. Penn created the model of the “county commission,” where the intention was to create a “government of experts,” a lean body of officials with the power to implement state laws and operate with relative autonomy. To Penn, counties were not their own level of government, the way municipalities are, but rather merely an extension of the State. Their purpose was to ensure State policies were efficiently enacted on the local level.

## 2 Overview of County Government in Washington

The “county commission” model used in Washington State is derived from the very same one created by Penn. In the commission form of government, county commissioners fulfill both legislative duties, through the passage of local ordinances, and executive duties, through the management of county agencies and execution of some state-level laws. In some contexts, county commissioners serve as all three branches of government.

The Washington State Constitution, adopted in 1889, mandates that county governments must exist but does so rather briefly. [Article XI](#), titled “County, City, And Township Organization,” states that counties must have certain elected offices<sup>1</sup>, but does not specify **anything** with regard to the specific powers and responsibilities of those elected offices, methods of election, number of commissioners, districts or the lack thereof, or anything else. Instead, it defers the development of all details to the legislature.

Washington State law (RCW), therefore, establishes the default form of county government (the three member county commission) and all of its powers (see Appendix A). The mechanisms of power established by state law drew their inspiration from the Commission model outlined in Section 1 of this paper.

In 1948, the voters of Washington State approved [Constitutional Amendment 21](#), which provided an option for counties to establish their own home rule charters – effectively, miniature constitutions – following approval of a proposed charter by voters in that county. This option involves electing so-called “freeholders” – originally referring just to property owners – who are tasked with “framing” a charter. The process of “framing” a charter is essentially the process of drafting a proposed charter to be considered by county voters.

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“ I was once told by a governor that commissioners are the most powerful elected official in the state because you only have to convince one other person of your point of view. ” – SAN JUAN COUNTY COMMISSIONER

Charter jurisdictions are no longer merely an administrative extension of State government, but become their own entities and have an almost unlimited ability to determine their own governmental structures, powers, and responsibilities. As a result, county charters in Washington reflect a diversity of structures (see Appendix B).

Of Washington’s 39 counties, only 7 have established home rule charters, the most recent being Clark County (2015). Reasons for establishing home rule have varied throughout Washington’s history. King County, the first to adopt a home rule charter, did so in 1969 following multiple scandals in the County

Prosecutor’s and Assessor’s offices. Adopting a charter allowed the people to develop a more robust system of accountability for public officials. Open Meeting laws were another motivating factor; they prohibit two commissioners from ever discussing county business outside of recorded public meetings. This created two concerns: one, that the restriction may hamper the conducting of business. Two, those laws were probably being violated – these factors played a role in Clark County’s history with charter adoption (see Appendix C). In the case of San Juan County, logistical concerns about the mechanisms of county management were a primary motivator.

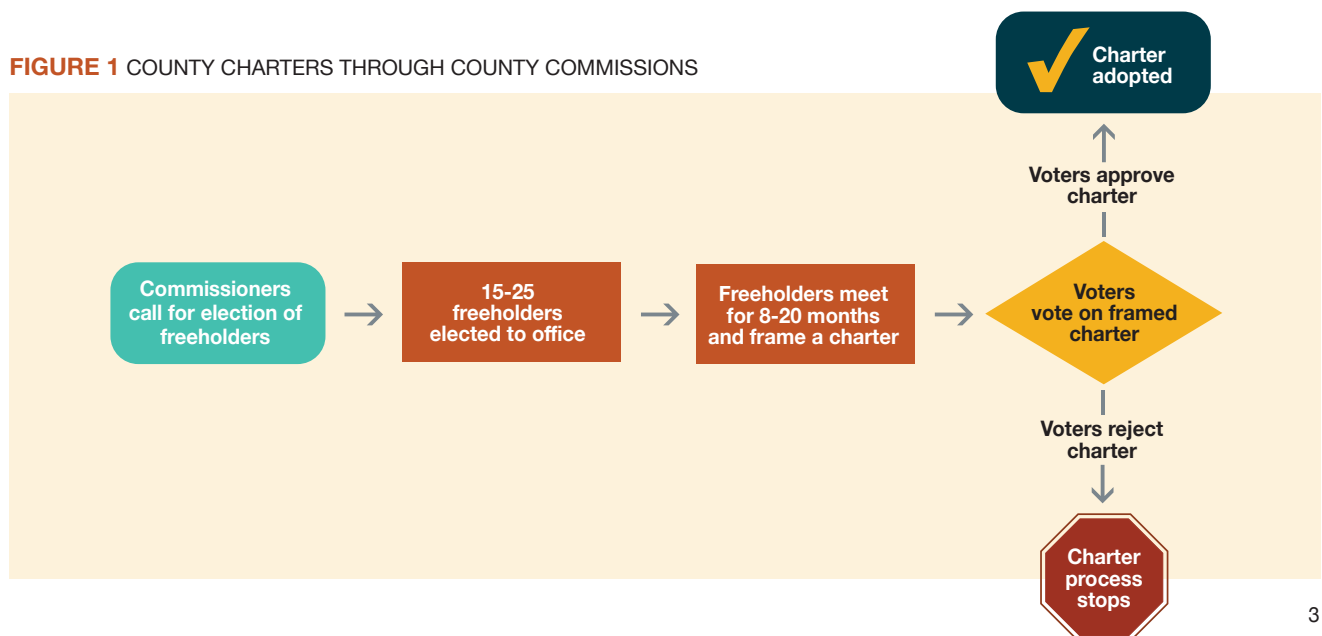
### 3 The Charter Framing Process

The process for adopting a home rule charter outlined in Constitutional Amendment 21 is both time-intensive and complex. First, there are two separate paths counties may utilize to adopt a home rule charter: through the legislature or through the people.

**If through the county commission** (see Figure 1), the first step is for the commission to call for an election of 15-25 freeholders that will develop and propose a

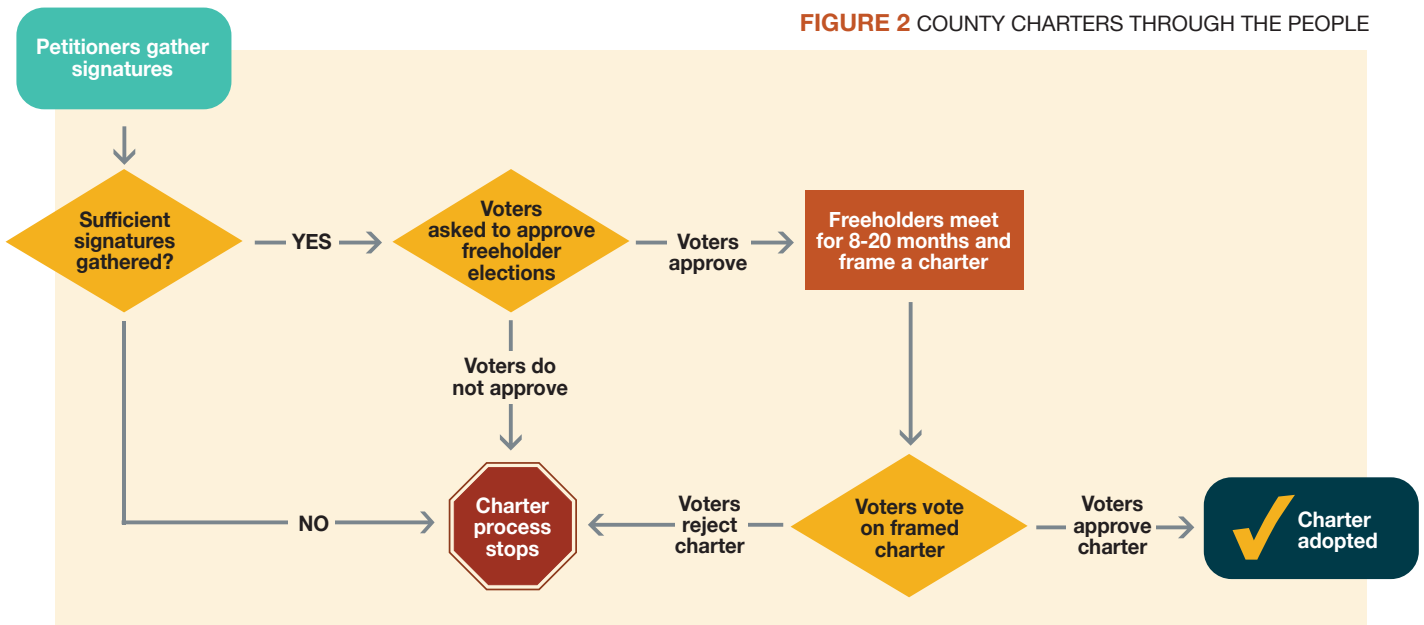
county charter to the voters. A simple majority – 2 of the 3 county commissioners – can initiate this process, allowing citizens to file for candidacy as freeholders to be elected at the next general election.<sup>2</sup> Once elected, the process can move quickly or slowly; it is possible for freeholders to bring a proposed charter to the voters as soon as the next regularly scheduled election,<sup>3</sup> but freeholders are able to meet for up two years.

**FIGURE 1** COUNTY CHARTERS THROUGH COUNTY COMMISSIONS



**If through the people** (see Figure 2), the process is mostly the same as above but features two significant additional steps. First, 10% of registered county voters must petition for the election of freeholders (instead of the legislature declaring that freeholders shall be elected) to frame a charter. If enough signatures are gathered, freeholders will appear on the next general election ballot, but may not actually be seated; this is because in order to be seated, voters,

on the same ballot where they vote for freeholder candidates, must also approve the election of freeholders (see Figure 3). If the majority of voters vote not to elect freeholders, then the results of the freeholder elections are ignored. If a majority of voters approve the election of freeholders, then the freeholders who won their elections are seated and the process then mirrors the above.



# 4 Case Studies

Adopting a home rule charter is neither a simple nor a straightforward process. To offer greater context on the county charter adoption process, and on the campaigns to approve and reject them, one can look to four counties that recently attempted to ratify home rule charters:

- **Asotin County**, which failed to adopt a charter after annual efforts in 2011, 2012, and 2013
- **Clark County**, which adopted a charter after four attempts to do so over the course of three decades
- **San Juan County**, which adopted a charter in 2006 and amended it significantly in 2012
- **Skagit County**, which twice failed to approve the election of freeholders in 2003 and 2018.

In each case study, we will examine the circumstances around campaign efforts, the roles of local organizations, and synthesize these case studies into findings.

<b>PROPOSITION NO. 1</b>	
<b>FREEHOLDER ELECTION</b>	
<p>Under Washington State Constitution Article XI, Section 4, a petition was submitted for election of freeholders to prepare and propose a charter form of county government. Pursuant to the petition, the Board of Skagit County Commissioners adopted resolution R20180148 setting the procedure for election of freeholders. If a majority of voters approve the election of freeholders to propose a county charter, twenty-one (21) freeholders, seven (7) per commissioner district, would meet to prepare a charter for Skagit County to be submitted to the voters.</p>	
<p>Should twenty-one (21) freeholders be elected, to prepare a charter for Skagit County to be submitted to the voters?</p>	
<input type="checkbox"/>	Freeholders Yes
<input type="checkbox"/>	Freeholders No

**FIGURE 3**

## ASOTIN COUNTY

*(Failed to approve the election of freeholders in 2012; 38% - 62%)*

### BACKGROUND

In Asotin County, dissatisfaction with how the county commission handled a particularly nuanced issue – the development of the Asotin County Stormwater Management Program in response to federal stormwater regulatory obligations – was the motivation for citizens to form a charter advocacy group. Some residents felt that establishing the stormwater agency was not actually necessary and believed the county commissioners should have fought against establishing it to save Asotin county residents money.

### PROCESS

The pro-charter residents formed Respect Asotin County (RAC), which was very grassroots-driven. No local organizations, political parties, civic groups, foundations, or groups of any kind got involved beyond RAC; there also was no formal opposition campaign. Local Tea Party activists did try to get involved early on as proponents, but RAC felt their involvement would taint the issue as a highly partisan one and so did not bring them onto their steering committee. RAC first gathered signatures in 2011, but had to re-file in 2012 due to an issue with the wording of their petition.

RAC's effort to approve the election of freeholders to frame a county charter was rejected by a vote of 38–62%. Proponents believe if they could have gotten support from some of the elected county commissioners, or at least local leaders in the cities of Clarkston or Asotin, they would have had significantly more success. RAC blames some of its failure on having to run their petition in 2012; advocates felt competing with a highly-visible national election simply consumed too much bandwidth for folks to pay attention to a wonky and complex local issue. This was despite coverage from the local media that was generally considered fair by both sides of the debate – talking points weren't sticking in voters' minds.

RAC also had difficulty connecting its position – that Asotin County should have a charter government – to issues that felt salient and important to residents. RAC leadership now believes that adopting a charter is an unwinnable issue in Asotin County without support of the county commission, and they have stopped meeting.

In 2013, a different organization led by entirely different grassroots supporters, “Citizens for Better Government,” pushed for the adoption of a charter to form a consolidated county/municipal government with the cities of Asotin and Clarkston. This was rooted in an efficiency argument: over half of their population lives within 6 miles of each other, and it didn't make sense to have three separate police chiefs, fire chiefs, city clerks, IT systems, etc.. In fact, the city of Clarkston already provided fire services to the rest of the county, which CBG felt exemplified the potential benefits of consolidation.

This effort was ironically opposed by members of RAC and failed along a similar margin to the 2012 campaign (36% to 64%). Proponents and opponents agreed that the primary concern was losing local identity and local jobs – each local jurisdiction believed *their* people – police, firefighters, laborers – would be laid off. Proponents wished they had worked to secure the support of local elected officials before campaigning and that they had messaged more directly about consolidation mostly effecting management and administrative level staff, not most personnel.

## CLARK COUNTY

*(Approved framed charter in 2014; 53% - 47%)*

### BACKGROUND

Activists in Clark County attempted to adopt a home rule charter three times before the voters ratified one in 2014. In 1982, voters failed to approve the election of freeholders to consolidate city and county government. In 1997, voters similarly rejected the proposition to elect freeholders to propose a county charter. In 2000, rather than being a citizen-driven campaign, county commissioners referred the election of freeholders to Clark County residents. However, when the freeholders went back to voters in 2002 with a proposed charter – over two years later – adoption of the charter was narrowly rejected, 49.89-50.11%, a margin of 187 votes.

In 2013, county commissioners again voted to allow Clark County voters to elect freeholders to propose a county charter, who returned to the voters in 2014 with a proposed charter that was decisively approved by voters. The impetus behind the final push was the intersection of two seemingly unaligned interests: 1) the desire of one county commissioner to give initiative/referendum power to residents, and 2) the widespread unpopularity of two Republican county commissioners, one of whom was the commissioner interested in the power of local initiative. Giving initiative/referendum power to residents required the election of freeholders, and all three commissioners approved of this election, though there was no way to limit what the freeholders brought back to voters.

The two unpopular commissioners were disliked due to a perception of making poor decisions not supported by the community. After the political appointment of a former state legislator to a county office for which they were perceived to be unqualified, freeholder candidates were inspired to campaign on doing much more than simply providing initiative/referendum power to residents, which was what the two commissioners wanted. Many instead opted to campaign on developing a full charter in the vein of those used in Snohomish and Pierce Counties. The slate of freeholder candidates was immense; over 115 candidates filed for 15 positions. Some candidates simply filed for office and hoped for the best, but numerous freeholder candidates raised money, put up yard signs, and ran full-fledged campaigns. Individuals with campaign experience, especially those who had been elected before, did very well in this process; many politically experienced residents were recruited to run by the “yes” campaign.

During these freeholder elections, Clark County Auditor Greg Kimsey promoted a proposed charter – modified from the Snohomish and Pierce County charters – as a positive example of what could come out of the Charter Commission.

### CHARTER FRAMING PROCESS

Elected freeholders had very divergent viewpoints, disagreeing on whether or not to have an elected county executive, a partisan or non-partisan council, and the proposed size of a new council. However, there was agreement on three points: (1) there should be separation between the legislative and executive arms of the county, (2) more than three elected representatives were needed, and (3) the commission should return a charter for voter approval as soon as possible. This early development of shared priorities and agreed-upon broad principles set the stage for the development of the county charter.

During the development of the proposed charter, a fourth area of agreement emerged: cutting salaries of most elected officials. According to one freeholder,

this was done so that freeholders could “look voters in the face and tell them a charter would be no more expensive.” The freeholders also decided to start with a simpler document than the sample charter proposed by Auditor Kimsey. The freeholders believed that if they put in too much content, they would begin to lose voters who might have supported the charter if not for one particular provision or another, noting in their support of the document that the charter can always be amended down the road.

Perhaps the biggest subject of debate among freeholders was whether to have an elected executive or an appointed county manager. Due to a perception among freeholders that an executive would be likely to clash with a council, leading to inefficiencies, the freeholders decided on a council/manager structure.

### THE CHARTER CAMPAIGN

That most of the elected freeholders seemed to want to develop a robust charter, and not simply provide the county with initiative/referendum power, caused a sea change in the local landscape. Two of the commissioners, who originally voted to allow the election of freeholders, became the lead opposition to ratifying the proposed charter. At the same time, a prominent elected Republican joined the pro-charter camp, causing the local Republican party to split in their opposition to adopting a charter (though the party did formally recommend against the adoption). The proposed charter was approved by voters in November 2014 by a vote of 53-46%.

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“ People want to hear examples of bad decisions that were made that affect them, not about conceptual ideas of an improved government. ”

– BRENDA CUNNINGHAM, HOME RULE SKAGIT



Interviews identified two primary factors for the ultimate success in Clark County. First, there was an easily understood “inciting event” in the form of widespread dissatisfaction of two commissioners, on which the Charter process was seen as a referendum. Proponents considered it especially important to highlight specific problems with the current government, something that was not done during previous charter adoption campaigns. According to the chair of the “yes” campaign, “without specific examples of problems, well-intentioned ideas don’t have much to stick to.” Second, the pro-charter campaign was well-resourced, having raised \$110,000 from a small number of wealthy individuals. With these resources, the “yes” campaign was able to hire campaign professionals and communications experts which they used to develop a robust volunteer operation. Starting in late summer, these volunteers got three pro-charter letters to the editor published in the *Columbian*, the local paper of record, on an almost weekly basis. Monthly meetings focused not on how to persuade swing-voters but on mobilizing volunteers who wanted to help and directing them to make phone calls, knock on doors, and write letters.

Due to their resources, the campaign was able to do limited message testing in the form of small focus groups. Primary talking points were:

- There is simply too much concentration of power under the Commission form of government
- Commissioners, with the ability to raise taxes, rezone school districts, and perform “judicial review” of their own land proposals in a single afternoon, were too powerful
- The all at-large system kept people from feeling connected to a representative

These talking points were rarely abstract; instead, they were connected to real actions taken by the county commission. That the “yes” campaign had two former county commissioner surrogates able to speak to the veracity of these talking points made the messages seem more authentic.

Proponents stressed that better division of power lessens the odds of corruption, favoritism, and foul play, but not that it would make those challenges go away. Instead, their messaging focused on how increasing the size of the elected body decreases the power of any one bad actor.

The local media did not have a positive view of the two commissioners on which the charter question was largely seen as a referendum and spoke very favorably about the charter process. Media shined a spotlight on real world examples of the problems the campaign talked about.

Virtually no external organizations were involved in the campaign. This includes foundations, charities, and civic groups like the League of Women Voters. In large part, this was due to neither side approaching outside groups to ask for support. Internally, these organizations often seemed to lack an analysis about how adopting a charter or not would affect them and their membership. The question of whether or not to adopt a charter was generally not seen as a partisan question; though the GOP did get involved, recommending against, their membership was torn.

## SAN JUAN COUNTY

*(Approved framed charter in 2005; 62% - 37%)*

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### BACKGROUND

In San Juan County, the successful adoption of a charter was directly related to logistical challenges unique to a county composed of five islands. The legislative and quasi-executive/judicial nature of the county commission created complications during times of emergency when the commissioners, who each lived on separate islands, were not able to convene and make critical policy decisions. Democratic County Commissioner Darcie Nielsen argued in a public meeting that the Commission should hire a county administrator and empower them to make certain executive decisions on behalf of the commission to solve this problem; the two other commissioners took this comment as an endorsement of drafting a county charter, and so strongly pushed back on the idea of a county administrator.

Ironically, citizens attending these public meetings agreed with then-Commissioner Nielsen about the logistical problems the county was facing and formed a citizen's group, "Friends of the San Juans" (FSJ), to advocate for the adoption of a county charter. FSJ was not a partisan organization and hoped to create a non-partisan county council. In 2004, FSJ successfully pressured Republican county Commissioner John Evans along with Commissioner Nielsen to vote to

elect freeholders. Some Democrats, including local elected officials, felt that San Juan Republicans were the real force behind the push, as elevating the issue would help with their party's under-representation on the county commission and limit the power of a progressive base.

After meeting for eight months, the freeholders brought a charter to the electorate in 2005 which was approved overwhelmingly by a vote of 62-37%. Though the "yes" campaign was primarily pushed by FSJ, skeptics on both sides of the aisle worried about partisan implications. Some thought Republicans stayed out of the issue and believed that FSJ was largely made up of members of the local Democratic Party.

Proponents and detractors of the San Juan County Charter agreed that the freeholders did a decent job, that their deliberation process was fair and open, that they leaned on credible research for support, and that the electoral outcome reflected the will of the voters. Both camps also felt media covered the issue in a fair manner, not taking positions or tilting their coverage, though San Juan's local media environment is very local: there was no local radio or TV, just small circulation island-specific weeklies.

“ Councilpeople are now prohibited from even giving direction to a department head; they’re completely isolated [from county administration] in any meaningful way. ” – SAN JUAN COUNTY COMMISSIONER

### AMENDMENTS

Seven years after the charter’s adoption, San Juan County voters approved three major amendments. These included reducing the size of their County Council from six members to three and establishing residency requirements to replace council districts. Opponents of the charter had presciently flagged the size of the council and the district system as areas of concern, fearing that creating many districts could fracture the community and elect individuals more concerned with their region than the entire county. Echoing these sentiments, opponents of the charter identified concerns with “too many elected officials” and the administrative burden of “too many layers of management.”

Almost fifteen years of experience with their charter has shifted some opinions dramatically. Though Evans and Nielsen both voted to allow the election of freeholders, both were opposed to adopting a home-rule charter at the time. Evans’ opposition was based in the fact that if good people are elected under the Commission form of government, they can be a powerful advocate for their community. There was also a popular sentiment that the Commission’s direct control over agencies makes them particularly accountable to their constituents in a way unique among elected officials.

While Evans grew firmer in his opposition, Nielsen became more favorable of charter governments

that don’t elect executives. She believes that the purpose of the legislative branch of government is to drive policy, not drive its execution, which is a challenge with the Commission form of government. That, she said, is the real challenge of county government: executing policy, which requires more efficient management. This is one reason why charter opponents and proponents both preferred an appointed county manager to an elected executive: elected executives “bring politics into the management of county policy.” If the executive position becomes political, the basic execution of county policy and management of county agencies can start seeming political, too, when it shouldn’t be.

Miller, the lone commissioner who voted not to elect freeholders, did so because she felt that citizens were empowered to have more direct impact on the county staff that affect their daily lives – such as those who control permits – under the Commission. In hindsight, however, Miller has changed her mind, noting that hiring a professional county manager “quells the politics of every agency.” Under a Commission system, politics can drive the management and direction of department heads and day-to-day operations, but with a non-elected official running things, “the business of running the county becomes insulated from the political winds,” which she sees as a strength.

## SKAGIT COUNTY

*(Failed to approve the election of freeholders in 2018, 33% - 67%)*

### BACKGROUND

Skagit County, like Asotin and Clark County before it, has failed multiple times to adopt a charter. In 2003, during their first attempt, the mayor of Mount Vernon (Skagit’s largest city and county seat) Skye Richendrfer led the push. At the time, there was no inciting

incident beyond Richendrfer thinking a charter form of government would be an improvement; virtually no campaign was run. After voters overwhelmingly voted against electing freeholders by a margin of 28% - 72%, the issue went away for fifteen years.

In 2017, the public learned the county hired a lobbyist to represent them to federal government on matters of public lands with controversial associations. Some community leaders believed this to be a conflict of interest and a step in the wrong direction for the county's public lands policies. The county commission dropped their formal relationship with this lobbyist under pressure from a grassroots campaign.

This incident brought together citizens concerned with the direction of county government who formed Home Rule Skagit. Proponents cited that only needing two commissioners to agree to move forward on any issue creates a lack of transparency, fewer on-the-record discussions, and therefore made dealings with controversial people harder to track. This conversation snowballed into various other perceived shortcomings of the commission system: (1) despite a large Latino population, none had ever been elected to the county commission, (2) since 80% of county industries are timber related, the county commission's effective sole authority on questions of land use concentrated too much power in too few hands, and (3) the complexity of government in the modern era was too much for just three people to handle.

### THE CAMPAIGN

Home Rule Skagit did not see success from their efforts. Approval to elect of freeholders was, again, overwhelmingly defeated 33-67%. Two county commissioners and several former elected officials opposed the push, and there was a perception that the 2018 effort was led by partisan activists and the cities, whom opponents thought would be advantaged under a county council to the disadvantage of rural areas. This belief led the local GOP to come out strongly against the election of freeholders, including the purchase of advertisements in local papers, television, and the Internet. The "no" campaign also received large donations from local businesses and William Doddridge, a wealthy contributor to political campaigns. Though the local Democratic Party did endorse the charter process, it wasn't until after the

GOP came out against it, and the local Democrats did not put money or organizing power into the "yes" campaign.

A message that seemed to resonate with voters was that Skagit was considerably less "urban" than their neighboring charter counties, Whatcom and Snohomish. The expansion of county government would require resources that Skagit simply did not have. Further, some claimed both that the county executives of Whatcom and Snohomish had too much power and that the council/executive relationship inherently got less work done due to the inefficiency of bureaucracy.

Proponents believed their campaign lost due to failure to articulate a compelling problem that a county charter could fix – to answer the question "what's broken?" Their campaign largely gave broad answers, stating that a charter could be more representative, would have separation of powers, and improve the quality of life, but generally did not point to specific problems or benefits. "People want to hear examples of bad decisions that were made that affect them, not about conceptual ideas of an improved government."

The "yes" campaign had very little in the way of campaign resources. They had no professional campaign manager or staff of any kind; even the folks involved in the 2003 effort weren't engaged in 2018. The yes campaign found in-person conversations on the doors to be the most effective way of moving people, but supporting these efforts required resources and expertise that they did not have. Another shortcoming was the lack of prominent influencers. Even when a few local leaders endorsed, they would not promote "yes" events, appear on campaign literature, or put signs in their yards.

Perhaps the most salient issue to opponents was a fear in rural voters that the cities, three major population centers in particular, would control everything. Charter opponents felt the commission system, by requiring candidates to be elected countywide, mandates that successful candidates

consider countywide issues and not just focus on the urban areas. This concern rippled out through a number of subject areas including funding for rural schools and proceeds from public lands. Though some opponents acknowledged lack of racial representation was an issue, this problem was seen as a result of disengagement and not enough organizing rather than an inherent problem with the method of election.

Reflecting on their campaign, pro-charter activists wished they had not promoted a “model charter” as part of their campaign. The model charter gave opponents something negative to attack; had the “yes” campaign focused only on the idea of a charter,

it would have been easier to respond to potential concerns by emphasizing all the ways a Skagit charter could be different. Problems also stemmed from the campaign being “too grassroots.” Their use of a consensus model prevented them from appointing a campaign chair for many months. They did little to counter the narrative that city voters would act against the interests of rural Skagit, and did little to engage the Latino community they argued would benefit from a charter. Unlike in Asotin County, the Home Rule Skagit organization continues to meet in an effort to address some of the shortcomings mentioned here for a future campaign.

## 5 Findings

In the various debates concerning the adoption of county charters examined in this report, many overlapping areas of discussion and concern have been identified. Moreover, there are themes common to both successful and rejected efforts to adopt a charter. In all instances, voters were interested in hearing about specific problems adopting a charter could solve. Seven specific findings were informed by each of the four case studies.

### 1 SUPPORT FROM COUNTY OFFICE HOLDERS IS CRITICAL

If there is interest in adopting a county charter, the support of two county commissioners or other county office holders is a precondition. Of the seven counties that have adopted charters in Washington, all adoptions but Clallam’s were initiated by county commissions voting to elect freeholders.

### 2 SUCCESSFUL CAMPAIGNS HIRE PROFESSIONALS

While not strictly necessary in all instances, professional campaigns saw far more success than efforts that were solely grassroots driven. When comparing the grassroots driven results in Asotin, Skagit, and early attempts to adopt in Clark versus Clark’s later, more professional efforts, a stark contrast is seen.

### 3 NO CAMPAIGNS ENGAGED EXTERNAL ORGANIZATIONS

In every case explored here, groups beyond the official “yes” and “no” campaigns rarely got involved; aside from the occasional local party endorsement, organizations, and philanthropic entities never engaged with the subject. Even civic groups, like the League of Women Voters, tended to stay away from the issue, often choosing to not even perform basic voter education.

Though civic and philanthropic organizations were essentially never involved in any of the charter adoption efforts discussed in this report, none were ever approached.

#### 4 EXECUTIVE VS. COUNTY MANAGER IS A MAJOR DILEMMA

In both successful charter adoption efforts explored in this paper, there was significant time spent comparing the pros and cons of elected county executives versus appointed county managers. Executives are accountable to voters but can become political entities and clash with county councils, distracting them from the work of administering county business. County managers are just that: managers, whose job is to administer and manage. This arguably insulates them from shifting political winds, but also means county management is further abstracted for voters.

#### 5 VOTERS CAN CARE ABOUT THE “CONCENTRATION OF POWER” IF CONCRETE EXAMPLES OF PROBLEMS ARISING FROM IT ARE HIGHLIGHTED

Leaders on both sides of the debate routinely cited variations of the idea that “any form of government *can* work, the people who get elected are what matters.” The subject of debate often seemed to be on whether or not county commissioners had too much power. Opponents of charter adoption tended to think that the tremendous amount of authority instilled in county commissioners was a benefit for the county, as it allowed for more efficient government less restrained by red tape and bureaucracy. When pro-charter messaging was focused on ideals without specifically critiquing the status quo, charter adoption efforts failed. Successful charter adoption campaigns universally highlighted potential consequences from such power being in the wrong hands.

#### 6 CONSOLIDATED CITY-COUNTY GOVERNMENTS ARE A RELATIVELY UNEXPLORED OPTION IN WASHINGTON

For rural counties in particular, one alternative to the traditional home-rule charter worth considering is consolidated city-county government. Though there is no consolidated city-county government in Washington, such a system is not unheard of in the United States. Nashville, TN, Louisville, KY, Jacksonville and Miami-Dade County, FL, Indianapolis, IN, and New Orleans, LA are each notable examples of consolidated city-county governments.

Small cities often already hire out staff from county agencies, such as public works, and when considering planning and public service delivery, rural counties often feature numerous “crossroad burbs” that are too small to constitute a municipality but that still contribute to the county. Particularly when the majority of a county’s population is highly concentrated, competing layers of government may be inefficient.

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“Communities nickel-and-dime themselves with administrative burdens. We have sewer, water, school, parks and rec, and fire districts. Each special district needs its own Executive Director and its own staff, each for relatively small organizations with minimal benefit.”

– SAN JUAN COUNTY COMMISSIONER

## **7 COUNTIES CAN BE REFORMED THROUGH THE STATE LEGISLATURE**

Virtually every facet of how code counties are currently run is written in statute, not the State Constitution. If there was general interest in reforming the current county commission system but not a desire to adopt a county charter, one alternative path would be to amend the RCWs that currently outline the structures of county government through the state legislature. Though this process would require collaboration and coordination with a variety of actors, county commissions could be simply or radically adjusted through this process.

Potential changes achievable by changing state law include, but are not limited to, restricting or

enhancing the powers of county commissioners, creating new elected offices with new powers and authorities, changing the number of elected commissioners, changing the boundaries used to elect these commissioners, and changing the method of election for county commissioners. This is not without precedent, as legislation signed into law in 2018 allows counties with a population greater than 300,000 to elect five commissioners instead of three.

A less controversial change to state law might simply be granting the powers of initiative and referendum to code county residents. This concept has been considered before, most recently in the 2013-2014 legislative session by Rep. Joe Schmick, who sponsored HB 1595.

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# 7 Appendix A

## List of RCWs Detailing the Powers of County Commissions

RCW [36.16.030](#) establishes the default elected offices all general law counties must elect: three county commissioners, assessor, auditor, clerk, coroner, prosecuting attorney, sheriff, and treasurer. RCW [36.32.055](#) provides for one alternative: if a non-charter county population is over 300,000, they can elect 5 commissioners from 5 zones instead of 3 commissioners from 3 zones.

The process of nominating county commissioner candidates by-zone in the primary and electing candidates at-large in the general is also established in state law through RCW [36.32.040](#) (in the case of nominations) and RCW [36.32.050](#) (in the case of elections). After the passage of the Washington Voting Rights Act in 2018, local jurisdictions may voluntarily

change away from this system of elections, and non-charter counties with a population of 400,00 or more (currently this only applies to Spokane County) actually *must* both nominate and elect by district (as opposed to nominating by district and electing at large, the current default).

RCW [36.32.120](#) establishes the original powers of county commissioners, which includes management of county roads, determining county taxes, and the passage and enforcement of civil and criminal penalties, though new powers given to county commissioners are routinely added to Chapter 36.32 of Washington State Code. These include the ability to set juvenile curfews, designate the names of parks.

# Appendix B

## Variations in WA Home Rule Charters

King County, the first to establish Home Rule in 1969, opted for an elected County Executive, as did Whatcom (1979), Snohomish (1980), and Pierce (1981) as a separate governmental body from the County Legislature. The other Home Rule counties – Clallam (1977), San Juan (2006), and Clark (2015) – have all chosen to have county managers and/or administrators appointed by the county legislature. Similarly, the offices of assessor, sheriff, elections director/auditor, coroner, clerk, treasurer, and development director vary from being elected or appointed by county. Some Home Rule counties have established their elected offices as partisan while others are non-partisan, and some have changed back and forth. King County originally had partisan offices,

but a charter amendment passed in 2008 made the council, executive, and assessor non-partisan, and a 2016 amendment did the same for the office of the prosecuting attorney. In short, there is no one structure for Home Rule counties, and any framework can be established by freeholders and approved by voters.

To address concerns that an expanded council would increase county payrolls, the Clark County freeholders halved the annual pay the councilmembers would receive over the salary that had been paid to commissioners. One provision of the new charter that received considerable support was a provision to allow citizens to place charter amendments on the ballot, pending collection of a sufficient number of signatures.

# Appendix C

## Reasons for Home Rule Charter Adoption

In [King County](#), government reformers wanted a system more modern than that established in the Washington State Constitution, but their initial effort following passage of Amendment 21 failed. During the 1960s, several scandals in King County government, involving the assessor's office and the prosecutor's office, as well as the remodel of the King County Courthouse, led to a renewed push for a county charter and home rule. The Municipal League of King County and the League of Women Voters began a renewed effort for reform. The county commission would not approve the plan in 1966, and the courts found supporters had not collected enough signatures to get it on the ballot, but the following year (1967), the county commission agreed to place the question on the ballot, where it was approved by voters. The elected freeholders drafted a charter, which was placed on the November 1968 ballot, and it was approved, with elections for the new offices to be held in early 1969.

Concerns centered on Washington's Open Meetings laws have been used in calls to establish home rule in other counties; such was one of the arguments made by proponents in Clark County. Under the Open Meetings laws, two county commissioners, that at any time discuss county business, would constitute a quorum, and therefore their discussions would be subject to these laws. This should prevent commissioners from ever discussing business even at non-county functions unless that discussion were recorded and allowed for public input; this created both logistical problems and concerns that Open Meeting laws were likely being broken. Moreover, the low bar of needing only two commissioners to constitute a majority for passage of laws was something reformers felt needed to change. They argued that two members of the Clark County commission were a bloc and consistently voted together, stifling good government reforms.

## 8 Endnotes

- <sup>1</sup> Home rule counties are exempt from most of these requirements, but must still elect their prosecuting attorneys, the county superintendent of public schools, and superior court justices. Home rule counties have the authority to turn other elected offices into appointed positions.
- <sup>2</sup> In order to be eligible, residents that have been county residents for at least 5 years.
- <sup>3</sup> Before this election, the proposed charter must be published in two newspapers published in the county once a week for 4 weeks. The vote must be part of another election (IE general, special, primary). If a simple majority approves of the proposed charter, it shall be adopted.



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