

New Commissioner Handbook



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Municipal Research & Services Center of Washington

in cooperation with

Washington State Association of Counties

and

Washington County Administrative Association

Municipal Research & Services Center of Washington
1200 5th Avenue, Suite 1300 • Seattle, WA 98101-1159
(206) 625-1300
mrsc@mrsc.org
http://www.mrsc.org



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Preface

This handbook has been developed for newly elected county commissioners in the state of Washington. While this handbook addresses many issues that are specific to the commission form of government, elected councilmembers in charter counties will find sections of this handbook useful. Other county officials, employees, and interested members of the public may benefit from reading it as well.

County government today is a complex web of programs, legal requirements, and organizational relationships. Most citizens have only a vague idea of the impacts of county government on their lives. County commissioners have a mixture of important responsibilities including but not limited to policy-making, community leadership, budgeting, and administration of programs. Commissioners are expected to provide leadership as agents of the state, as local government policy-makers and administrators, as regional service providers, and as quasi-judicial decision-makers. These overlapping roles can be very confusing; it is crucial for commissioners to be aware of which role they play in each of their daily activities. Our hope is that this handbook assists commissioners in carrying out their important leadership roles.

Many people deserve credit for the development of this handbook. The Washington County Administrative Association and specifically Dave Zeretske from San Juan County, Jim Rumpeltes from Clallam County, Claire Hauge from Cowlitz County, and Dave Goldsmith from Jefferson County initially conceived of this project and then did most of the writing for the various chapters. Tom Sutberry, Public Policy and Finance Consultant with MRSC, assisted in writing Chapter 1 and in editing the document. Lynne De Merritt, Bob Meinig, Pam James, and Marya Silvernale of the MRSC staff also contributed in significant editing review. Holly Martin of MRSC put the document in final published form.

Additionally, I would like to thank Gary Lowe, Executive Director, and Bill Vogler, Assistant Executive Director, from the Washington State Association of Counties for their assistance and sage advice. Finally, I thank our reviewers, Commissioner Helen Fancher from Grant County, Commissioner Bob Hart from Skagit County, Commissioner Bettie Ingham from Yakima County, and Commissioner Diane Oberquell from Thurston County. Fred Saeger of WACO reviewed Chapter 5. Sylvia Hinojosa reviewed the document on behalf of the Association of County Commissioner/Council Clerks. The development of this handbook would not have been possible without all of their contributions.

This is a work in progress. Please share your experiences with us so that we can improve future editions of this document. We hope that you will find this report useful in serving your citizens, and wish you success in your various leadership roles.



Richard Yukubousky, Executive Director
Municipal Research & Services Center of Washington

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Chapter 1

Your Success as a Commissioner¹

The last vote has been counted and you are the fortunate winner about to assume office as an elected county official. It is now time to deliver on all those goals you established when deciding to run for office. The big question now is "How?" How much do you really know about the complexities of the government you will help direct. What is your role vis-a-vis other county officials? How will you best accomplish your goals in serving the citizenry.

Develop Your Philosophy of Government

One of the best things you can do before walking into the county courthouse to assume your duties is to firmly establish your own philosophy of government. If you haven't done so, take the time now to examine and understand the role and function of the federal, state, and local governments that make up our federalist system. Your philosophy will be the foundation of many of your future decisions. Time dedicated to this first effort can help you develop a consistent policy approach for making decisions during your tenure as commissioner.

Your philosophy should not be so detailed that it limits your flexibility for making decisions, but you can develop a firm commitment to the general purpose of government. Then you might define appropriate roles for the federal, state, county, and city governments in meeting your public purpose. In making that initial effort, your civic image and stature will be enhanced during your term of office and you will be a more effective leader for your community.

Your Role in Making Policy and Administration

Once you have established your government philosophy, how do you implement it in your role as an elected official? You have been afforded the opportunity to establish policy and ensure execution of those policies, as well as state laws and programs, through your role in county management and administration. County government is unique because of the large number of elected officials whose purpose it is to administer specific responsibilities delegated through state law. One of your biggest challenges will be to keep focused and not be sidetracked by routine day-to-day issues that are the responsibility of these officials.

¹Adapted from "Handbook For Indiana Elected County Officials," Academy in the Public Service, 1978.

Delegate, as much as possible, the various work assignments for your office. This approach can ensure you have the time to tackle the issues and problems that deserve your attention. Most of the responsibilities of county elected officials are clearly and specifically defined in state law. However, a great deal of flexibility remains in establishing policies for the administration of the laws. This is one of your primary areas of responsibility as an elected commissioner.

The Importance of Teamwork

Perhaps the biggest shock as a newly elected commissioner will be the discovery that your power is not as great as you, your friends, and/or opponents assumed. This is due in large part to the unique status of counties as administrative arms of the state government. Another shock may be the large number of other county elected officials that serve with you. As a county official, you are inextricably a member of a county team or teams. Your success as a county official depends on how well the teams function. Each elected official team member has specific duties and responsibilities which must be fulfilled. You have an additional responsibility to the electorate to ensure efficient and effective service to the public.

To be successful, you must become thoroughly familiar with the roles and responsibilities of the other elected officials. It is important to remember that all county officials were elected to represent the same voters. You should strive to establish an atmosphere of trust and mutual cooperation. The shortest road to failure is to assume your office is the most important in the county and that you can act independently. Your communication, negotiation, collaboration, and team-building skills and your integrity are crucial to your success as a commissioner. Work on improving and using these skills whenever possible.

County government is big business. It is also difficult business because it involves delivering a complex mix of services not provided by the private sector, and it requires making policy and decisions in an open public environment. Many of the people who elected you will now assume you're an expert on all aspects of county business. It is important that you not fool yourself or your constituents about your knowledge or lack of it. No county, however small, is so simple that one person can master every aspect of its functioning.

Look to other county elected and appointed officials, draw upon their knowledge too, and share the knowledge you bring from your work. Once you begin this process, you will find that teamwork evolves naturally as a necessary part of your role as county commissioner.

In cultivating teamwork it is essential that your relations with other elected and appointed officials be open and sincere. You should endeavor to present your opinion and philosophy as clearly as possible when discussing issues and back your position with facts whenever possible. You must also be willing to actively listen to others' point of view—even if it is difficult. You will often find that the degree to which you are forthright in your personal transactions with other county officials is often the degree to which you effectively impact decisions. It is not necessary to be liked by or agree with the other officials, but it is vital that they learn to trust you and rely on your integrity and expertise.

Integrity and Public Perceptions

A significant influence in your success as an elected official is your approach to potential conflicts of interest and personal favors. It is important to remember that what may be an innocent action to you can appear to be self serving and/or corruption to the media and public. Nothing causes more distrust or loss of confidence in public officials than the appearance of conflicting loyalties between public and private interests.

Some allegations of conflict may be unavoidable. Maybe you have business interests in the county. You may be alleged to be a tool of special interest by some no matter how impartial your decisions. Seemingly insignificant actions can result in public mistrust of both you and the county government. It is important that you weigh all your actions against your broad responsibility to the entire county and its communities. Maximize the separation between your personal activity and your public identity. Ask for advice from your legal counsel and more experienced officials when considering the appearance of a conflict.

Develop a proactive approach with the media. Remember it is a reporter's job to investigate and report on government activities and controversies. They are looking for newsworthy items to interest their audience, and all stories will not come out the way you prefer. Establishing a good ongoing relationship will help you get your message out. Find alternative methods to get your story out, such as use of the county's Web site.

Chapter 2

Structure and Composition of County Government

History of County Government

County governments in America have their roots in Britain where the Shires were an administrative arm of the national government. In Washington, counties are the oldest form of government; the first counties were created by the "Provisional Government" set up by the Oregon Trail immigrants before the territory was organized by Congress. By the time Washington achieved statehood, there were thirty four counties established. Since that time only five additional counties have been created, the last being Pend Oreille in 1911. Counties are a remarkably stable governmental institution throughout America.

Like in Britain, Washington's counties were initially organized as administrative arms of the Territory with responsibilities such as maintenance of *vital records*, providing *courts and law enforcement*, building and maintaining *roads*, assessing *property values*, collecting *taxes*, and conducting *elections*. The Territorial Legislature created counties initially with the theory that the county "seat" should be no more than one half day's journey by horseback, so the citizens could conduct their business and return home in one day.

The form of county government chosen by the early Provisional Government Legislature and later continued in the state Constitution, was that of Iowa counties. This model had many separately elected officials independently performing specific functions like property assessment, law enforcement, and electoral processes. It continues to be the organizational form used throughout the state.

By 1854 the three county commissioners in each county were responsible for erecting and maintaining public buildings, building and repairing roads, granting licenses, levying taxes and supervising collection, approving bills charged to counties and supporting indigents. Public health was added as a responsibility before statehood was achieved.

An important restriction of county powers was enacted in 1863 by the Territorial Legislature, adding a sentence at the end of the list of powers delegated to the board of commissioners which read "...and they shall have no other powers, except such as are, or may be given to them by law." The state constitution of 1889 conveyed limited home rule authority to counties in the local government article (section 11) as follows:

Any county, city, town, or township may make and enforce within its limits all such local police, sanitary, and other regulations as are not in conflict with general laws.

Although this provision appears to grant counties equal footing with other local governments as municipal corporations with full "police power," subsequent interpretations by the state courts have not been favorable to broad "home rule." The courts have generally held that counties have only those powers expressly conferred upon them by the legislature.

County Governmental Structure

Counties have been referred to as the "dark continents" of American politics and the "Hydra-headed monsters" of local government. "Dark continents" alluded to the boss rule, rampant corruption, and incompetence that was in evidence early in the century. The more recent characterization of "Hydra-headed monsters" alludes to the structure that most counties operate under today—a multiplicity of independently elected officials each with an independent set of responsibilities.

The structure of county government in Washington has not changed significantly in over a hundred years. Thirty-four of Washington's counties operate under the commissioner form of government that provides for a combination legislative/executive body of three commissioners each of whom are nominated by district and elected by the voters of the entire county. Most of the remaining county responsibilities are carried out by other independently-elected officials, including the auditor, the treasurer, the assessor, the prosecuting attorney, the sheriff, the district and superior court judges, and the clerk.

The remaining five counties are structured under a home rule charter. Four have elected to divide the legislative and executive functions and have created elected county executive positions along with a county council. Under the charter form, the elected coroner position has been changed to an appointed one, the medical examiner. The county clerk's position has also been made appointive in most of the charter forms of county government in Washington. The remaining elected officials have been kept in place by the charters adopted. The citizens prefer electing the administrative department heads which provides political accountability.

County Government Services

Counties in Washington State provide a broad range of services, most of which are mandated by the state as its agent or as regional service provider. Criminal justice services such as those provided by the prosecuting attorney, public defender, district and superior courts, juvenile detention, jail and coroner are provided by counties as agents of the state. They account for a large portion of services paid from the general fund, otherwise referred to as the current expense fund. Public health services, which are a crucial regional service to all citizens of a county, are financed partly with local dollars and supplemented by locally-administered state and federal grants. Local government services for

residents living in the unincorporated areas include law enforcement by the sheriff and construction and maintenance of roads and bridges. These services are outlined in Chapters Four and Five.

One particularly useful view of county services has been developed by Judith Frolich of the WSAC. It is adapted for this handbook in the following table.

Counties Are Unique Because They Have *Three* Major Roles

State	Regional Government	Local Government
Prosecuting Attorney	Specialized Law Enforcement	Law Enforcement
Public Defender	District Court	Roads & Bridges
Superior Court	Domestic Violence	Land Use Planning
Juvenile Court	Medic 1 Ambulance	Zoning
Jail	E-911 & Central Dispatch	Building Permits
Juvenile Detention	Transit Programs	Parks & Recreation
Medical Examiner	County Airports	Garbage & Recycling
Mental Health	Public Health Services	Surface Water Management
Developmental Disabilities	Aging & Senior Services	Sewer Service
Alcoholism & Drug Abuse	Housing Programs	Water Service
Elections	Housing Repair Assistance	Weed Control
Treasurer	Energy & Weatherization	
Document Recording	Veterans Assistance	
Vital Statistics	Cooperative Extension	
Property Tax Admin.	Emergency Management	
Vehicle & Marriage Licenses	Search & Rescue	
	Sewer Service & Treatment	
	Growth Management Policies	
	River Basin Flood Plans	
	Solid Waste Management	
	Economic Development	
	Tourism & Facilities	
	Arts Commissions	
	County Fair	

Although not a comprehensive list of all county services, the table serves to array various services according to which role the government is playing—state agent, regional service provider, or local government. It is important to keep these roles in mind when making important policy decisions for counties. Your ability to have an influence on service outcomes hinges on your ability to match strategies for constituents' needs with the county's role. For example, you have broader discretion and generally a narrower constituency when making decisions for county roads, since you are acting as a local government service provider serving primarily the unincorporated area population. If you

want to influence the jail operation, you must deal with state law, state administrative code, city police departments, various citizens attitudes about safety, your sheriff, prosecuting attorney, and judges. This is a much more complex issue area to influence.

See Appendix B for a list of mandated and optional city and county functions. Appendix C provides a list of the various types of special purpose districts, their enabling statutes and dates of creation. Together they may assist you in developing a better understanding about the services your county provides, their place in the intergovernmental system and the county's role as a service provider.

Some Questions and Answers About County Structure and Function

***Question:* What distinguishes county government organizational structure?**

The organizational structure of counties is not consistent with current theories of optimal organizational design for efficiency and effectiveness. It was developed centuries ago to provide checks and balances within the organization; so no one official could easily commit fraud or accrue too much power. Modern organizational theory might find value in the relatively flat organizational structure of counties; however, the multiplicity of conflicting goals and values exemplified by the large number of elected officials would be daunting.

As creations of the state, county organizational structure can only be altered by constitutional amendment and/or statutory law. The three traditional branches of government (executive, judicial, and legislative) can be difficult to define at the county level. Even charter or "home rule" counties have numerous elected officials in addition to the county executive and council. Charter counties must retain independent judicial and prosecutorial elected officials and often keep most of the other elected line officials such as the assessor, auditor, and treasurer.

Many observers believe counties to be top heavy with checks and balances. Formal responsibility, authority, and power is shared among numerous elected officials, each of whom has independent authority over much of the subject matter directly related to their specific office. The law often refers to "a" county, but when it is time to address issues or make changes, the county becomes much larger than the board of commissioners. This mirrors the state government where many key executive leaders are elected or appointed by an entity other than the governor. Collaboration, coalition building, and negotiation become crucial to organizational success in such a decentralized structure.

Counties with a three-member board of commissioners blend quasi-judicial, legislative, and executive roles so often that constituent demands and county actions can easily get convoluted and confusing to the uninitiated. "Management by committee" often characterizes the non-charter counties because there is no single person in executive authority. Accountability for decision-making is difficult to discern. Operational changes and policy direction can be compromised without a constant recognition of the limits of the authority of a single commissioner. Once again, teamwork is crucial to the success of most any decision to ensure it will become operational.

Question: What powers can county officials exercise?

Counties in their role as state agents, carry out only such responsibilities as are delegated to them by state law. These are typically programs deemed not efficient or proper to carry out at the state level. Increasingly, these numerous delegations are subject to reconsideration and alteration by the state legislature. Today, the line differentiating responsibilities between state and county is fuzzy and difficult to logically define. Knowledge of the basic organization of the State of Washington accompanied by personal contact with relevant elected or appointed state officials is a key for the success of elected county officials and especially commissioners. (See the most recent Washington State Yearbook for information regarding specific state agency responsibilities.)

Counties also share many responsibilities, and thus some jurisdiction, with federal agencies and other local governments. Counties are governments of general jurisdiction addressing a broad array of issues under the purview of "health, safety, and welfare." Counties often complement federal agencies, cities, and other junior taxing districts to efficiently address, or not address, any given problem. Fire, water, sewer, transit, and park districts are common local government partners. Identifying key mutual issues and interests with federal agencies, municipalities, and junior taxing districts, and developing good working relationships with the officials in each one, is paramount for effective county leadership.

Question: Where do nonprofits and businesses fit in with counties?

Given the diversity of county functions, one of your budget challenges is identifying which service areas are candidates for nonprofit or business service delivery. Public procurement laws and union contracts may restrict seemingly attractive options, but with sustained commitment and legal/professional assistance, many counties have forged mutually satisfying alternatives with profit and nonprofit business partners.

Question: What counties are models to emulate?

No two counties function alike despite seemingly identical frameworks, and the variety of methods used to accomplish the same lawful tasks prevent simple comparisons. Numerous attempts to track operational tasks to expenditures have not fully accounted for the myriad ways work is shared or delegated especially in departments directly under the control of the county executive or board of commissioners. Suffice it to say all counties have the same set of state mandates and responsibilities, even though they budget and administer these responsibilities differently.

Chapter 3

Your Responsibilities as a Commissioner

No doubt you now know that the roles and duties of county commissioners are numerous and varied. It is imperative that commissioners be knowledgeable about each level of responsibility they are expected to carry out as they guide the county decision-making process. This chapter covers some of those responsibilities that you must discharge.

The board of county commissioners consists of three members that serve as full-time executives and legislators or policy makers. State law does allow counties with a population of 300,000 or more to increase the size of the board to five members, but no counties of that size in the state have increased their board size. Many boards of commissioners have hired professional assistants to act as administrators for the board. These positions have different titles including: county administrator, chief administrative officer, administrative services director, or budget director. Although their responsibilities may vary, the people serving in these positions work on a daily basis with the commissioners and the other elected and appointed officials to carry out the policy directions of the board and to supervise and coordinate the work of the other officials and staff.

The primary legislative powers of the board of commissioners are found in RCW 36.32.120. The powers include: construction and maintenance of public buildings; granting licenses; fixing the tax levies for the county and having the same collected; authorizing payments owed by the county and auditing all officers having control of county monies; managing county property and county funds; prosecuting and defending all actions for and against the county; and making and enforcing by appropriate resolutions and ordinances and all such police and sanitary regulations not in conflict with state law.

As a practical matter, construction and maintenance of the county roads and bridges has been and continues to be an important responsibility of the board of commissioners.

Policy-Making Role

Policy-making is defined as the development of high level overall plans embracing general goals and acceptable procedures for county government. It is also a definite course or method of action selected from among all alternatives in light of given conditions to guide and determine present and future decisions. Your role as a commissioner requires that you set policy for the county.

● Goal-setting and Long Range Planning

The public expects county commissioners to influence the direction of county government, and the direction that the county takes through policy decisions will have an impact on the lives of its citizens. Of the three categories of duties outlined in this chapter, policy-making is probably the most abstract and difficult to discharge. Unfortunately, there is no cookbook approach for county policy-making. The key to successful policy-making is to "see the forest through the trees," and to keep in mind the mission of the organization and the long-range future of the community.

Gaining sufficient public, county official, and staff support for your effort is essential to effective policy-making. Setting goals or setting a course for action (or inaction) is your tool for long-range policy making, and for determining the direction of the county organization. Whether it is land use, finances, or county facilities, decisions made by the board of commissioners will set the future direction for the county. It is essential to recognize competing interests and develop public and staff support by involving them and finding ways to incorporate their interests and ideas.

The process for setting goals varies greatly from county to county and from board to board. Implementing the traditional approach to goal setting, which involves hiring a consultant, and having a retreat, is difficult in a county because there are too many services and an unconventional organizational structure. However, many elements of the traditional approach, outlined below are applicable to county government:

1. Identifying issues and needs;
2. setting goals;
3. determining strategies;
4. setting priorities;
5. accomplishing the work;
6. evaluating the results.

The structure of county government is designed to distribute the power throughout the organization to avoid abuse of power. Its design generates conflict, disagreement, discussion and debate. As a result, agreement on goals, strategies, and priorities is very difficult to obtain. For example, look at the roles of the prosecuting attorney and the public defender. Because the court system is adversarial, it would appear that the mission of each office is to defeat each other in court. Their common goal is to carry out justice, but trying to get those offices to agree on needs, goals, and strategies is very difficult. This doesn't mean effort should not be made at a higher level. This diversity and conflict is even more reason why a common sense of mission and goals is important.

The burden of setting the county's strategic course rests with the county commissioners. When things go wrong, when the pothole doesn't get patched, or the jail is over-crowded, the county commissioners are often blamed. Of all the elected officials, the commissioners must provide overall organizational leadership and create the path to better management. With the complexity of today's issues, combined with the scarcity of resources and the impatience of the public, commissioners must strategically set priorities and goals and then attempt to direct the organization towards those goals.

● Making Policy Through the Budget

Adopting the county budget is one of the most important tools you have as commissioner to affect policy direction. Because of the fragmentation of authority in county government, the budget is the most visible vehicle to set policy and achieve goals for the organization and the citizens. State laws require that the board of county commissioners adopt a budget each year or, optionally, every other year in the case of a biennial budget. This comprehensive document sets the limits for spending for every program and department in the organization. The county budget cycle typically starts in the spring or summer with an estimate of income for the next year. Using this baseline, commissioners then set guidelines for submitting spending proposals. These guidelines might address the level of salaries, expansion of programs, or reduction in spending. Spending proposals are submitted by elected officials and appointed managers in mid-August. These proposals are reviewed by the board of commissioners throughout the fall. Final adoption of the budget occurs in December. Most budget decisions continue previously set policies or confirm policies adopted at other government levels. Decisions to set new policies are typically incremental and at the margins of the entire budget.

In theory, broad goals are developed by the board early on as the framework for the annual budget process. In reality, budget emergencies throughout the year can often have a more dramatic impact on policy than the annual budget development process. Department heads, elected officials, and community groups often come to the board of commissioners with unforeseen financial needs during the budget year. An isolated spending request is difficult to link with spending priorities which have been considered as a whole during the formal budget process. This incremental policy-making is common and often necessary. However, it makes the job more difficult for those who must appropriate the funds. Be sparing with budget promises. There is often very little discretion in budget decision-making, given the volume of state mandates and restrictions on the use of income. Creating a contingency set-aside budget appropriation for these emergent issues and aggregating them in quarterly budget revision ordinances often pays dividends for the board. All the players then know there is a limited amount of discretionary dollars for all county contingencies and that they must be carefully weighed against all other issues.

The complex fund structure of counties makes the overall weighing of priorities more difficult. There may be as many as 40 to 80 separate funds, most of which are dedicated to specific purposes. It is like having 40 or more separate companies, each with a separate set of books. As a new commissioner, you will benefit greatly from studying your county's fund structure and learning which programs are funded from each fund.

The general fund is often referred to as the current expense fund. It typically includes most of the criminal justice responsibilities, the remaining elected officials responsibilities, and zoning and building code enforcement responsibilities. It is where most of the "action" occurs in the budget process.

The next most important fund is typically the road fund. It is referred to as a special revenue fund used to account for the construction and maintenance of roads and bridges. Decision-making is often far less rigorous for this fund than the current expense fund, since it has dedicated revenues and limited purposes. There are far fewer officials competing for the dollars. This is true for most all other funds as well. Other common special revenue funds include veterans relief, county fair, public

health, law library, auditor's operations and maintenance, parks, elections, human services, and emergency management.

There are also debt service funds used to accumulate debt service payments, capital projects funds for major capital improvements, proprietary funds expected to develop equity and operate like a business, and internal service funds for financing internal service operations. An occasional review of the BARS manual published by the State Auditor's Office will familiarize you with the fund structure, accounting issues, and budgeting procedures mandated by the state for all local governments. Your auditor or financial manager will have a copy.

Finally, in developing long-term financial goals and policies, consider using the county finance committee for recommendations. The committee is established by RCW 36.48.070 to approve county investment policies, and it consists of the chair of the board, the treasurer, and the auditor. It can be a creative vehicle for the development of other important financial policies to keep the county financially sound.

● **Environmental and Land Use Policy-Making**

Setting environmental and land use policy, especially in the 1990s with the passage of the Growth Management Act (GMA), is another challenging issue area for county commissioners. A broad understanding of land use issues is essential if you wish to be an effective commissioner. In most mid-size to larger counties with urbanized areas, commissioners spend a great deal of time working on land use policy. Citizen participation is encouraged in shaping land use policies under the GMA, and much of the input from constituents will continue to be on environmental and land use issues. Difficulty with land use planning issues has been brought to the forefront with growth management, and it is likely to remain a difficult area for commissioners to find community consensus.

An informed and trusted legal advisor is one of a new county commissioner's best assets. The county prosecutor is the legal advisor to the board. The civil staff of the prosecuting attorney's office is usually assigned to assist in land use matters. With approval from the prosecutor, many counties have hired legal firms that specialize in land use law to assist in negotiating the complexities of growth management.

Another important asset in setting land use policy is staff that you trust. Give your professional staff a chance to assist by making board expectations clear. Often the board of commissioners sets a general direction, and skilled staff will make clear the choices available in deciding a land use issue. The planning staff is sometimes demonized for merely carrying out policies set by their superiors. Give them the support they need, and their work can deflect much political heat from the board.

● **Policy Making on Non-County Boards**

State law requires that commissioners serve on boards of other public organizations. Public transit and health district boards both require commissioner participation. Regional support networks for mental health, regional transportation planning councils, housing authorities, air pollution control authorities, and area agencies on aging are all governed by county officials who compose all or part

of their governing boards. There are many more such organizations, some unique to a particular county. Be sure to understand and discharge your fiduciary responsibilities when serving on these bodies. You are held to the same level of public trust as in your county responsibilities.

Each of these boards set policy for complex and highly specialized services. Most are highly regulated by and receive money from the state and federal governments. The boards often meet monthly and usually have a wide diversity of membership. Contact with management staff is often limited to the board meetings or to the telephone. Given these characteristics, the traditional approach to goal-setting is most appropriate for these organizations. Set goals at an annual retreat, and let staff implement them. There is a danger you could over-commit on these boards. Before committing a lot of time, assess the benefits. Finally, communicate the activity of these boards with the other commissioners by making good reports.

Executive Duties

The board of commissioners not only sets policy but is also responsible for its implementation. Commissioners are the chief executives of the county organization. The executive role of a commissioner varies greatly from county to county. The role may be determined by prior executive experience, or it might be tailored to the particular circumstances in the county. It may be defined by the existing commissioners or by historical tradition.

Sometimes a long-tenured commissioner becomes quite skilled in the executive duties of the office and evolves into an unofficial county executive. In other instances these executive duties may be delegated to a team of appointed department heads or to a single county administrator. Most counties have either a county administrator or a staff person that assists the commissioners with executive duties. These positions have different titles and sets of responsibilities, but administrator, budget director, administrative services director, and coordinator are among the titles used.

Regardless of the organizational structure, you and your board have a role in hiring and supervising your management staff. Who you hire and how they perform reflects directly on the performance of the board. Remember, with skilled and trusted management staff running the day-to-day affairs of the county, you will have more time and energy available to work on challenging policy issues and other important leadership activities. It is also beneficial to have a person who can act as a sounding board for new ideas or approaches and for problem solving, since doing the same with another commissioner may constitute a meeting under the Open Public Meetings Act.

Your management staff can be hired with the help of other county administrative staff, typically personnel or human resources support. Often a group interview process with other elected officials and managers is a good idea. Recruiting and selecting a county government administrator requires careful planning, astute evaluation of candidates, and a clear understanding of community needs and the style of manager who can best work with the elected officials. Patience is also important since recruitment can take up to six months, from the time the process begins until the position is filled with a person on the job.

Once hired, your management staff require active supervision. This includes setting clear expectations, encouraging teamwork and cooperation, and evaluating the work that is done. Supervision is most effective when done by the commissioners as a team. Team supervision of one or more employees can be a challenge. Conflict among commissioners is not uncommon when it comes to reviewing staff performance. It is preferable to invest the necessary time up front setting explicit staff and management expectations rather than reacting when unstated expectations are not met.

This investment means regularly spending time in formal work sessions, with every person reporting directly to the commissioners. In these work sessions, progress towards goals and possible performance problems can be discussed. A written performance evaluation, at least annually, is also recommended. The performance evaluation should address whether pre-established goals and expectations have been met and should cite areas of concern and need for improvement, if appropriate.

Other executive duties of the commissioners may vary greatly. They may include negotiating contracts with labor unions and vendors, interviewing and selecting consultants or managing construction projects. In conclusion, your executive and administrative responsibilities can be very time consuming. Each county board of commissioners should seriously consider hiring professional staff for managing the day-to-day affairs of the county.

Open Public Meetings²

The job of a commissioner includes attending many meetings. The Open Public Meetings Act, chapter 42.30 RCW, applies to the board of county commissioners, as well as to some subordinate commissions, boards, and committees, and it requires, basically, that all "meetings" of such bodies be open to the public and that all "action" taken by them be done at meetings that are open to the public. The terms "meetings" and "action" are defined broadly in the Act, and so the Act can have daily significance for commissioners, even when no formal meetings are being conducted.

A board of county commissioners is conducting a meeting subject to the requirements of the Open Public Meetings Act whenever a majority of its members (a quorum) meet together and deal in any way with county business. This includes simply discussing some matter having to do with county business. It does not matter if it is called a "workshop," a "study session," or a "retreat," it is still a meeting if a quorum is addressing the business of the county. However, if board just meets socially or travels together, it is not having a meeting subject to the Act as long as the commissioners do not discuss county business.

The Act thus presents practical difficulties for three-member boards of commissioners because a discussion of county business by two commissioners actually qualifies as a "meeting" which should

²See *The Open Public Meetings Act - How it Applies to Washington Cities, Towns, and Counties* by MRSC, September 1997.

be open to the public. Policy development can be hampered because of this. In most forms of government, an executive develops proposed policy behind closed doors and then presents the refined policy to the legislative body, which then addresses the proposal in public meetings. Since a board of commissioners acts both as the executive and legislative body, the commissioners are restricted in their ability to meet and confer on policy except in public meetings. Use of a county administrator with whom to bounce around ideas and discuss policy options can be very beneficial and can help avoid open meetings violations.

All meetings of the board are, under the Act, either "regular" or "special" meetings, even if they are called something else. A regular meeting is one that is held according to a schedule adopted by ordinance, resolution, order or rule, as may be appropriate. Regular meetings of the board must be held at the county seat.

A special meeting is any meeting that is not a regular meeting. In other words, special meetings are not held according to a fixed schedule. Under the Act, special meetings have specific notice requirements, including at least 24-hour notice to the media that have filed a request to be notified and to the members of the board. A special meeting may be held outside of the county seat, but inside the county, when issues to be addressed at the meeting are of unique interest or concern to citizens in the area where the meeting is held.

What procedural requirements apply to all meetings of the board of commissioners?

The following requirements apply to both regular and special meetings of the board:

- All meetings must be open to the public.
- A member of the public may not be required as a condition of attendance to register his or her name or other information, or complete a questionnaire, or be required to fulfill any other condition precedent to attendance.
- The board may require the removal of citizens who disrupt the orderly conduct of a meeting. If order cannot be restored by removal of individuals, the board may order the meeting room cleared and may continue in session or it may adjourn and reconvene the meeting at another location, subject to certain limitations.
- Votes may not be taken by secret ballot.
- Meetings may be adjourned or continued subject to the specific procedures.
- The board may meet in executive (closed) session, but only for one of the reasons specified in RCW 42.30.110.

Note that although the Act gives the public the right to attend meetings, the public has no statutory right to speak at meetings. Commonly, however, the public is given time at meetings to comment, according to procedures established by the board.

What is an executive session and when may one be held?

"Executive session" is not expressly defined in the Open Public Meetings Act, but the term is commonly understood to mean that part of a regular or special meeting that is closed to the public. The board may hold an executive session only for specified purposes, which are identified in RCW 42.23.110(1), and only during a regular or special meeting. Nothing, however, prevents the board from holding a meeting for the sole purpose of having an executive session.

Certain procedures must be followed before convening an executive session. The chair must announce the executive session to those attending the meeting by stating two things: (1) the purpose of the executive session; and (2) the time when the executive session will end. The announced purpose of the executive session must be one of the statutorily-identified purposes for which an executive session may be held. If the executive session is not over at the stated time, it may be extended only if the chair announces to the public at the meeting place that it will be extended to a stated time.

The board should always follow the basic rule that it may not take final action in an executive session. However, there may be circumstances where the board will need to reach a consensus concerning the matter being considered in closed session.

The board may meet in executive session for the following purposes identified in the Act:

- To consider the selection of a site or the acquisition of real estate when public knowledge would cause likelihood of increased price;
- To consider the minimum price at which real estate will be offered for sale or lease when public knowledge would cause a likelihood of decreased price;
- To receive and evaluate complaints or charges brought against a county officer or employee, although the board must honor any request by the officer or employee to consider the complaints or charges in an open meeting;
- To evaluate the qualifications of an applicant for county employment or to review the performance of a county employee;
- To evaluate the qualifications of a candidate for appointment to elective office, such as when filling a board vacancy, although the interview of the candidate and final action must be in an open meeting; and
- To discuss with legal counsel representing the county, matters relating to county enforcement actions, or litigation or potential litigation to which the county, the board, or one of its members acting in his or her official capacity is or is likely to become a party.

Other purposes for which an executive session may be held that are identified in the Act do not really apply to counties.

What meetings are exempt from the Open Public Meetings Act?

RCW 42.30.140 sets out three situations that have possible application to a board of commissioners where the board may meet and not be subject to any requirements of the Open Public Meetings Act:

- Certain licensing proceedings;
- Quasi-judicial matters between named parties (although other state law requires hearings on such matters to be public hearings); and
- Collective bargaining sessions with employee organizations or when the board is developing or adopting strategies or positions to take in those sessions or in or mediation grievance proceedings or when the board is reviewing proposals made in the collective bargaining or professional negotiations.

What happens if the Open Public Meetings Act is violated?

There are several potential consequences for violating the procedural requirements of the Open Public Meetings Act. Actions, including ordinances and resolutions, taken in meetings held in violation of the Act are null and void. In addition, commissioners can be fined \$100 if they attend an improperly held meeting knowing that it is in violation of the Act. The party that prevails in an action for violation of the Act may recover reasonable expenses and attorneys' fees under certain circumstances.

Other Public Meetings Procedures and New Technology

The Open Meetings Act, public disclosure law, and other state laws that apply to the state and local governments have yet to catch up with the implications of new technology, such as e-mail. E-mail communications between county commissions may be subject to the Open Public Meetings Act and public disclosure requirements. Consult with your prosecuting attorney for guidance on the use of e-mail and its potential legal consequences.

Public Hearings³

All public hearings are also public meetings, but additional rules and procedures apply to them. Although a public hearing is also a public meeting, the main purpose of most public hearings is to obtain public testimony or comment. A public hearing may be part of a regular or special meeting, or it may be the sole purpose of a meeting, with no other matters addressed.

There are two types of public hearings, legislative and quasi-judicial, and it is important to understand the distinction between them. The purpose of a *legislative public hearing* is to obtain public input on legislative decisions on matters of policy. Legislative public hearings are required by state law when the board addresses such matters as comprehensive land use plans or the annual or biennial

³See *MRSC Focus*, "Public Hearings - When and How to Hold Them," August 1998.

budget. Legislative public hearings are generally less formal than quasi-judicial public hearings. They do not involve the legal rights of specific, private parties, but rather affect a wider range of citizens or perhaps the entire county.

Quasi-judicial public hearings, unlike legislative ones, involve the legal rights of specific parties, and the decisions made as a result of such hearings must be based upon and supported by the "record" developed at the hearing. Quasi-judicial hearings are subject to stricter procedural requirements than legislative hearings. Most quasi-judicial hearings held by boards of commissioners involve land use matters, including site-specific rezones, preliminary plats, variances, and conditional uses. A county commissioner's role in a quasi-judicial setting is much different than in a legislative setting

Quasi-Judicial Functions

Counties have the authority to regulate the division and use of property in the unincorporated areas. County regulatory action over land use is guided by federal, state, and local laws. The planning commission, the board of adjustment (if one has been established), and sometimes the commissioners, approve or deny development proposals in light of these laws. If a development applicant or any other citizen disagrees with a decision on a development proposal, they can in many cases appeal that decision to the board of commissioners, if the board itself is not making the final decision on the proposal. As with all land use issues, legal and planning staff can provide information and assistance.

When making a decision on a development proposal or when considering an appeal, the actions and decisions of the board are considered "quasi-judicial." Commissioners must determine whether the development proposal is in accordance with the law. To accomplish this, commissioners sit like judges to interpret the how the relevant land use laws apply to the particular proposal before them. Quasi-judicial public hearings on development proposals involve the legal rights of specific parties, and the decisions made as a result of such hearings must be based upon and supported by the "record" developed at the hearing. Quasi-judicial hearings are subject to stricter procedural requirements than legislative hearings. Some counties use a hearings examiner, who holds the hearing and makes a decision that is either a recommendation to the board or is appealable to the board.

When acting in a quasi-judicial capacity, the county commissioners are subject to the appearance of fairness doctrine, which requires that hearings not only be fair but also appear to be fair. A commissioner can violate the appearance of fairness doctrine by being biased regarding or prejudging a quasi-judicial matter or by having a prohibited personal interest in that matter. If the doctrine is violated, the quasi-judicial decision made by the board can be invalidated by the courts.

The appearance of fairness doctrine also prohibits *ex parte* (one-sided or outside the record of the hearing) communications between a commissioner and a proponent or opponent of the matter being considered in a pending quasi-judicial proceeding. A basic principle of fair hearings is that decisions are made entirely on the basis of evidence presented at the proceedings, and *ex parte* communications violate that principle. Nevertheless, a commissioner may "cure" a violation caused by an *ex parte* communication by placing the substance of the communication on the hearing record, by making a

public announcement of the content of the communication, and by allowing involved parties to rebut the substance of the communication.

Other Duties

Some commissioner duties cannot be described as making policy, as executive, or as quasi-judicial. They may require problem-solving skills, leadership, and/or civic involvement. Citizen problem-solving can take an extensive amount of time. These challenges range from complaints concerning barking dogs to concerns over poor food in the jail. Most involve someone who is being regulated, or have something to do with taxes, property, or roads. Staff from appropriate county departments or from the commissioners' office may have authority over such matters or often can be excellent resources for delegation of these citizen concerns.

Membership on committees representing the county is an example of a duty requiring leadership. These could include organizations such as the Washington State Association of Counties or Washington Counties Risk Pool. Communicating with state, federal, and other officials and taking positions on proposed legislation are also examples.

Civic involvement is a responsibility with a lot of variety. Commissioners are often invited to community events ranging from greeting foreign delegations to ribbon cutting. At each of these functions, a commissioner is acting as an official representative of the county.

Leadership and Decision-Making

- **The Legal Environment**

Question: How does a commissioner know the key laws?

The prosecuting attorney (PA) is a crucial working partner for the board since only the PA's office, or outside counsel with the consent of the superior court, is allowed to deliver legal advice. A board may find a PA very amenable to using outside counsel for specialized advice, but the cost per hour is far above that of a senior and experienced deputy prosecutor. For the defense of lawsuits, outside counsel is common for arcane subject matter or when insurance can cover the cost. A commissioner who follows legal advice effectively cuts off accusations of bad faith or of acting with misfeasance or malfeasance.

State law controls most of what counties do and how they do it. Each commissioner will benefit from having general knowledge of the laws that affect counties and their responsibilities. The following list is only a good starting point for the statutes relevant to county officers.

Title 42 RCW, "Public Officers and Agencies," provides the basic statutory law for conducting public business. These laws are designed to ensure fairness and an open, democratic process, but they are not necessarily designed for efficiency. The key provisions include:

- Ch. 42.36 RCW—Appearance of Fairness Doctrine, which restricts the communication and activities of elected officials when acting in a *quasi-judicial capacity*. It goes beyond a conflict of interest to prohibit participation in a decision where there *appears to be a conflict of interest*.
- Ch. 42.30 RCW—Open Public Meetings Act (discussed above).
- Ch. 42.23 RCW—Code of Ethics for Municipal Officers - Contract Interests, which prohibits and/or restricts financial interests and specifies other prohibited conduct by county officers.
- Ch. 42.20 RCW—Misconduct of Public Officers, which sets out prohibited misconduct.
- Ch. 42.17 RCW—Public Records Disclosure - Campaign Financing - Lobbying, which addresses public records disclosure, campaign finance, including restrictions on use of public facilities and resources for campaign purposes, and lobbying.

Other constitutional, statutory, and common law doctrines may affect the conduct of the board of commissioners and the legislative choices and quasi-judicial actions of commissioners. For example, the common law doctrine of conflict of interest, constitutional and statutory provisions prohibiting private use or gifts of public funds and mid-term pay increases, the doctrine of incompatible offices, and other federal and state constitutional guarantees of private property rights and other individual civil rights, may affect the actions of the board of commissioners. Understanding the legal requirements and constraints within which the board of commissioners must operate necessitates a partnership with the PA and other county legal advisors.

Legal advice *is not* the same as business advice. Legal advice answers specific questions whereas business advice strategically weighs varying options, all of which must be legal. Legal advice tends to be narrow in scope and seemingly restrictive since the question asked will be reduced to more narrow legal issues some of which may not have a clear legal answer to follow. A commissioner is well-advised to ask in writing for a legal opinion about *how to legally accomplish a business goal*; a well crafted written question can avoid an answer that, at first blush, may seem frustratingly conservative. Each elected county official must decide how and with whom the lawful business options are to be weighed; the PA may be such a business advisor in addition to persons within and outside of government.

Question: How can a commissioner be recalled?

The procedure for the recall of elected officials is found in chapter 29.82 RCW. As an elected official, a county commissioner may be recalled on grounds of malfeasance, misfeasance, or violation of the oath of office, as those terms are defined in the recall statutes. Under the recall procedure, a voter may file a charge stating the grounds for recall with the county auditor, a ballot synopsis is

prepared regarding the charge by the prosecuting attorney, and the superior court then determines whether the charges are sufficient to meet the criteria for a recall and whether the ballot synopsis is adequate. Often, the recall process stops at the superior court review stage, with the court finding the charges legally insufficient. However, if the court finds the charges to be sufficient and the sponsors of the recall gather a sufficient number of signatures on a recall petition, a recall election is held. The voters then decide by majority vote on whether to recall the commissioner or commissioners.

Upon a request by the commissioner subject to the recall, the board, with the approval of the prosecuting attorney, may agree to pay the expenses involved with the judicial proceeding to determine the sufficiency of the recall charge, including an appeal of the superior court decision.

Question: Can I be held liable for my actions as a commissioner?

State law provides immunity from civil liability for a county commissioner for any discretionary (legislative) decision or failure to make a discretionary decision made in his or her official capacity. For decisions that are not considered discretionary, such as quasi-judicial and administrative or executive decisions, a county commissioner can be held liable for damages caused by tortious conduct under both state law and federal civil rights law, 42 U.S.C §1983.

Question: How can I protect myself? Who will pay to defend me?

Although a county commissioner can be held liable for nondiscretionary acts, RCW 4.96.041 *requires* that the county pay for the necessary expenses of defending a commissioner (as well any county official, employee, or volunteer) in an action for damages arising from acts made in good faith while performing official duties. "Good faith" is a legal term not easily defined, but suffice it to say that the method must be lawful and the goal must be for a public purpose, not a personal or self-serving one.

When a commissioner is defended at the expense of the county, the county is responsible for any nonpunitive damages awarded to the plaintiff. The board has the discretion to pay or not pay for an award of punitive damages

Question: Where is the authority for county actions?

Title 36 RCW identifies many of the powers and duties of county officials. It is the basic body of statutory law cited for county jurisdiction, although county duties can be found throughout the RCWs.

Chapter 4

Your Executive Administrative Functions and Departments

The following departments, agencies and functions fall under the direct supervision of the board of commissioners. They represent some of your areas of responsibility with a greater degree of discretion.

Budget and Finance (Ch. 36.40 RCW), Computers and Technology (Chs. 36.04 and 36.92 RCW), Facilities (Ch. 36.32 RCW), Human Resource/Personnel Management (Chs. 36.16 and 36.32 RCW)

Duties. The board of commissioners is responsible for all county functions not designated to other elected offices. Some of these administrative functions include personnel management, facilities and their maintenance, technology and information services, developing and managing the county's budget and finances, and recording of official legislative and executive actions.

The county is the employer and as such must operate within state and federal employment law. The commissioners, acting as the executive of the county, are therefore responsible for employment related matters such as affirmative action, equal opportunity, non discrimination, collective bargaining agreements and unified personnel policies.

The board of commissioners is charged with adopting a balanced budget for all operating entities of the county. The annual budget is one mechanism by which the board of commissioners establishes direction and emphasis in carrying out the duties and activities of county government. Boards often will appoint their own staff to assist with the statutory function of the auditor regarding budget preparation.

Another administrative function of the executive branch is the provision of facilities and infrastructure to carry out the public's business. Through legislative action, county commissioners are given the authority to consolidate activities such as central purchasing, information technology, facilities management and similar functions which are not assigned to another elected official.

Personnel. Staff appointed by the board of commissioners manage administrative functions. Alternatively, the board of commissioners may allocate administrative functions to separate

departments or to persons within other county departments. For example, the function of the clerk of the board falls on the county auditor unless the board of commissioners chooses to appoint one. Increasingly, commissioners are appointing their own staff to assist in the budget review, adoption and oversight function. However, the initial budget call and assembly is performed by the county auditor as required by law.

Relationship to the Board of Commissioners. The board of commissioners establishes and oversees the operating budget for administrative functions and appoints personnel to assure these functions are carried out.

Departmental Revenues. Revenues derived from administrative function include the general fund, rents and leases for county facilities, grants-in-aid, and interfund transfers from other county departments based on cost allocation plans.

Building Codes (Ch. 19.27 RCW)

Duties. Building code departments are responsible for administering and enforcing the Washington State Building Code, the Washington State Fire Code, and other uniform codes pertaining to the health, safety and welfare of the occupants or users of buildings and structures. These activities include building permit processing, plan review, issuing of permits, and field inspections of construction projects for compliance with state building codes.

Personnel. Personnel are employees of the county and include a designated building official. Although there is no requirement for an advisory group, the board of commissioners may appoint a Building Code Appeals Board to adjudicate disagreements which might occur concerning the interpretation of the building code by the building official.

Relationship to the Board of Commissioners. The board of commissioners creates the building department, designates the building official, and establishes the building department's budget. The commissioners can also elect to contract with another agency for enforcement of the state building codes within their jurisdiction. State law establishes the uniform codes which are in effect in all cities and counties in the state. The county may amend the Uniform Building Code (UBC) in its local codes to be more stringent than the state code. The building department staff is responsible for carrying out the policies of the board.

Departmental Revenues. The building department generates revenues through building permits, inspection and plan check fees, or plan checkers to review building plans. All of these revenues are deposited with the county treasurer.

Cooperative Extension (Ch. 36.50 RCW)

Duties. The cooperative extension is a cooperative partnership between the county, Washington State University (WSU), and other federal and local agencies. Cooperative extension focuses on improving economic status and quality of life for county residents by providing technical assistance, volunteer training, workshops, and university-based research and technology transfer. Some of its programs include 4-H youth leadership, sustainable agriculture and nature resource management, water education and environmental stewardship, family community education, community leadership, food safety, and volunteer community services.

Personnel. Clerical staff for cooperative extension work are employed and paid by the county. The county extension agent is hired and paid by the state, although the county may provide an additional stipend through a memorandum of agreement for management personnel. This stipend is deposited with WSU. Cooperative extension programs may also employ personnel as needed through grant-funded programs.

Relationship to the Board of Commissioners. The board of commissioners establishes the budget for cooperative extension and may pay for supplies, facility rent, and other costs related to operational support. In a separate budget process, the state provides funds for rent, mail, travel and other extension work.

Departmental Revenues. Cooperative extension programs generates revenues through grant programs, and receive allocations through Washington State University which are supplemented by county current expense monies.

Human Services: Mental Health, Substance Abuse, and Developmental Disabilities (Chs. 71.24, 70.96A, and 71.20 RCW)

Duties. The human services function develops, manages, disburses and accounts for resources designated for county residents with mental health, substance abuse, and developmental disabilities needs with emphasis on making a positive impact on their lives.

Personnel. These services may be provided directly by an existing county department, or subcontracted to a community organization meeting licensing or certification standards. Services may also be provided by a regional support network (RSN) where the county participates in an RSN created by an interlocal agreement approved by the board of commissioners.

Relationship to the Board of Commissioners. The board of commissioners establishes personnel positions and salaries, approves labor contracts and personnel policies and approves the annual

operating budget. It also approves contracts for those programs directly provided by county departments. For services provided through a contracting relationship with a community organization, the board approves contracts for service delivery. The board also appoints members to the respective advisory boards. If a county is part of an RSN, some or all of the commissioners will likely be members of a board overseeing RSN functions.

Departmental Revenues. These programs are primarily funded through contracts with the Department of Social and Health Services (DSHS). The major sources for publicly-funded mental health services are: state consolidated funds, federal Medicaid/Title XIX funds, and federal block grants. Funding sources for substance abuse programs are state grants and federal block grant revenue, as well as federal Medicaid/Title XIX funding. Developmental disabilities programs are funded through a combination of state and federal revenue. In order to provide additional funds for coordination and provision of community services for persons with mental health and developmental disabilities needs, the county must budget and levy annually a tax in a sum equal to the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed valuation. The county must devote no less than two percent of its share of the liquor taxes and profits, to support community programs approved by the local alcoholism and other drug addition board. (RCW 70.96A.087)

Parks and Recreation (Chs. 36.68 and 36.68 RCW)

Duties. Counties may develop, maintain and operate parks, recreational facilities and programs including such things as traditional park areas, boat ramps, tennis courts, softball and baseball diamonds, football and soccer fields, golf courses and water front arenas.

The county may provide park and playground systems. With voter approval, the county may establish a park and recreation service area as a separate taxing district under ch. 36.68 RCW, or a park and recreation district under ch. 36.69 RCW to own, operate, acquire, develop, and manage park and recreation facilities and programs. Once established by the voters, the authority and responsibility for county park and recreation services are transferred to the district or service area.

Personnel. Management and daily operation of park facilities is handled by staff selected by the director of the department and appointed by the board of commissioners.

Relationship to the Board of Commissioners. The board of commissioners establishes personnel positions and salaries, approves labor contracts and personnel policies and approves the annual operating budget and capital projects. A park board may be appointed by the board of commissioners as an advisory body, to make recommendations on the annual operating budget and capital improvements. Members of the park board serve in a voluntary capacity for terms of two to four years and may be reappointed for successive terms.

Departmental Revenues. Typical sources of revenue include user fees, charges for service, rentals, concessions, state and federal grants, private contributions and contributions from the general fund.

Planning and Community Development (Chs. 36.70, 36.70A, 36.70B, and 36.70C RCW)

Duties. The planning responsibility is often organized to include planning and community development and usually is divided into long range and current planning, and may include code enforcement.

The long range planning function performs long range and growth management planning. This activity involves the drafting of policies and regulations concerning land use, development, public facilities, environmental protection and related subjects. The primary planning document is the comprehensive land use plan. This document establishes policies for the orderly growth and development of the community over a twenty-year period. Plans and regulations are adopted by the board of commissioners after review and recommendation by the planning commission, a statutorily created citizen advisory body constituted to assist the board of commissioners in planning legislative matters (comprehensive planning, development regulations, etc.). Planning departments also act as technical staff to the planning commission.

The current or short range planning function involves the day-by-day implementation of the comprehensive plan through the review and approval of development proposals, such as commercial/industrial developments, land subdivisions, housing developments and the like. This function also coordinates the public review of development proposals with local, state, and federal agencies.

For counties planning under the State Growth Management Act (GMA), ch. 36.70A RCW, the board of commissioners must adopt county-wide planning policies, a comprehensive plan, and development regulations implementing the comprehensive plan. All counties must adopt a coordinated and integrated land development project permitting procedures which comply with the local project review requirements of ch. 36.70B RCW. Judicial review of county land use decisions is governed by the provisions of ch. 36.70C RCW, the Land Use Petition Act (LUPA).

Personnel. In most counties, the board of commissioners appoints the director of the planning department. Other staff are appointed by the director within budget limitations. The planning commission is appointed by the board of commissions according to their adopted by-laws.

Many counties have adopted a land use hearing examiner system, where a hired examiner conducts all quasi-judicial hearings on land use matters, such as the approval of development projects, with the board of commissioners filling the role of an appellant body if the board chooses to provide for an administrative appeal of the hearing examiner's decision.

Relationship to the Board of Commissioners. The planning function is directly responsible to the board of commissioners and is often a operating department within the county organizational structure. Personnel positions and budget authority are approved by the board of commissioners.

Departmental Revenues. The department is funded through the current expense fund (general fund) and may be supplemented by permit fees and grants.

Public Defender (Ch. 36.26 RCW)

Duties. The public defender and each assistant public defender has a duty to counsel and defend any indigent person arrested or charged with any criminal offense for which court-appointed counsel is required under state or federal law. He or she must also prosecute any appeals and other remedies available to the defendant, before or after conviction.

Personnel. The board of commissioners must assure that persons who are indigent receive legal counsel. This service can be accomplished by a number of methods, typically through contracted service or the formation and staffing of a public defender office.

In forming a public defender office, the board of commissioners appoints a selection committee for the purpose of selecting a full or part-time public defender. Public defenders and assistant public defenders must be qualified attorneys licensed to practice law in the state. The term of the public defender coincides with the term of the elected prosecuting attorney.

Other employees in the office are selected by the public defender within budget limitations established by the board of commissioners.

Relationship to the Board of Commissioners. The board of commissioners has statutory authority to establish the office of public defender. The board may act in cooperation with any other contiguous county or with any city located within the county to create a public defender district and establish an office of public defender for such district. The board of commissioners establishes personnel positions and salaries, approves labor contracts and personnel policies, and approves the annual operating budget.

Departmental Revenues. The public defender's office has no significant operating revenues. Funds for operations are provided by the general fund and member shares if operating as a district.

Public Health (Chs. 43.70, 70.05, 70.08, 70.10, 70.12, 70.44, and 70.46 RCW)

"Public health" is defined in state law (RCW 43.70.575) to mean "activities that society does collectively to assure the conditions in which people can be healthy. This includes organized community efforts to prevent, identify, preempt, and counter threats to the public's health." According to RCW 43.70.580, "The primary responsibility of the public health system is to take those actions necessary to protect, promote, and improve the health of the population." The "public health

system," as defined in RCW 43.70.575, is the state department of health, the state board of health, and local health jurisdictions. Local health jurisdictions means "the local health agency, either county or multi-county, operated by local government, with oversight and direction from a local board of health, that provides public health services throughout a defined geographic area" (RCW 43.70.575).

Duties. Each county has a significant role in overseeing and protecting the public health, through personal health services (such as disease control) and environmental health services (such as the regulating of restaurants). Each county participates in this responsibility through the local board of health. Participation may be through a multi-county or single county health district or a line appointed health department.

Each local board of health has supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction. It must enforce the public health statutes of the state and rules promulgated by the state board of health and the secretary of health. It may enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof. It is also charged to provide for the control and prevention of any dangerous, contagious or infectious disease within its jurisdiction, and must provide for the prevention, control and abatement of nuisances determined to be detrimental to the public health. The local board of health may establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by the law and the rules of the state board of health.

Environmental health aims to minimize the public's exposure to environmental hazards and the prevention of human disease and injury by identifying both natural and environmental factors which may adversely affect the public health and welfare. Examples of programs include on-site sewage/liquid waste program, drinking water supply program, licensing of food service establishments, permitting solid waste facilities, ensuring land use regulations are environmental health concerns, reviewing subdivision proposals, and licensing public swimming pools and spas.

The local health officer, acting under the direction of the local board of health or under direction of an administrative officer, enforces the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction. This also requires imposition of penalties and filing court actions as may be necessary, and taking such action as he/she deems necessary in order to promote the public health.

Personnel. In counties without a home rule charter, and where the county is not part of a health district, the board of commissioners constitutes the local board of health. In counties with a home rule charter, the county legislative authority establishes a local board of health, prescribing membership and the selection process for the board. A law passed in 1996 allows appointment of elected officials from cities and towns and other persons to the board of health as long as they do not constitute a majority.

The local health officer must be an experienced physician, holding the degree of masters of public health or its equivalent or otherwise determined to be qualified by the State Department of Health, and licensed to practice medicine and surgery. The local health officer serves at the pleasure of the

board of health, board of commissioners, or county legislative authority, and has the powers and duties set out in RCW 70.05.070.

Department or agency personnel are appointed by the director or executive director as permitted within budget limitations as established by the board of commissioners or board of health.

Relationship to the Board of Commissioners. Where the health function is a department of the county, the board of commissioners appoints the public health officer and/or director of public health, establishes other personnel positions for the department, establishes salaries, approves labor contracts and personnel policies and approves the annual operating budget. In health districts, the board of health fulfills this role.

Departmental Revenues. Revenues for operations of a health department are derived from state and federal grants, a share of the motor vehicle excise tax, county current expense funds, user fees and charges for service.

Public Works/County Engineer (Road Fund/Water & Sewer/Landfills) (Chs. 36.75 - 36.87, 36.89, and 36.94 RCW and Title 46 RCW)

Duties. The public works department is responsible for planning, designing, constructing, operating and maintaining the county's infrastructure including public roads, transportation systems, bridges, water, sewer, drainage and solid waste disposal systems in accordance with adopted county standards. It also includes administering and operating special districts and utilities that provide these services.

Personnel. The board of commissioners appoints a full-time county engineer and other staff as necessary to fulfill the required functions. The county engineer must be a registered and licensed professional civil engineer experienced in highway and road engineering and construction. Other staff are selected by the county engineer or director of the department and appointed by the board of commissioners. Typically, the county engineer and public works director are roles assigned to the same person, although they do not have to be.

Relationship to the Board of Commissioners. The board of commissioners has authority to acquire real and personal property as may be required for administration of the county roads, provide and maintain a county engineering office, acquire land for county road purposes by purchase, gift, or condemnation, and exercise the right of eminent domain. The board adopts the six-year road plan, may contract out engineering and construction services, and establishes the annual levy rate. The board may choose to request approval from voters for the sale of bonds. The board also serves as the board of directors for the sewer/water, storm water, and solid waste utilities. The board adopts

and amends the capital facilities plan and establishes Utility Local Improvement Districts (ULIDs) and related rates and charges.

Departmental Revenues. In theory, highways should be financed by everyone who benefits from a roadway. Users should pay a proportionate share of the cost of building and maintaining it. In accordance with that theory, support for these operations comes from two major sources of revenue: property tax and sales tax on fuel. The maximum statutory levy rate for the road fund is \$2.25 per \$1,000 of assessed value. Revenues must be deposited in the county road fund. Gas tax collected by vendors is transmitted to the state for redistribution to the federal government, counties, and cities based on formulas set by law. By amendment to the State Constitution, all gas tax revenue must be spent for road purposes.

Other significant sources of revenue include general obligation bonds, revenue bonds, federal aid and timber harvest revenues. In the case of solid waste disposal, water, sewer, storm water, and flood control operations, the county has authority to provide funds through general obligation bonds, revenue bonds, local improvement district bonds, utility fees and charges, tipping charges, user fees, and capital assessments.

Veterans' Relief (Ch. 73.08 RCW)

Duties. Counties must provide relief assistance for indigent veterans and eligible dependents in accordance with state statutes and county ordinances. Assistance may include payments for food, rent, utilities, medical expenses, transportation, emergency travel and clothing.

Personnel. The county typically provides a service officer who determines veteran eligibility, issues warrants, pays vouchers, and provides general administrative duties.

Relationship to the Board of Commissioners. The board of commissioners establishes personnel positions and salaries, approves labor contracts and personnel policies, and approves the annual operating budget. The board annually establishes the levy rate and adopts ordinances to provide legislative authority for the operation of the department.

Departmental Revenues. The legislative authority of the county must provide funds for support of veterans or eligible families as defined by statute. Such funds may be provided by a levy of not less than one and one-eighth cents (\$.01125) per thousand dollars of assessed value, and not greater than twenty-seven cents (\$.27) per thousand dollars of assessed value, except that if the funds on deposit in the veteran's assistance fund on the first Tuesday in September exceed the expected yield of one and one-eighth cents per thousand dollars of assessed value against the taxable property of the county, the county legislative authority may levy a lesser amount.

Chapter 5

Your County's Other Elected Officials

Assessor (Chs. 36.21 and 36.35 RCW)

Duties. The assessor determines the value of all taxable real and personal property in the county for the purpose of distributing tax liabilities in an equitable manner. State law requires that the assessor physically reappraise the value of real property at least once every four years. If, the values are statistically updated annually, then the properties only have to be physically inspected every six years. Tax rolls provided by the assessor are used by the county treasurer for billing property owners. In addition to keeping records on all property appraisals, the Assessor updates the parcel record and maintains a series of maps showing the location and characteristics of properties in the county. Each time a parcel of property is sold or segregated, or a new plat is filed, the Assessor records the transaction. This information covers ownership, descriptions, tax codes, locations and assessed values. Additionally, the Assessor is responsible for processing and maintaining records regarding tax exemptions, including senior citizens, historical properties, churches, and public properties as well as programs such as open space and forest land.

Personnel. The Assessor is an independent official elected on a partisan ballot for a four-year term. Vacancies resulting in unexpired terms are filled by appointment of the board of commissioners from a list of qualified candidates submitted by the central committee of the political party from which the incumbent was a member. Thereafter, the successor must run for election during the next general election.

Other employees in the office are selected by the Assessor.

Relationship to the Board of Commissioners. The board of commissioners establishes personnel positions and salaries, approves labor contracts and general personnel policies and approves the annual operating budget. In many counties elected officials also sign personnel policies.

Departmental Revenues. The assessor's office may generate minimal revenues through the sale of maps, photocopies, and other reports.

Auditor (Chs. 36.22 and 36.40 and Title 29 RCW)

Duties. The auditor provides a principle support function in the auditing, recording, and control of financial transactions in the county as prescribed by state law. These functions include preparation of the county budget and the annual financial reports. The auditor processes all financial claims

against the county and the special purpose taxing districts. In the performance of these duties, the auditor serves ex officio as deputy supervisor under direction of the state auditor. The county auditor usually administers the county payroll. The auditor serves as custodian of public records, including land records, and issues a variety of licenses. In particular, the auditor may operate as a vehicle/vessel licensing agent of the director of the State Department of Motor Vehicle Licensing and coordinates with vehicle/vessel licensing subagents.

The auditor is the ex officio supervisor of all primary, general and special elections for all state, county and special purpose districts under the direction of the Secretary of State. The elections division has three areas of responsibility including administration of elections, voter registration and voter outreach. The county auditor also acts as clerk of the board of county commissioners unless the board designates one of its employees to attend board meetings and keep a record of its proceedings.

Personnel. The auditor is an independent official elected on a partisan ballot for a four year term. The auditor may appoint a chief deputy auditor to act in his or her absence with the same powers. Vacancies resulting in unexpired terms are filled by the appointment of the board of commissioners from a list of qualified candidates submitted by the central committee of the political party from which the incumbent was a member. Thereafter, the successor must run for election during the next general election.

Other employees in the office are selected by the auditor.

Relationship to the Board of Commissioners. The board of county commissioners establishes personnel positions and salaries, approved labor contracts and personnel policies and approves the annual operating budget. In many counties elected officials also sign personnel policies.

Departmental Revenues. Revenues are from special taxing districts (schools, cities, public utility districts, for example) for costs incurred in conducting elections, filing fees for candidates in elections, fees from requests for voter lists and precinct maps, and recording fees (deeds of trust, quit-claim deeds, etc.). The auditor's office serves as an agent for the Department of Licensing and generates revenues from vehicle/vessel fees. Other revenues are also generated through charges for certified copies of legal documents such as marriage licenses or property titles.

Coroner (Chs. 36.24 and 68.50 RCW)

Duties. The coroner's duties include three areas of responsibility: medical, administrative and investigative. The coroner conducts autopsies, removes bodies and transports them, verifies the cause of death and signs death certificates. The coroner conducts investigations to determine the cause of death and may be required to identify the deceased and locate and notify families. The coroner also maintains records related to these duties and provides for the custody and security of valuables, and delivers unclaimed property to the county treasurer.

For counties with a population greater than 250,000, the board of commissioners, with voter approval, may replace the elected coroner's position with an appointed medical examiner. In counties with less than 40,000 population, the prosecuting attorney acts as coroner.

Personnel. The coroner is elected on a partisan ballot for a four-year term. Vacancies resulting in unexpired terms are filled by appointment of the board of commissioners from a list of qualified candidates submitted by the party's central committee from which the incumbent was a member. Thereafter, the successor must run for election during the next general election.

Other employees in the office are selected by the coroner and appointed by the board of commissioners.

Relationship to the Board of Commissioners. The board of commissioners establishes personnel positions and salaries, approves labor contracts and personnel policies and approves the annual operating budget.

Departmental Revenues. The most significant revenues include reimbursement from the State from the Death Investigations Account. Up to 40 percent of the cost of contract autopsies or 25 percent of the salary of the coroner or personnel conducting autopsies is reimbursable according to RCW 68.50.104. Revenues for the department are deposited into the general fund.

District Court (Washington State Constitution: Article IV, Sections 6 and 12; Article XXVII, Section 8) (Chs. 3.30 - 3.74 RCW; Chs. 7.80 and 12.40 RCW)

Duties. District courts hear and decide controversies and handle related hearings and proceedings regarding criminal misdemeanors and gross misdemeanors, civil proceedings up to \$25,000 and small claims up to \$10,000. The court also hears traffic and non-traffic civil infractions including mitigation and contested hearings, and parking cases. District court may also hold preliminary felony hearings to determine whether to transfer cases to superior court, as well as conducting weekend probable cause hearings.

Personnel. District court judges are elected on a non-partisan ballot for a four year term. District court judges may appoint a person to manage administrative matters for the court and district court clerks and deputy clerks.

Relationship to the Board of Commissioners. The Office of the Administrator for the Courts, a state agency, establishes the number of full-time equivalent judges courts may appoint based upon an analysis of the court's caseload. District court judges are elected on a non-partisan ballot for a four-year term. The salaries of the district court judges are established by the Washington Citizen's Commission On Salaries for Elected Officials and the county pays the established salaries. Other

employees in the office are appointed by the district court judges to fill positions approved by the board of commissioners. The board of commissioners establishes personnel positions and salaries, approves labor contracts and personnel policies and approves the annual operating budgets for the district court.

Departmental Revenues. The district court collects revenues from criminal and non-criminal fees, fines, and forfeitures related to court matters. Revenue is also generated through filing fees for civil matters. Some district courts contract with municipalities to provide services and receive fees for those services.

Prosecuting Attorney (Washington State Constitution: Article XI, Section 5; Ch. 36.27 RCW)

Duties. The prosecuting attorney serves a dual role. He or she is a constitutionally mandated state official who serves as an agent of the state and is also the chief civil law enforcement officer for the county and legal counsel for the county, its employees and all elected and appointed officials and for other agencies and districts. In the capacity as legal adviser to the commissioners and other county officials, the prosecutor provides written legal opinions relating to the management of county affairs and drafts contracts, resolutions, ordinances and any other instruments of an official nature for the use of those officers.

The prosecuting attorney, and deputy prosecuting attorneys, are authorized by law to appear for and represent the state and counties in actions and proceedings before the courts and judicial officers. The prosecutor appears for and represents the state, county, and all school districts subject to the supervisory control and direction of the attorney general, in all criminal and civil proceedings in which the state or the county or any school district in the county may be a party. He/she prosecutes all criminal and civil actions in which the state or the county may be a party and defends all suits brought against the county. The prosecutor institutes and prosecutes felony proceedings.

Personnel. The prosecuting attorney is an independent official elected on a partisan ballot for a four-year term. The prosecutor may appoint one or more deputies who have the same power in all respects as the prosecutor. Vacancies of the elected prosecuting attorney resulting in unexpired terms are filled by appointment of the board of commissioners from a list of qualified candidates submitted by the party's central committee from which the incumbent was a member. Thereafter, the successor must run for election during the next general election. One-half of the prosecutor's salary is paid by the state. Other employees in the office are appointed by the prosecutor.

Relationship to the Board of Commissioners. The board of commissioners establishes personnel positions and salaries, approves labor contracts and personnel policies and approves the annual operating budget. The board may contract for legal services with approval of the prosecuting attorney and the presiding superior court judge. The prosecutor may appoint civil deputies to support the board and for land use hearings.

Departmental Revenues. As a general rule, the prosecutor's office has no significant operating revenues. However, revenue may be generated through state and federal grants, the child support enforcement program or the collections of judgements and settlements all of which are reflected as general fund receipts.

Sheriff (Washington State Constitution Article XI, Section 5, Ch. 36.28 RCW)

Duties. "The sheriff is the chief executive officer and conservator of peace of the county." (RCW 36.28.010) In this capacity, the sheriff and deputies have the power of arrest and a duty to serve orders of the courts or judicial officers, investigate crimes, provide marine safety and perform search and rescue operations. In most counties, the sheriff is also responsible for managing the 911 communications center, emergency service operations and the county jail.

Personnel. The sheriff is an independent official elected on a partisan ballot for a four-year term, unless the county charter provides otherwise. Vacancies resulting in unexpired terms are filled by appointment of the board of commissioners from a list of qualified candidates submitted by the central committee of the political party from which the incumbent was a member. Thereafter, the successor shall run for reelection during the next general election.

Deputies in the office are appointed by the sheriff in accordance with civil service procedures. The civil service laws provide that civil service employees are hired on the basis of merit and can be fired only for cause. Chapter 41.13 RCW requires the civil service system for deputies. The three civil service commissioners are appointed to six year terms by the county board of commissioners. By law the sheriff may fill some positions that are exempt from civil service procedures.

Relationship to the Board of Commissioners. The board of commissioners establishes positions, approves the annual operating budget and approves labor contracts with the concurrence of the sheriff. Counties participate in a number of state and federal grants programs such as marine safety, D.A.R.E., community policing and regional drug enforcement. The board approves contracts for such programs.

Departmental Revenues. As a general rule, the sheriff's office has no significant operating revenues. However, revenue may be generated through state and federal grants, gambling taxes, gun permits, and sale of confiscated property, all of which are reflected as general fund receipts. In addition, revenue may be received from the operation of the jail, charges for other services provided, and civil fees.

Superior Court (Washington State Constitution: Article IV; Chs. 2.08, 2.24, 2.28, 2.32, 13.04, and 26.12 RCW)

Duties. The superior court is the court of original jurisdiction for all felony criminal proceedings, cases involving contract disputes, landlord-tenant disputes, real estate matters, personal injury suits, domestic relations, probate, juvenile cases, and civil claims over \$25,000. The superior court also has appellate jurisdiction in cases arising in courts of limited jurisdiction (municipal and district courts) and hears appeals involving decisions by an administrative law judge.

Juvenile court is a division of the superior court. Juvenile court services include a broad range of both offender and non-offender cases for juveniles, probation services, diversion programs, guardian ad litem programs, counselors for At-Risk and truant youth. Many juvenile service departments are responsible for operating juvenile detention centers or placing youth in appropriate secure facilities or programs. Juvenile court services can be administered by either the superior court or by local court rule and agreement with the board of commissioners, a juvenile services department. When superior court is exercising jurisdiction involving certain family law proceedings, the court is referred to as "family court".

Personnel. Superior court judges are elected on a nonpartisan ballot for a four-year term. The number of judges in each county is set by statute. Judges are considered employees of the state whose salaries are set by state salary commission. Salaries however, are paid 50 percent by the state and 50 percent by the county. Vacancies resulting in unexpired terms are filled by appointment of the governor.

Other personnel for the courts typically include court administrators, court commissioners, court reporters and clerical staff who are selected and appointed by the superior court judges. All court positions must be authorized by the board of commissioners.

Relationship to the Board of Commissioners. The board of commissioners establishes positions and salaries and adopts the annual operating budget for the superior court and/or juvenile services department.

Departmental Revenues. As a general rule, the superior court has no significant operating revenues. However, revenue which is generated through the department is typically reflected as general fund receipts. Juvenile Services generate revenues through state contracts with the Juvenile Rehabilitation Agency (JRA) and other state and federal grants. It may also generate revenue through fees charged to parents for youths' incarceration or other municipalities for facility rent.

County Clerk (of Superior Court) (Washington State Constitution: Article IV, Section 26; Article XI, Section 5) (Chs. 2.32 and 36.23 RCW)

Duties. The clerk is the custodian of the seal and the records of Superior Court, must be present or represented by a deputy at every court hearing, and assumes responsibility for all exhibits admitted in hearings and trials. The clerk administers oaths, usually manages juries and receives jury verdicts and records all documents, hearings, orders, judgments and decrees issued by the court and permanently preserves all records. The clerk has the authority to issue passport applications, writs of arrest, commitment to prison, and execution on judgements; subpoenas, letters of qualification for probates and guardianship; and to register witnesses. The clerk is responsible for case management, for preparing calendars and cases for court hearings, and for ensuring the superior court records are open to inspection by the citizens. The clerk files all other local officials' bonds including commissioners and councilors.

Personnel. Generally, the clerk is an independent official elected on a partisan ballot for a four-year term. Unexpired term vacancies are filled by the board of commissioners or council from names submitted by the incumbent's political party's central committee. The successor then runs for election at the next general election. All employees are appointed by the clerk to fill positions created by the board of commissioners.

Relationship to the Board of Commissioners. The board establishes personnel positions and salaries, approves the annual operating budget, and with the clerk approves labor contracts and personnel policies. Board expenses are filed with the clerk, approved by the judge and certified by the clerk to the auditor.

Departmental Revenues. The clerk is responsible for all fees, court assessments, bail, restitution to victims and all other money deposited. Daily fees are divided by statute between the county general fund, the state Public Safety & Education Account, and designated funds such as drug funds. The clerk's trust and investment accounts cannot be co-mingled with public funds, therefore they are deposited and managed separately by the clerk.

Treasurer (Chs. 36.29 and 84.56 RCW)

Duties. The county treasurer is the custodian of all funds for the county and its governmental subdivisions, maintaining financial records reflecting the receipt and disbursement of funds in accordance with generally accepted accounting principals. Funds are disbursed on warrants issued by the county auditor and other district authority. The treasurer bills and collects all real and personal property taxes certified on the tax rolls of the county, including foreclosure proceedings against properties for the non payment of tax. Funds held in the county treasury are invested for the benefit of the various funds in accordance with statutory guidelines. The treasurer accounts for and pays all

bonded indebtedness for the county and its governmental subdivisions. In addition, the treasurer acts as agent for the Department of Revenue in the administration of real estate excise tax and administers all surplus property sales for the county.

Personnel. The treasurer is an independent official elected on a partisan ballot for a four-year term. Vacancies resulting in unexpired terms are filled by appointment by the county commissioners from a list of qualified candidates submitted by the central committee of the incumbent's party.

The employees in the treasurer's office are appointed by the treasurer.

Relationship to the Board of Commissioners. The board of commissioners approves the annual operating budget. This may include approving personnel positions, salaries, personnel policies and labor contracts. In many counties elected officials also sign personnel policies.

Departmental Revenues. All monies collected by the treasurer are deposited into the appropriate funds. Receipts distributed by the treasurer include real and personal property taxes, timber taxes, excise and sales taxes, state and federal shared revenues as well as interest. Interest earned on all county funds and any funds not invested by the other districts are deposited in county current expense.

Appendix A

Ideas for Commissioner Effectiveness

1. **Learn all you can about your county**, its history, its operations, its financing. Do your homework. Know your county code. Dust off your comprehensive plan.
2. **Devote sufficient time** to your office and to studying the present and future problems of your county and its communities.
3. **Don't burn yourself out** on the little things, but recognize that they are often important to the public. Save your energy and time for the important matters.
4. Don't let honest **differences of opinion** within the board degenerate into personality conflicts.
5. Remember that **you represent all the people** of your county as well as your district, and each of its communities, not just neighbors and friends. Be wary of personal experiences coloring your public decisions
6. **Don't act as a committee of one**; governing a county requires a multiple team effort—practically and legally. Be a team player and leader.
7. **Take your budget preparation job seriously**, for it determines what your county does or does not do for the coming year and will also influence what happens in future years.
8. **Establish policy statements**. Written policy statements let the public, and the other county officials and staff know where they stand. The policy statements help the board govern, and writing them provides a process to develop consensus.
9. Make decisions on the basis of **public policy**, and be consistent. Treat similar situations similarly, and avoid favoritism.
10. Focus your attention on ways to **prevent problems**, rather than just trying to solve them as they occur. Filling potholes is one approach to governing; developing plans to prevent them is more effective.
11. **Don't be misled by the strong demands of special interest groups** that want something done now, their way. Your job is to find the long-term public interest of the county as a whole, and you may be hearing from the wrong people.

12. **Don't be afraid of change.** Don't be content to just follow the routine of your predecessors. Charge your appointed officers and employees with being responsible for new ideas and better methods. Listen to what they have to say and support good ideas.
13. **Don't give quick answers** when you are not sure of the real answer. It may be embarrassing to appear unknowledgeable, but it can be more embarrassing, and damaging, to give incorrect information. Just say "I'll get the answer and get back to you."
14. **Don't rush to judgement.** Few final actions have to be taken at the first meeting at which they are considered. Avoid "crisis management."
15. As an individual commissioner, **don't make promises you can't deliver!** Most decisions and actions require approval of the entire board as well as other elected officials with an interest in the subject.
16. Remember that you have **legal authority** as a governing board member only when the board is in legal session.
17. **Don't spring surprises** on fellow commissioners or your county staff, especially at public meetings. If a matter is worth bringing up for discussion, it's worth being on the agenda. Surprises may get you some publicity, at the embarrassment of others, but they tend to erode any "team" approach to governance.
18. Participate in official meetings with the dignity and decorum fitting those who hold a position of **public trust**. Personal dress and courteous behavior at meetings help create an environment for making sound public decisions.
19. Conduct your official public meetings with some formality, and **follow rules of procedure**. Have an agenda and follow it. Most governing body members agree that formal meetings expedite the process and promote better decision making.
20. **Don't be afraid to ask questions.** It is one of the ways we learn. But do your homework by studying the agenda material before meetings.
21. **Vote yes or no** on motions. Don't cop out by abstaining except when you have a legitimate conflict of interest. A pass does not relieve you of responsibility when some decision must be made.
22. Once a majority decision of the governing body has been made, **respect the official position** and defend it if needed, even if you personally disagreed.
23. Respect the letter and intent of the **open meetings law**, but also keep private and confidential matters to yourself—don't gossip.

24. **Retain competent, key employees**, pay them well, trust their professional judgement, and recognize their authority and responsibilities.
25. **Don't bypass the system**, if you have an administrator responsible for day to day operations.
26. **Don't let others bypass the system**. Insist that people such as equipment or service suppliers work with your purchasing staff. If direct contact with governing body members is necessary, it should be with the board as a whole.
27. **Don't pass the buck** or responsibility for a hot issue to the staff or employees when they are only following your policies or decisions.
28. **Don't always take no for an answer**. The right question may be "How can we do this?" instead of "Is it possible to do this?".
29. **Encourage imaginative solutions**. Learn to evaluate recommendations and alternative courses of action. Ask staff to provide options.
30. **Be concerned about the long-term future of the county**. Avoid taking short-term gains at the expense of long-term losses.
31. **When determining the public interest**, balance personal rights and property interests, the possible harm to a few versus the good of the many. Recognize in many situations, everyone can't be a winner.
32. **Provide leadership** in the intergovernmental system. Keep in contact with and cooperate with your federal, state, city and special district officials.
33. **Learn to listen**—really listen—to your fellow commissioners, other county officials and the public. Hear what they are trying to say, not just the words spoken.
34. **Learn to be effective with the media**. Cultivate good media relationships and communicate successes. Consider funding a public information officer's position.
35. **Maintain your sense of humor**. Don't take yourself or the business of government so seriously that you don't enjoy it. It should be fun as well as a rewarding experience.

Adapted from "53 Ideas on How to Govern Better, by E. A. Mosher, Connecticut Town and City, May-June 1990

Appendix B

Functions by Governmental Unit

✓ = Mandatory ✗ = Discretionary

Program	City	County
Public Health		✓
Juvenile Detention and Courts		✓
District Court Probation		✗
Youth Services	✗	✗
Hospital	✗	✗
Women's Programs	✗	✗
Veteran's Programs	✗	✓
Cooperative Extension		✗
Aging	✗	✗
Mental Health		✓
Developmental Disabilities		✓
Arts	✗	✗
Courts (Superior)		✓
Courts (District)		✓
Courts (Municipal)	✓	✓
Adult Detention Pretrial	✓	✓
Adult Detention Felons		✓
Public Safety (Crimes)	✓	✓
Traffic Enforcement	✓	✓
Public Defense	✓	✓
Attorney (City/County Cases)	✓	✓
Airport	✗	✗
Roads	✗	✓
Surface Water	✗	✗
Solid Waste Collection	✗	
Solid Waste Disposal	✗	✗
Sewage Collection	✗	✗
Sewage Treatment	✗	✗
Planning	✗	✗
Land Use Controls	✗	✗
Boundary Review Boards		✓ (✗ in small counties)
Parks and Recreation	✗	✗
County Fair		✗
Fire Code	✗	✗
Fire Suppression	✗	
Historic Preservation	✗	✗
Community Development	✗	✗
Stadium	✗	✗

Program	City	County
Housing		
Water Supply	X	X
Electric Energy	X	
Licensing	X	✓
Workmen's Compensation	✓	✓
Budget	✓	✓
Auditor		✓
Elections	✓	✓
Administrative Support	X	X
Finance/Treasurer	✓	✓
Executive	✓	✓
Legislative Council	✓	✓
Assessor		✓
Animal Control	X	X
State Examiner		✓
Board of Education		✓
Library	X	X
Involuntary Treatment		✓
Emergency Medical Services	X	X
Medical Examiner		✓
Air Pollution	✓	✓
Public Transportation	✓	✓
Employment and Training	X	X
Cemetery	X	

Adapted from "The Quiet Crisis of Local Governance in Washington: Volume II," Washington State Local Government Study Commission, 1988.

Appendix C

History of Special Purpose Districts by Date of Enabling Legislation

Date	District	Statute (RCW)
1890	Irrigation Districts	Title 87
1895	Diking Districts1	Ch. 85.05
1895	Drainage Districts1	Ch. 85.06
1895	Townships	Ch. 46.08
1903	River & Harbor Improvement Districts	Ch. 88.32
1907	Metropolitan Park Districts	Ch. 35.61
1909	Inter-County Diking & Drainage Districts	Ch. 85.24
1911	Port Districts	Title 53
1911	Public Waterway Districts	Ch. 91.08
1913	Water Districts (domestic)	Title 57
1915	Diking, Drainage, Sewerage Improvement Districts	Ch. 85.08
1917	Ferry Districts	Ch. 36.54
1919	Agricultural Pest Districts	Ch. 17.12
1921	Weed Districts	Ch. 17.04
1927	Reclamation Districts	Ch. 89.30
1931	Public Utility Districts2	Title 54
1933	Sanitary Districts	Ch. 55.04
1933	Cemetery Districts	Ch. 68.16
1937	Flood Control Districts	Ch. 86.09
1939	Fire Protection Districts	Title 52
1939	Industrial Development Districts (Ports)	Ch. 53.25
1939	Housing Authorities	Ch. 35.82
1939	Soil Conservation Districts	Ch. 89.08
1941	Sewer Districts1	Title 56
1941	County Rural Library Districts	Ch. 27.12
1945	Health Districts	Ch. 70.46
1945	Public Hospital Districts	Ch. 70.44
1945	County Airport Districts	Ch. 14.08
1947	Intercounty Rural Library Districts	Ch. 27.12.090
1947	Cemetery Districts	Ch. 68.16
1957	Park & Recreation Districts	Ch. 36.69

Date	District	Statute (RCW)
1957	Air Pollution Control Districts	Ch. 70.94.070
1957	Mosquito Control Districts	Ch. 17.28
1957	Metropolitan Municipal Corporations	Ch. 35.58
1959	Inter-county Regular Weed Districts	Ch. 17.06
1961	Flood Control Zone Districts	Ch. 86.15
1961	Irrigation & Rehabilitation Districts	Ch. 87.84
1963	County Park & Recreation Service Areas	Ch. 36.68.400
1969	Education Service Districts	Ch. 28A.21.020
1971	Solid Waste Collection Districts	Ch. 36.58A
1971	TV Reception Improvement Districts	Ch. 36.95
1974	County Transportation Authority Districts	Ch. 36.57
1975	Public Transit Benefit Area Districts	Ch. 36.57A
1975	Unicorp. Transportation Benefit Area Districts	Ch. 36.57.100
1979	Emergency Medical Districts	Ch. 36.32.480
1982	Solid Waste Disposal Districts	Ch. 36.58.100
1982	Cultural Arts Districts	Ch. 67.38
1983	Legal Authority Districts (Hydro)	Ch. 87.03.825
1983	County Rail Districts	Ch. 36.60
1983	Roads & Bridges Service Districts	Ch. 36.83
1985	Aquifer Protection Districts	Ch. 35.21.403 & 36.61
1986	Lake Management Districts	Ch. 36.36

Note: Several districts have been formed by merging two or more special districts such as "diking and drainage improvement districts." These have been deleted from this list.

Appendix D

Reference Materials

Finally, be aware that there are a wealth of additional reference materials available on request from the **Municipal Research & Services Center of Washington**. You may contact MRSC at the following address and phone numbers. Check out the information on our extensive Web site at www.mrsc.org.

Municipal Research & Services Center of Washington

1200 5th Avenue, Suite 1300
Seattle, WA 98101-1159
(206) 625-1300 • 1-800-933-6772 • Fax (206) 625-1220

A few selected library resources:

- *A History of Washington's Local Governments - Final Report of the Local Governance Study Commission*, Volume I, State of Washington 1988
- *The Quiet Crisis of Local Governance in Washington - Final Report of the Local Governance Study Commission*, Volume II, State of Washington 1988
- *Local Government Dollars and Sense* by Len Wood, 1997 The Training Shoppe (MRSC recommended public budgeting and finance book for local officials)
- *The New Effective Public Manager - Achieving Success in a Changing Government* by Steven Cohen and William Eimicke 1988, 1995 Jossey-Bass Inc.
- *Facilitative Leadership in Local Government - Lessons From Successful Mayors & Chairpersons* by James H. Svava & Associates, 1994 Jossey-Bass Publishers
- *Light Bulbs For Leaders - A Guide Book for Team Learning* by Barbara Pate Glacel and Emile A. Robert, Jr., 1996 John Wiley & Sons, Inc.
- *Teams in Government - A Handbook for Team-Based Organizations* by Jerry W. Koehler and Joseph M Pankowski, 1996 St. Lucie Press
- *Getting to Yes: negotiating agreement without giving in* by Roger Fisher, William Ury and Bruce Patton 1981, 1991 Penguin

- *Resolving Municipal Disputes* by Dr. David Stiebel 1992 Association of Bay Area Governments

County-related organizational contacts:

County Road Administration Board (CRAB)

2404 Chandler Court SW
Olympia, WA 98504-0913
(360) 753-5989
(360) 586-0386 Fax
<http://www.crab.wa.gov/>

National Association of Counties (NACo)

440 First Street NW
Washington, D.C. 20001-2080
(202) 393-6226
(202) 393-2630 Fax
<http://www.NACo.org/>

Washington Association of County Officials (WACO)

206 Tenth Ave SE
Olympia, WA 98501-1311
(360) 753-7319
(360) 664-2812 Fax
<http://www.wacounties.org/waco/>

Washington State Association of Counties (WSAC)

206 Tenth Ave SE
Olympia, WA 98501-1311
(360) 753-1886
(360) 753-2842 Fax
<http://www.wacounties.org/wsac>

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