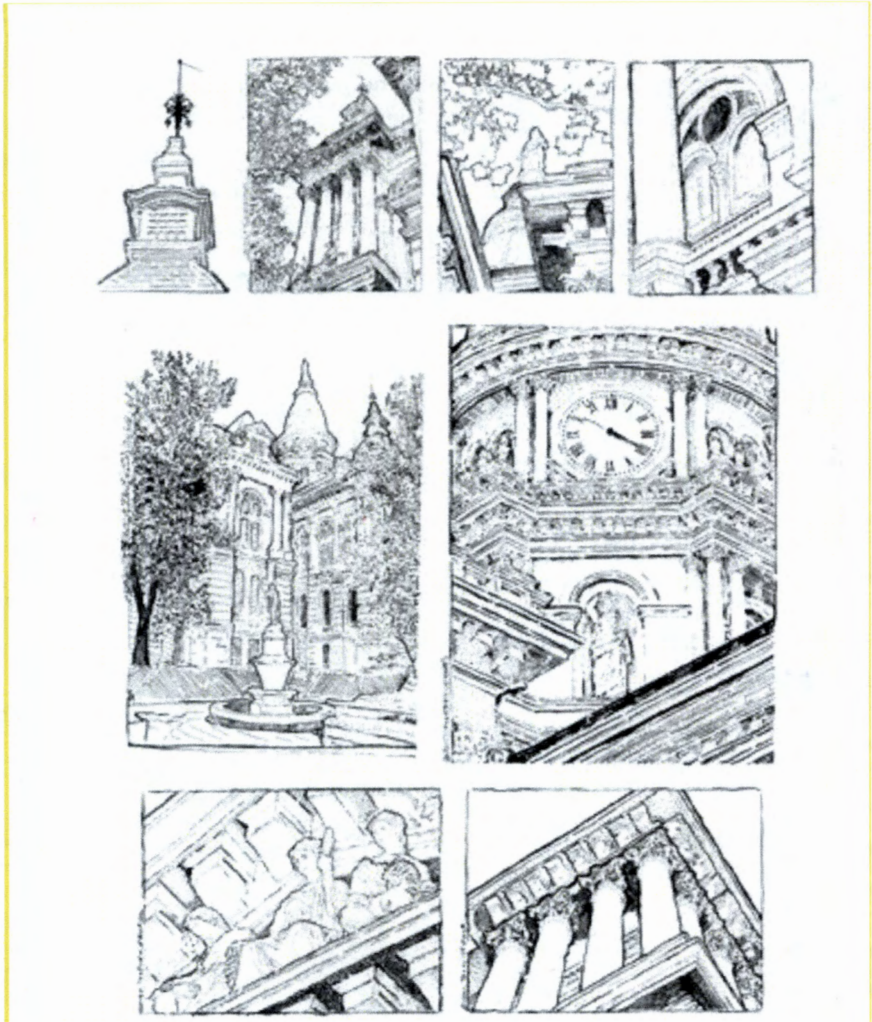

County Government 101

Understanding County Government in Washington State

Assembled by Eric Johnson, Executive Director

Washington State Association of Counties

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Introduction

This guide was prepared for use in conjunction with "County Government Structure: Roles and Responsibilities" class offering sponsored by the Washington Counties Training Institute.

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Municipal Research Services Center

http://www.mrsc.org/index.aspx

National Association of Counties

http://www.naco.org/

Washington State Association of Counties

http://www.wacounties.org/wsac/

Revised Code of Washington

http://apps.leg.wa.gov/rcw/

Washington State Constitution

http://www.leg.wa.gov/LawsAndAgencyRules/Documents/12-2010-WAStateConstitution.pdf

The History of County Government

The history of our nation can be seen as a prolonged struggle to define the relative roles and powers of our governments: federal, state, and local. Americans, as well as their leaders, have nursed a preference for government close to the people since the very inception of the republic.

Even today, to examine a detailed map of the United States, or to fly across the country at a modest altitude, is to see in the very land itself how central counties are in our national life.

The air traveler can still detect, in the regular pattern of roads and planted fields, the remnants of the great grid laid out by the surveyors Thomas Jefferson sent into the Louisiana territory to prepare the land for inhabitation. The placement of towns and cities, occurring regularly even in the most vast and empty parts of the nation, recalls the 19th century rule that a county seat should be within a day's buggy ride for every citizen.

And the *names* we've given our counties, our most locally based jurisdictions, reflecting the "characteristic features of our country!"

In New England, names like Essex and Suffolk evoke the old English countryside. Virginia counties named Hanover, Fauquier, Loudoun persist centuries after King George III and his royal governors held sway in the colony. A lost past is similarly evoked by the hundreds of counties bearing Native American names—from Appomattox in Virginia to Tishomingo in Mississippi to Hennepin, Minnesota.

Americans have named their counties wishfully (Treasure in Montana and Eureka in Nevada), or for prominent features (Sunflower, Granite, Wheatland, Lake, Prairie, Alfalfa and Musselshell, among others).

And everywhere, we've named counties for people: Local heroes, explorers, Indian chiefs, inventors, saints, and politicians. We have more than 30 Washington Counties, a dozen Texas counties named for defenders of the Alamo, even six for that ill-fated cavalryman, George Armstrong Custer.

But age, size and colorful names can't be the only reason to explore counties' role in American history, or the history of county government itself. In fact, the county government story resonates with the larger meanings of American history.

Moreover, the long evolution of county government reflects the great societal trends of our nation, especially in the last half century, as regions that had grown dramatically in population fought for equally expanded powers of governance.

Today's counties are arguably the most flexible, locally responsive and creative governments in the United States. Certainly they are the most diverse, varying impressively in size, population, geography, and governmental structure. In their politics and policies, they vividly express the 1990's political slogan "Think globally, act locally."

That is, county government today is often the mechanism by which geographically or socially pervasive challenges are met with strategies that are locally initiated and accountable.

But counties have not always held this focal position. Indeed, the change accomplished in the last decades of the 20th century is all the more dramatic when contrasted with the long history preceding it.

County Origins

Settlers in North America brought with them a strong memory of, and attachment to, their English roots. Yet almost immediately this English experience began to be altered to suit the quite different living conditions both between America and England and within the colonial region itself.

The colonists' collective memory of English county organization had roots nearly a millennium deep. When years still had only three digits, English kings had divided the country into districts called shires, a nomenclature that survives today in such place names as Yorkshire and Hampshire.

The shire was simply a mechanism for maintaining royal power in places distant from the throne. At the head of the shire was an earl appointed by the king; usually he was a large landholder, and he also commanded the king's military forces in the shire. At a minimum, the earl was responsible for organizing and leading an armed force in the king's service when called on to do so.

In local matters the Crown delegated considerable discretion to the earl and other shire officials. Generally both legislative and judicial authority rested with a shire court composed of local landholders. A shire-reeve (today's sheriff) served as president of the shire court, tax collector, and steward of the royal estates in the shire. When church-related matters were at issue, the local bishop replaced the shire-reeve as president of the shire court.

This essential dichotomy—an agency of central authority acting in practice as a unit of local government—created a tension that persists into the 21st century.

The Norman Conquest of England in 1066 brought both superficial and substantive changes to the shire system. The name itself disappeared, replaced by the French *county*. Bishops lost their role in county administration, and "earl" became a title of nobility rather than a position of power. With the earl's authority severely curtailed, the sheriff arose as the chief county official.

This situation persisted for centuries, until King Edward III (1327-1377) began a process of dividing local authority among officers. Edward created a new officer, the justice of the peace; each county had at least one, and some had as many as 60. Justices of the peace assumed many of the executive powers of the sheriff. The later creation of such new officers as coroner and constable further divided local executive authority. Centuries later, both in England and in the New World, this plural executive structure would be identified as a major problem hampering the effectiveness and accountability of modern county governments.

Counties in America

If it was natural for settlers in America to bring with them the familiar English forms of government, it was equally natural that these forms would begin to change almost as soon as they were planted in American soil. The colonies, after all, had almost none of the uniformity of the English population and customs. They extended over a vastly broader landscape. Their people clung to the edge of a wilderness whose true size and content was almost entirely unknown. And these residents faced, not very far away, a variety of other peoples whose attitudes toward the newcomers ranged from indifference to outright hostility.

So the settlers both preserved and altered the forms to which they were accustomed.

To the south, soil, climate and plenty of space combined to foster an agricultural economy, and the English manorial system was quickly mimicked in Virginia, the Carolinas and Georgia. On both large plantations and smaller farms, settlers were distributed over a huge geographic area. The English county, as the proper governmental unit to serve a large area, was quickly adopted as the principal form of governance throughout the south.

The first county government in America was formed in 1634 at James City, Virginia. Soon the Commonwealth of Virginia boasted eight counties, with many more added throughout Virginia's colonial history. The colony's western border was undefined; in theory, at least, Virginia extended to the Pacific Ocean. Likewise, when King Charles II established Carolina in 1663 he granted it a charter covering the region "from the Atlantic to the South Seas."

But in the north, conditions were quite different. The settled area in New England was much less spacious, the climate harsher, and people lived nearer each other. In some localities, in fact, local laws required that no resident be more than a half mile, or a mile, from the center of the village.

As a consequence, villages, towns and later cities emerged as more important units of government than counties. The New England states did create counties, however; Massachusetts' first counties were established in 1643. Structurally these counties mirrored the Virginia approach, with a plural executive and a similar roster of county officials. But many of the functions performed by counties in the southern region were assumed by city and town governments in the north.

In between, a variety of hybrids appeared. William Penn, founder of Pennsylvania, had a preference for counties, and established Philadelphia, Bucks and Chester Counties in 1682. County commissioners were elected at large rather than from defined districts, which also tended to concentrate political power at the county level rather than in towns and cities.

The opposite pattern took hold in New York and New Jersey, where county commissioners were elected on the basis of wards and town supervisors were often automatically members of the county governing body. (In New Jersey, board members are called Freeholders, and in New York, legislators.)

These regional variations in county government structure and importance were repeated as the nation expanded westward in the century after the Revolution. Virginia's strong counties became the model

system for the southern colonies, while Pennsylvania's system of at-large election to strong county governments was replicated throughout most of the western United States. New England maintained (and maintains to this day) its greater vesting of authority in cities and towns.

A Growing Nation

Early in the 19th century it became apparent that America's growth to the west was not only enlarging the nation but changing its character in a fundamental way. One aspect of this change was the approach to local government taken by citizens in the newly opened territories and newly admitted states.

While most county officials in colonial times had been appointed by the colonial or (later) state governor, settlers on the frontier had a strong desire to elect their own leaders. The first state constitution adopted in Indiana, for instance (1816) provided for election of a wide range of officers in each county. County commissioners, clerks, coroners, sheriffs, justices of the peace and other officers were made elective offices from Illinois to Mississippi during the first decades of the 1800s. (Since the names of candidates and the offices they sought often appeared in a single row across a printed ballot, these positions became known as "row officers.")

The influence of this movement was felt in the original states as well, where many states moved to elect county officers. Separate election of so many officials, however, also made permanent the diffused authority and accountability that continued to characterize (and, some say, hamper) county governments throughout the 20th century.

Counties also continued to function both as local governments and as arms of their states, but their specific roles and powers had never been explicitly defined. The middle of the 19th century saw a series of court decisions that clarified counties' status for the first time, and created precedents that would restrain county activism in service delivery for more than 100 years to come.

The most prominent of these decisions came in Iowa, where in 1868 Justice John F. Dillon of the Iowa Supreme Court was already a well known and esteemed authority on local government. Dillon did not subscribe to the view held by many local leaders that local governments possessed inherent powers, whether they were spelled out in the state constitution or not.

Instead, the justice insisted that local governments are entirely subject to the will of the state legislature. As a result, Dillon said in *Merriam* v. *Moody's Executors*, county governments have only three types of powers:

- Those expressly granted to them by the state legislature;
- Powers necessary and incident to the execution of the express powers; and
- Powers absolutely necessary to the discharge of the express powers—as Dillon put it, "not simply convenient, but indispensable."

"Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied," he added.

"Dillon's Rule" meant that counties had to have specific enabling state legislation to authorize whatever functions they might fulfill at the local level, and to respond to the changing needs of their citizens, they had to petition the legislature for additional authority, which might or might not be granted.

By the turn of the 20th century Dillon's Rule was firmly established as the basic law of county government, and counties throughout the nation were limited by it. Many critics and reformers also portrayed county governments as weak, poorly organized, and sometimes corrupt.

This critique of county government was summed up in a book by H.S. Gilbertson, published in 1917, with the memorable title, *The County: The "Dark Continent" of American Politics*.

The reformers' agenda for counties in the period 1900 to 1920 included:

- A move to appoint more county officials rather than elect them—exactly the reverse of the principle trend of the previous century;
- An effort to put more county officials on salary and eliminate their dependence on collecting various fees for their income;
- Increased professionalism in county government; and
- Home rule.

Advocates of these reforms did not see local control and accountability when they looked at a multitude of directly elected county officers: they saw confusion, vague lines of authority, and a system in which nobody was actually in charge. Instead, they believes the combination of an elected county board and appointed functional officers would promote both more effective administration and clearer accountability to the voters.

The reformers won a number of victories in many states during the first half of the 20th century. For example, they argued that a separate level of competent administration should be created between the council and the bureaucracy—a county manager or county administrator. In 1927 this new form was adopted by Iredell County, North Carolina, the first of its kind in the country.

Critics also sought to abolish the fee system that tied compensation of county officers to the number of small fees they collected on behalf of the county. By mid-century, nearly all county officials were salaried. While counties still collected fees, county officials' incomes did not depend on them.

The longest-lasting, and potentially most profound, change in county governments was home rule. In general, this new concept simply meant that state legislatures would give their counties grants of broad, general powers, under which the counties could actually function as units of local government. California, in 1911, was the first state to follow this route, and in 1913 Los Angeles County became the first in America with a home rule charter.

But as simple as it sounded in principle, home rule would remain a point of contention throughout the 1900s. During this period, the home rule movement took increased energy from the prospect that forms of county government weren't likely to be equal to the new tasks of public service that increasingly confronted counties..

The movement to cities was in full swing, for example. In 1880 about 14 million people lived in cities; by 1920 this number had reached 54.2 million. Another revolution, in transportation, was also sweeping the land. The automobile, introduced around the turn of the century, was contributing to a more mobile population and creating a great demand for better roads. In 1910 only 458,000 autos were registered in the country, but by 1930 there were nearly 23 million.

One consequence was the creation of a whole new lifestyle, commuting. It became possible for people to live outside the city in which they worked. In addition to requiring farsighted planning and major investments in roads, commuting meant that many problems associated with cities—such as water supply and sewage disposal—were now afflicting the unincorporated areas adjoining the cities.

Counties were the natural governments to meet these challenges and deliver these new services. Many counties implemented sweeping procedural changes, including professional accounting systems, bidding and procurement systems, and a civil service employment system in place of ages-old political patronage.

Like every other segment of American society, counties and their services were severely stressed by the Great Depression. Then on the heels of the Depression came America's entry into World War II.

But with the end of the war, the important groundwork that had been laid earlier made it possible for county government to move even more quickly into the forefront of American civic life.

The postwar era brought a number of trends that, together, worked as profound a social transformation as the nation had ever seen, and one with extraordinary implications for county government.

Once the great cities had been magnets for the nation's "best and brightest." Both housing and jobs were centered within city limits, with growing populations accommodated by vertical development, in the form of ever taller apartment buildings. City governments had strained for decades to meet this rising demand. Now, the advent of peace and prosperity whetted a public appetite for better living conditions, and it seemed to be an appetite many cities could not meet.

Those looking for a key date on which everything began to change—parallel, perhaps, to the April 22, 1889 launch of the Oklahoma land rush—might focus on March 7, 1949. That was the day Levitt & Sons opened its first sales office on a 1,500 acre tract in Nassau County, New York and began taking orders for homes in Levittown. More than a thousand couples were waiting that morning, some of whom had been in line for four days awaiting the chance to buy a four-bedroom house for under $10,000.

The rush to suburbia was on. Certainly areas adjacent to big cities had seen population growth before the war. Nassau County's population had grown from 303,000 to 404,000 between 1930 and 1940, despite the Depression. But the boom that now swept the country exceeded all previous growth. Levitt put 17,500 households in his Long Island Levittown, and soon followed it with Levittown II in Pennsylvania, which grew into a community of 70,000 people.

Between 1948 and 1958, 85 percent of all new homes built in settled areas were outside the inner cities. And by 1968 a list of the 10 fastest-growing large counties in the United States included six that

were suburbs of large cities and four that included a large city within their borders. The top three growth counties in 1960-1968 were suburbs of Los Angeles, Washington, DC and New York. Only six large counties actually lost population during that period, and in each of these the counties' residents were predominantly located in an old central city: The shrinking counties were New York (Manhattan), Suffolk County, MA (Boston), Allegheny County, PA (Pittsburgh), Baltimore City and St. Louis City (both of which carry out city and county administrative responsibilities), and Hudson County, New Jersey (Jersey City).

But although people moved in large numbers into unincorporated areas, they still expected the services they'd relied on as urbanites: Schools, parks, hospitals, libraries, fire and police departments. All of these expanded services were added to those counties had already provided, and dramatically increased counties' financial obligations in many areas.

For example, county government spending on libraries, which stood at only $4 million nationwide in 1932, had reached $31 million by 1957. County expenditures on parks, $7.6 million in 1928, had grown by 1957 to $67 million, an increase of nearly 900 percent.

County governments, in existence for centuries, seemed logically positioned to respond to these needs. But however much citizens might look to their counties for services, the county governments themselves were often ill-equipped to deliver.

Although "local" in geographic embrace, counties generally remained defined as arms of the state government, some with powers strictly limited by the continuing application of Dillon's Rule.

Structures, though, must evolve as needs change. Tens of millions of taxpayers and voters will not acquiesce for long in having their needs go unmet. As the face of America changed throughout the 1950s and later, the impetus for new and better forms of local government became irresistible.

New structures, new strategies

Several initiatives attacked this new host of problems, all with implications for county government.

The challenges facing urban or urbanizing counties demanded dramatic new approaches to government, including modernization of old and ineffective forms of public administration. And because many of the new problems, from transportation to environmental protection, transcended local government boundaries, these new approaches generally stressed cooperation among jurisdictions at the local, state and national level.

In 1959, the National Association of Counties (NACo) conducted its first Urban County Congress, an innovative attempt both to help local officials deal with their new pressures and to update the image of county government in the eyes of the public and of officials at other levels. The conference brought together more than 900 urban leaders.

Vice President Richard Nixon told the assembly that "your responsibilities for the welfare of your fellow citizens will be greatly increased, as an estimated one million acres become urban and suburban each year...I salute you as you start this major experiment in the solution of urban problems."

This gathering of urban leaders drew not only Nixon's attention but that of the man who would oppose him for president in 1960, Massachusetts Senator John F. Kennedy. Kennedy warned that "city governments cannot always assume the sole responsibility for the solution of these pressing urban problems. I repeat, they cannot—our state governments will not—the federal government should not—and therefore you on the county level must."

These views were mirrored in the nationwide trend for cities, towns, and other "subcounty" government entities to transfer responsibility for key functions to the counties in which they were located. Counties, simply, were seen as the most responsive and efficient level of government to serve public needs in a given geographic area.

During the 1960s, for example, 40 percent of all counties responding to a federal survey reported that they had assumed responsibility for police protection previously provided by a subcounty government. Only three percent had shifted this duty in the other direction.

Similarly, 27 percent had taken over responsibility for jails and corrections, 37 percent had assumed the library management function, 45 percent had become responsible for planning previously done at a more local level, and more than 20 percent of all counties now said they were responsible for roads, highways, sewage, refuse collection and public welfare. In each case, a dramatically smaller percentage of reporting counties had conveyed these responsibilities to subcounty governments.

Fulfilling all these new duties, though, meant counties needed more authority, and more political power. Moreover, they needed to break through decades-old perceptions and begin commanding more respect and cooperation from other levels and entities of government.

The battle, then, was twofold: First, expand county government's capacity to address local challenges; second, secure counties a "seat at the table" when city, state and federal authorities came together.

One man, one vote

Shifting population alone doesn't guarantee shifting political power. No matter how quickly they grew, suburban areas would not have the clout to put their own agendas into action if they did not simultaneously enjoy dramatically expanded political power in their state legislatures. During the 1960s and 1970s they largely realized this power as a result of a national political revolution—ironically, a revolution largely instigated in earlier years by city dwelling voters.

Throughout the country, many states maintained a "county unit" system in which every county was entitled to representation in the legislature regardless of its population. Other states, while their constitutions provided for occasional reapportionment, hadn't done so in decades or more. As cities grew in population, their voters increasingly challenged a system that concentrated more state political power in rural areas at the expense of urban centers.

In the 1950s, for instance, on the eve of the reapportionment revolution, Los Angeles County contained more than 38 percent of California's population but elected only one out of forty state senators. Dade County, Florida, with about 20 percent of that state's population, got to choose only three out of 95 members of the lower house and one out of 38 state senators. Cook County, Illinois, had more than half the people of Illinois within its borders and produced more than half the state's tax revenues, yet elected only 24 out of 58 state senators.

In the landmark case *Baker* v. *Carr* (1962), the U.S. Supreme Court, acting on litigation filed by citizens of Tennessee, ruled that urban voters were entitled to challenge malapportionment of legislative districts, and that the federal courts could hear such challenges.

A series of further decisions followed, culminating in 1964 with *Reynolds* v. *Sims*, in which the court held that one-man, one-vote applied to both houses of the state legislature. Famously, Chief Justice Earl Warren wrote that "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests."

Despite some further legal challenges, most states proceeded quickly to redraw their legislative district lines. Rural areas lost influence while urban areas gained. Although in the short run this change favored cities, in the long run it also had the impact of increasing counties' political power and influence in the state capital.

A surge toward home rule

As counties gained political power based on their growing population, many sought vigorously to use this new influence to secure expanded home rule from their state legislatures.

Home rule generally followed one of two models. Some states delegate to their counties some limited and specifically defined powers, while continuing to maintain control over critical functions such as revenue and fiscal policy. In the broader "charter" model, counties are permitted by the state to adopt a form of local constitution with the approval of their own voters. Charter counties have broad discretionary power to determine their own organizational structure, levy taxes, raise revenue, manage their own personnel, and spend money on a wide spectrum of programs and activities.

By 1970 a total of 15 states had granted charter authority to their counties. But it had taken 60 years to reach this point, beginning with California's constitutional amendment in 1911. Four states conveyed charter authority to counties in the 1950s and another four in the sixties.

Then, between 1970 and 1975, the list grew by 13. Moreover, before that time, hardly any counties had actually availed themselves of the opportunity to adopt charters. Now there was a surge. Though there had been only about a dozen county charters nationwide in 1950, by 1973 there were 71, most of which had been adopted since 1960.

Charter activity continues virtually unabated to this day, although voters have not always approved charter proposals. Indeed, a number of states have had repeated efforts to grant charter authority to their counties defeated at the polls. Still, by 1996, 79 percent of the 47 states with viable county

governments had provided for home rule in some form; more than 2,300 counties were covered. Roughly 130 counties nationwide operated under a county charter in that year.

Hand in hand with the charter movement came a drive to modernize the *forms* of county government to improve administration and impact.

The longest-standing form of county government, and the one most prevalent in rural areas, is the so-called "commission" form, in which voters elect a multi-member board. Known by different names—commissioners, supervisors, aldermen, etc.--these board members wield both legislative and executive authority, sharing some specific responsibilities with separately elected "row (or constitutional) officers" such as a sheriff, clerk, and coroner.

The particulars of this power sharing, i.e., the relative powers of board members and row officers, varies widely from county to county. Supporters praise the commission form as the most democratic because it provides independent election of key department heads as well as board members, and as the least susceptible to corruption because power is more diffused and the system offers more checks and balances.

Critics, though, complain that this system lacks a strong executive, instead relying on (often part-time) citizen-legislators to administer increasingly complex government functions. Diffuse power also means vague responsibilities, and in the absence of professional management of county affairs, key decisions are more apt to be politically driven, these critics say.

Counties have often sought to fill the management gap by creating an officer whose explicit responsibility is the administration of county programs and operations. These structures are generally of two kinds: systems in which the council or commission appoints a professional county manager, and those in which a county executive is separately elected.

One of the results of the county home rule movement was to give counties the authority to choose for themselves among the alternative forms of government, rather than being limited to the form previously prescribed for them by state law.

This ability to choose their own government structure was a key step for counties seeking to apply more resources and talent to meeting public demands and tackling growing problems.

Since many of local government's new pressures in the postwar era in fact reflected regional conditions—in areas from transportation to environmental protection—many leaders advocated a strongly regional approach to solving these problems.

There were long established precedents for multi-government cooperation in many areas. Regional planning commissions in some states dated to the early years of the century, and numerous metropolitan areas with extensive transit, bridge, and highway networks managed these networks through independent, multi-jurisdiction authorities.

But explicit, ongoing regional cooperation in planning and program implementation was a relatively new idea.

The 1950s saw several important initiatives, in which county governments and leaders played key roles. Wayne County, Michigan, for example (including the city of Detroit) took the lead in working with leaders from six surrounding counties to create a Supervisors' Inter-County Committee that grew into the Southwest Michigan Council of Governments. This was among the earliest Council of Governments (COG) efforts in the United States, though the movement spread quickly.

The Detroit initiative was followed by COG efforts in greater New York, San Francisco, Washington, DC, southern California, Atlanta and a number of other areas. The COG strategy gained supporters so rapidly, in fact, that a national meeting of COG leaders could be held in 1960, leading to the creation of the National Service to Regional Councils (NSRC). In areas such as transportation and housing, county leaders lobbied Congress to recognize these regional councils and include them in grant-making and other forms of federal financial aid.

The federal government had been willing to do just that since at least 1954, when that year's Housing Act allowed the federal government to fund up to two-thirds of a county road project if the administration "finds that planning and plans for such county will be coordinated with the program of comprehensive planning, if any, which is being carried out for the metropolitan area of which the county is a part."

Late in the 1950s, President Dwight Eisenhower launched a new effort to define exactly how different governments needed to work together to address common concerns. Eisenhower established the Advisory Commission on Intergovernmental Relations (ACIR). But ACIR, as originally proposed, included representatives from city and state governments but none who could speak for county government interests.

Working together, the city and county representatives were able to secure the election of their own first choice as ACIR's executive director. By pressing their concerns on the national stage, and simultaneously working hard to build their own capacity for cooperation, county and city governments greatly accelerated the move to regional planning.

Throughout the coming decades, Congress and the federal executive departments would encourage this trend by delegating more and more responsibility to regional bodies and offering them access to more and more funding. Legislation often called for applications for federal aid to be reviewed and commented on by regional planning agencies. These regional planning bodies soon became a central element of the process of applying for federal grants. These grants, in turn, rapidly grew into the chief source of revenue for regional councils.

By the mid-1970s, more than 600 councils of governments and regional planning commissions were in action all over the country.

This broad trend challenged county governments to maintain not only their independence but their growing importance as the unit of government closest to the people in a given locality. When ACIR

organized a "Second Constitutional Convention" in 1975, NACo President Conrad Fowler warned against ceding too much power and authority to regional bodies.

"In a real sense the future of county government hinges on whether we accept the fragmented delivering servicing strategy of the technocrats, specialists and single program functionaries, or whether we fully recognize the merit of the traditional argument for democratic government," Fowler said.

"We must accept the proposition that authoritative, accountable, multipurpose governments are needed between the states and municipalities (and) reject the notion that a maze of regional mechanisms is a respective and responsible approach to handling the mounting planning, financial and servicing problems facing practically all of our urban and rural substate regions."

Another strategy adopted in some regions was consolidation of city governments with those of adjacent or surrounding counties. Of course, such consolidations had been seen before, most notably the combination of five counties into New York City in 1898. But they had been quite scarce. Between 1962 and 1972 11 such mergers took place, more than had occurred in the entire previous 150 years.

Many consolidations took place in relatively rural settings: Carson City and Ormsby County, Nevada, for instance, and the city of Juneau, Alaska with its surrounding Juneau Borough. But others involved major cities. Jacksonville, Florida, for instance, consolidated with Duval County, and similar mergers were accomplished in Nashville, Indianapolis, and Columbus, Georgia. Today there are 34 consolidated city county governments. The most recent in a large metropolitan area is the merger of Louisville City and Jefferson County, KY.

Advocates of consolidation have argued that services are improved, federal and state aid has been increased, and major economies have been achieved through centralized purchasing and financial services. Yet difficulties remain, and many proposed consolidations have been rejected by voters, often concerned about the equity and responsiveness of the new government.

The Rise of the Urban County

At the end of WW II as soldiers returned from overseas, prosperity returned to the country. The military jeep was retrofitted to a sporty family car and the Levitt Brothers build the first suburban development in Levitttown, NY. Prior to WWII, the vast majority of the population lived in cities, but with the development of suburbs and subdivisions the exodus began. Many of these newly build suburbs were in unincorporated areas in the counties because of their easier zoning and building regulations and the availability of land. As the exodus grew, people moving from the cities to the suburbs carried with them their expectation of city-style urban service delivery. They began to demand this level of service from county governments that were not accustomed to providing them. As counties scrambled to respond, they raised taxes, began regulating land use and planning.

Special challenges in the west

The west has always attached high importance to vigorous local government. California, after all, was the first state to allow county charters, and Los Angeles County, in 1912, was the first county to adopt

one. The initiative, another feature of the progressive era, originated in the west; 12 of the 38 states that allow public referenda, and nine of the 18 that permit recall elections, are in the west.

A political scientist writing in 1913 commented on the "spirit of progress and improvement in matters governmental" that could be observed throughout the west.

Western states and their local governments faced challenges all their own, and the 1970s also saw an innovative effort to address these difficulties. With population spread sparsely over vast areas, towns were scattered and the county was the most prominent form of local government. The great western distances also meant higher costs for roads, power lines, and water, among other public services. Since western residents tended to cluster in urban areas, the west managed to have both below-average population density across its entire area and higher than average urbanization.

Compounding these problems is the huge volume of land that has been removed from local tax rolls over the decades.

Ever since America's first national park was established at Yellowstone in 1872, large parcels of western land have been regularly set aside for public purposes. Large tracts, also, have been designed as property of Native American nations. So-called "entitlement lands" included holdings of the U.S. Forest Service, Bureau of Mines and other agencies in addition to parks. All in all, more than 660 million acres of land—one-third of the entire United States—is federally owned.

All of this land has been removed from state and county taxation, with harsh consequences for county governments that are largely dependent on property taxes as a source of revenue.

While federally owned land accounts for one-third of the total area of the nation, its impact is felt disproportionately in the west.

When the states are ranked by percentage of land owned by the federal government, the 13 western states fill all of the top 13 places on the list. Nevada leads the roll with an extraordinary 85.1 percent federally owned land.

Removing this land from local tax rolls, however, did not relieve the local governments of responsibility for providing key services in these areas. Law enforcement was the single largest category of local spending for services performed on entitlement land. Search and rescue services also commanded large shares of local budgets, particularly in national parks and forested areas that have always attracted hikers and others in pursuit of recreational activities. Many localities provided solid waste disposal and other services as well.

The result was a major cost to local government that was not offset by any tax revenue. With their long-ingrained commitment to effective local government, western citizens campaigned energetically for protection from this adverse financial impact. In the mid-1970s, they finally won this relief in the form of Payments in Lieu of Taxes, or PILTs. PILTs were authorized by Congress in 1976 and have been renewed regularly ever since. In some counties, PILTs accounted for more than 80 percent of the entire county budget.

PILT's impact, moreover, was by no means limited to the west. Arkansas, North Carolina, Virginia, Louisiana, Minnesota and other states all have significant amounts of entitlement lands within their borders. Thus, preserving and expanding the PILT program was a truly national concern for county government.

The turn of another century

As the 1990s drew to an end, county government found itself in a very different situation from what had prevailed at the end of the previous century. It was now a robust and highly flexible level of government, combining local responsiveness with growing sophistication in the provision of complex services.

But it continued to struggle to maintain the right balance among local, state and national authority. The lengthy county campaign against unfunded federal mandates is a prime example. This campaign brought counties together—and especially highly populous urban and suburban counties—to oppose the prospect that the federal government would impose major new requirements on counties without providing funding to enable counties to meet those requirements.

Increasing diversity of population in counties, largely as a result of immigration, also posed a challenge to many counties. This new diversity was appearing in locations across the nation that had lived with fairly stable populations for many years. The need for governmental services and bilingual information placed new and unique demands on many counties.

Another challenge that surfaced in the 90s was that of collecting sales taxes on purchases made on the Internet. With the rapid growth of this medium counties faced a major loss of revenue when purchases heretofore made locally and taxed locally were made via cyberspace. Opponents to this tax state that businesses on the Internet should be supported and that collecting the differing sales tax rates that could be in effect was an undue burden. Shifting national political sands also challenged counties. In the 1990s Congress increasingly looked to "block grants" and other generic forms of financial aid to local governments, significant grants of money not accompanied by specific conditions on its spending.

Counties across America have also taken on a much more vigorous role in promoting the economic growth of their communities. Economic development, in fact, has become a key county mission. Counties undertake such efforts as workforce training and expansion of technology infrastructure to make themselves more attractive to high quality businesses looking for new sites. They mount major ongoing initiatives to communicate with these businesses and persuade them to choose county sites for their facilities, and the resulting employment and tax revenues.

For businesses already thriving within county lines, the local economic development authority is often a leader in organizing international trade missions, participation in overseas expositions, and other efforts to reach the ever expanding global markets.

Infrastructure has become a critical element in success, and many counties have assumed a new and powerful role in regulating everything from construction of new high speed data communications to granting of satellite and cable television franchises. Counties have acted broadly and energetically to

ensure that their schools, libraries and other public resources are fully served by these new technologies, and that citizens share in the benefits of the Information Age.

As the new millennium opened, it was clear that local government had been cast in a more prominent role than ever before, not only in meeting public needs but in creating opportunity and prosperity for its citizens.

Armed with steadily expanding home rule powers, ever-more-expert leadership and their own long tradition of local accountability, America's counties were also better prepared than ever to meet the challenge.

The year 2000 brought new challenges to county governments. The economy began to slow down from the boom of the 90s and states began to experience shortfalls in revenues. Shortly thereafter counties began to feel the slowdown with many experiencing shortfalls in their own source revenues and in the revenues normally received from the states. Counties looked to several avenues to balance budgets in response to the shortfalls. Among these were curtailing services, cutting back services, reducing employee benefits, outsourcing and increasing taxes.

At the same time as full blown shortfalls hit their budgets, counties were faced with two new challenges. Correcting the voting problems encountered in the 2000 presidential election and providing homeland security for their county residents. Each of these new issues required massive funding, most of which could not be provided by the counties themselves.

History of County Government in Washington

Counties existed during Washington's territorial days in the mid- to late- 1800's and were recognized in the state constitution adopted in 1889. In Washington, the county was and still is the unit of local government that has three primary responsibilities:

- Serves and governs residents who live in the unincorporated portion of the county outside cities and towns.

- Provide regional services that Counties deliver for all residents, both those living in the unincorporated areas as well as those that reside inside incorporated cities as well.

- Is the administrative arm of the state - such as maintaining records, providing the trial court system, assessing property, collecting certain taxes, and conducting elections.

As of 2010, there are 39 counties in Washington ranging in population from 2,266 (Garfield) to over 1.9 million (King) residents. Every Washington State resident lives in one of Washington's 39 Counties.

Article XI, §s 4 and 5 of the state constitution authorize the legislature to create a uniform system of government for counties. State law relating to counties is generally collected in Title 36 RCW. The uniform plan of county government provided by state law is the three-member commission form.

The state constitution was amended in 1948 to provide counties the option of adopting a "home rule" charter. Adoption of a home rule charter allows a county to choose a different form of government from the commission form specified by statute. Of the 39 counties, 33 operate under the commission form of government provided by state law and six of the counties have adopted "home rule" charters as provided for in the state constitution. Six counties have elected to adopt charters - King (1969), Clallam (1976), Whatcom (1979), Snohomish (1980), Pierce (1981), and San Juan (2005).

Article XI, § 16 was added to the state constitution in 1948 and amended in 1972 to provide the option of a consolidated city-county government. Clark, Thurston, Spokane, and Skamania counties have considered this option, no consolidated city-county governments have yet been created in Washington State.

In contrast to counties, cities and towns can choose from three forms of government provided by statute, including the mayor-council, council-manager, and commission form of government. In addition to the choice in form of government already provided by state law, cities also have the ability to adopt a home rule charter, subject to certain requirements, and provide for their own form of government. Unlike counties, cities and towns do not have separately elected officers in addition to the council members and mayor.

An excellent history of counties and other local governments in Washington State can be found in "A History of Washington's Local Governments," Volume I of the Final Report of the Washington State Local Governance Study Commission, January 1988.

Commission Form of County Government

The Washington State Constitution stipulates the basis for the establishment of counties in Washington State.

> Article XI, § 4 COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION. The legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided...
>
> Article XI, § SECTION 5 COUNTY GOVERNMENT. The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office...

The "uniform" form of government provided in state law for noncharter counties is the commission form. All noncharter counties must adopt this form of government. The only method by which a county can entirely change its form of government is to adopt a "home rule" charter. There are some population-based differences in the state laws governing counties, but the commission form of government is the same for all 33 noncharter counties.

The commission form is often referred to as the "plural executive" form of government. It is the oldest and most traditional county organizational structure. Under the commission form, the county governing body consists of an elected board composed of three commissioners who serve as the legislative body and also perform executive functions. Counties with populations greater than 300,000 can increase the size of the commission from three to five members. No single administrator or executive oversees a county's operations under the commission form of government.

The board of county commissioners shares administrative functions with other independently elected county officials, including a clerk, treasurer, sheriff, assessor, coroner and auditor. Other independently elected county officials and court officers include the county prosecuting attorney and the judges of district court and the county superior court. In counties under 40,000, the Prosecuting Attorney also serves as the Coroner.

Although the county commissioners establish the budget and act as the county legislative body, the independent role of the other county elected officers makes county government quite different from other forms of municipal government that have separate legislative and executive branches.

"Home Rule" Charter Form of Government

Article XI, § 4 of the state constitution was amended in 1948 to provide the option for counties to adopt "home rule" charters to provide their own form of government. This home rule provision does not change the role and authority of counties, but it does allow counties to provide for a form of government different from the commission form prescribed by state law. By adopting a home rule charter, county voters can provide for appointed county officers to perform county functions previously

performed by independently elected officials and can change the names and duties of the county officers prescribed by the constitution and state law. Home rule charters may not, however, change the elected status and duties of the county prosecuting attorney or superior and district court judges, or the jurisdiction of the courts.

Home Rule Charter County Authority

Home rule charter counties have broad authority to provide for purely local governance issues. Traditionally there are two aspects of home rule authority:

- Act on its own without the express authorization from the legislature;

- Act contrary to state statutes concerning very limited and certain matters of "local" concern (and not in conflict with constitutional requirements)

The state Supreme Court has ruled, however, that, under the state constitution, county home rule charter rights are subordinate to express state law requirements that go beyond matters of local concern. The court has concluded that the state constitution expressly relegates county home rule charters to an inferior position vis-a-vis "the constitution and laws of this state" where the matter involves public policy of broad concern, expressed in general laws. For example, the state Supreme Court has concluded that home rule charter counties are free to provide a different time for election of county officers. However, they have also held that ordinances enacted to implement a county's comprehensive land use plan as required by the Growth Management Act cannot be subject to amendment or repeal by referendum power granted in a county's home rule charter.

After adoption of a charter, the powers, authority, and duties of county officers provided for by state law are vested in the county legislative authority, unless the charter expressly assigns powers and duties to a specific officer. The duties of the board of county commissioners and other elected officers may also be modified by charter. The board of commissioners and other elected officers may be entirely replaced, subject to certain restrictions.

Home Rule Charter Option for Power of Initiative and Referendum

Another reason for adopting a home rule charter is to provide the powers of initiative and referendum to the citizens of the county. All charter counties have provided for initiative and referendum powers.

Optional Municipal Code cities are authorized by state law to provide for the powers of initiative and referendum without adopting a home rule charter (RCW 35A.11.080 through 35A.11.100). Legislation was proposed in the 1997, 1998 and 1999 legislative sessions which would have allowed the board of county commissioners in noncharter counties to similarly authorize the use of initiative and referendum without the need to adopt a home rule charter. However, none of these proposals have been adopted.

County Charter Adoption Process

The state constitution, in Article XI, § 4, specifies the procedure for a county to adopt a "home rule" charter. Any county may adopt a charter. There is no minimum population requirement. There are two methods to begin the charter adoption process:

- Initiation by Board of County Commissioners; or

- Initiation by Voter Petition

Under either method, a board of freeholders is elected to draft a proposed charter, which is then submitted to a vote of all the people for adoption or rejection. In 1998, the legislature considered, but did not pass, a joint resolution (Senate Joint Resolution 8204) calling for an amendment to the state constitution providing for a simplified alternative method of framing a county charter.

Initiation by County Commissioners

Under the first method, the county commissioners can initiate the charter adoption process by calling for an election of fifteen to twenty-five freeholders, the number to be determined by the commissioners. The freeholders must have been residents of the county for at least five years and must be qualified electors of the county.

These electors must meet within thirty days of their election to begin preparing a charter for the county. The charter must then be submitted to the voters at a special or regular election. If a majority of the voters approve, the charter is adopted and becomes the form of government for the county.

Initiation by Petition

Under the second method, registered voters equal in number to ten percent of the voters of the county voting at the last preceding general election may petition for an election of freeholders. This petition must be filed with the county auditor of the county at least three months before any general election. If this is done, the proposal that a board of freeholders be elected for the purpose of framing a county charter is submitted to a vote at the general election. At the same election, a board of freeholders is elected to draft the new charter. Assuming a majority of the people vote to elect a board of freeholders, the freeholders who are elected meet to frame a charter which is then submitted to the voters for adoption.

Under either procedure, if the charter is approved by the voters, the county government is to be established as provided in the charter within six months of the election.

In addition to the six Washington counties which have adopted charters, several other counties have taken various steps in the process of electing freeholders, drafting proposed charters, and submitting charter proposals to the voters. For example, in 1997, Clark County voters rejected a proposal to create a board of freeholders to draft a charter in an advisory ballot on the issue. Also in 1997, Cowlitz County voters approved a proposal to begin the charter adoption process, but rejected the resulting proposed

home rule charter the following year. In 1998, Skamania County voters also approved a proposal to begin the charter adoption process but subsequently rejected the resulting charter. In 2011, Yakima County voters rejected a proposal to create a board of freeholders to draft a county charter.

Freeholders

Freeholders are elected directly from representation from either county commissioner districts or legislative districts, proportional equal as possible. There is no timeframe for a board of freeholders to develop a proposed charter. A board of freeholders dissolves after completing their responsibility to draft a proposed charter.

Amending a County Charter

There are three basic ways that five of the six charter counties permit their county charter be amended:

- The constitutionally authorized procedure in which an amendment are initiated by action of the county legislative authority, submitting a proposed amendment to county voters for their approval or rejection;

- Electing a new board of freeholders to review the charter and submit proposed charter amendments directly to voters for their approval or rejection;

- An alternative procedure where county voters may directly amend the county charter by initiative action.

King County Charter only provides for the county council to submit proposed charter amendments to voters for their approval or rejection and for the periodic election of a charter review commission to propose charter amendments to the county council that may, at its option, choose to submit them to the voters for approval or rejection. A supreme court decision in 2003 held that county voters may approve an initiative requiring the county council to submit a charter amendment to voters for their approval or rejection.

Current Washington Charter Counties and Their Form of Government

Until 1969, (King County voters rejected the first proposed charter in 1952) all Washington counties operated under the commission form of government. However, since then, six counties have adopted home rule charters:

- King (1969)
- Clallam (1976)
- Whatcom (1979)
- Snohomish (1980)
- Pierce (1981)
- San Juan (2005)

Of the six home rule charter counties, five have adopted the council-executive form of government:

King:	Council:	9 members elected by district. Non-partisan
	Executive:	County Executive Elected Countywide. Non-partisan
	Assessor:	Non- Partisan
	Sheriff:	Non-Partisan
	Director of Elections:	Non-Partisan
	Prosecutor:	Partisan
	Auditor:	Appointed by County Council
	Clerk:	Appointed by majority of Superior Court Judges
	County Administrative Officer:	Appointed by Executive
Clallam:	Commission:	3 Member, Nominated by District, Elected Countywide. Partisan
	County Administrator:	Appointed by Commissioners
	Auditor:	Non-Partisan
	Assessor:	Non- Partisan
	Clerk:	Appointed by Commissioners
	Sheriff:	Non-Partisan
	Treasurer:	Non-Partisan
	Prosecutor/Coroner:	Partisan
	Director of Community Development:	Non-Partisan
Whatcom:	Council:	7 members. 2 members elected from each of the three council districts. 1 member elected at – large. Non Partisan.
	Executive:	County Executive Elected Countywide. Non Partisan.
	Assessor:	Non-Partisan
	Auditor:	Non-Partisan
	Sheriff:	Non-Partisan
	Treasurer:	Non-Partisan
	Prosecuting Attorney:	Partisan
	Clerk:	Appointed by County Executive, Confirmed by Council
	Medical Examiner:	Appointed by County Executive, Confirmed by Council
Snohomish:	Council:	5 Members elected by district. Partisan. 3 term limit.
	Executive:	County Executive Elected Countywide. Partisan. 3 term limit.
	Assessor:	Non-Partisan
	Auditor:	Non-Partisan
	Clerk:	Non-Partisan
	Sheriff:	Non-Partisan
	Treasurer:	Non-Partisan
	Prosecuting Attorney:	Partisan

Pierce:	Council:	7 Members elected by district. Partisan. 2 term limit.
	Executive:	County Executive elected by district. Partisan. 2 term limit.
	Assessor-Treasurer:	Non-Partisan
	Auditor:	Non-Partisan
	Clerk:	Appointed by County Executive, Confirmed by Council
	Sheriff:	Non-Partisan
	Prosecuting Attorney:	Partisan

San Juan:	Council:	6 Members elected by district. Non-Partisan.
	Executive:	County Administrator appointed by County Council
	Assessor:	Non-Partisan
	Auditor:	Non-Partisan
	Clerk:	Non-Partisan
	Sheriff:	Non-Partisan
	Treasurer:	Non-Partisan
	Prosecuting Attorney/Coroner:	Partisan

A county council's primary duties are to adopt a budget and establish county policy. The county executive or administrator is responsible for general administration and operation of the county. The executive or administrator is also responsible for proposing the budget and, in the case of an elected county executive, has a veto power over most council actions.

A county charter can make any elected county official, except the prosecuting attorney and superior court judges, an appointive rather than an elective position. The coroner or medical examiner has been made an appointive position in every charter county, although in Clallam County, the Prosecuting Attorney serves as the ex officio coroner. To determine the particular organization structure of a home rule county government, refer to the county's charter.

Consolidated City-County Government

At the same time the state constitution was amended in 1948 and again in 1972 to allow counties to adopt "home rule" charters, another amendment was adopted to allow counties with a "home rule" charter to provide for the formation and government of a combined city and county municipal corporation known as a "city-county." The same procedures applicable to the adoption of a county charter also govern the adoption of a city-county charter, except that the only method of beginning the combined city-county charter process is through a voter petition. There is no minimum population requirement.

In addition to providing for an alternative form of county government, a city-county charter may also merge the county with cities and other municipal corporations within its boundaries. Consolidated city-county governments have been proposed as a way to improve local government service provision by eliminating conflicts between competing levels of local government. Although a few Washington counties have explored this option (Clark, Skamania, Thurston, and Spokane), no combined city-county governments have yet been formed.

Roles and Responsibilities of County Elected Officials

Judicial Branch

District Court

Responsibilities of District Court in Washington State

- Misdemeanor and Gross Misdemeanor Criminal Offenses
- Traffic Infractions
- Civil Infractions
- Civil Lawsuits Not Exceeding $75,000 (monetary actions only)
- Small Claim Lawsuits Not Exceeding $5,000 (monetary actions only)
- Anti-Harassment Protection Order Proceedings
- Name Changes

Elected Judges

Court Commissioners

Probation Services

Superior Court

Responsibilities of Superior Court in Washington State

- State trial court of general jurisdiction
- Adult felonies
- Juvenile offenses
- Civil cases involving real property
- Domestic relations matters: divorce, child custody, support matters
- Paternity actions
- Probate, guardianships, adoptions
- Cases involving real property; claims in excess of $35,000
- Involuntary mental commitment
- Abused or neglected children
- Appeals from lower courts (district and municipal)
- Appeals from state administrative agencies

Elected Judges

Court Commissioners

Juvenile Court and Detention/Administration jurisdiction of all cases under Title 13 of the Revised Code of Washington that involve juveniles under the age of 18, and process non-offender cases such as truancy, at-risk youth, and child in need of services

Some Courts also administer the Public Defense/Indigent Defense Contracts

Row Offices – Independently Elected Offices

County Assessor

- Places an equitable value on all real property and taxable personal property for the purpose of equitable distribution of tax liabilities to the taxpayers in the various districts
- The amount of taxes is established by the legislative authorities for the various taxing districts
- The value and levy required are used to calculate the amount due from each taxpayer according to the proportionate share of the total revenue necessary to provide services as established by the taxing districts legislative authorities.
- Allocates value to taxing districts, calculates levy rates and certifies tax roll to Treasurer
- Some Counties –
    - Assess Property Annually, with annual inspection at least every six years
    - Assess Property on four year cycle
- Building appraisals
- Land Appraisals
- Personal Property
- Administer Exemptions Programs, i.e. Senior Citizen, Disabled Persons, Open Space, etc
- Records and Administration
- Maintains inventory, description, ownership, sales and mapping for all property.

- Provides information, education and assistance
- Prepares defenses of valuations for Board of Equalization, State Board of Tax Appeals and courts

County Auditor

In Washington State the duties of the County Auditor embrace a wide range of services to the public, including:

- Serving as ex officio Supervisor of Elections
- Registrar of Voters
- Recorder of documents
- Motor Vehicle and Vessel Licensing Agent
- Chief Financial Officer for the county
- Financial Services
- Administering elections
- Maintaining voter registration records
- Issuing vehicle and vessel licenses
- Issuing and maintaining permanent records of marriage licenses. Marriage applications can also be obtained at all county licensing sub-agencies (see "Licensing")."
- Accepting and recording into public record all real property documents, deeds and titles
- Recording and maintenance of permanent county records
- Reception and routing all legal action served on the county

County Coroner/Medical Examiner

The Coroner is an elected official with the responsibility for determining the cause and manner of death of all persons who pass within the jurisdictional boundaries of their respective county. The primaty function of the County Coroner is one of death investigation. Some charter counties have a non elected medical examiner that performs the same duties of the County Coroner but also performs autopsies and lab studies. In Counties less than 40,000 in population or less, the prosecuting attorney serves as the coroner. The County Coroner is an elected position.

- Deaths are reported to the Coroner's Office 24 hours a day 7 days a week and all deaths are jurisdictional until the Coroner or Deputy determines if further investigation is needed, this is based on the circumstances surrounding the death;
- County Coroner is responsible for the jurisdiction of all deceased persons who come to their deaths under certain circumstances;
- Responsibilities include:
    - Determining cause of death – how, why, and by what means a person died in those cases falling under his/her jurisdiction
    - Location and notification of next of kin
    - Disposition of the deceased person's body
    - Custody of money and property found on the body of the deceased
    - Death Certification

- Special duties – under certain circumstances, serve as county sheriff – and may serve subpoenas on the County Sheriff

County Clerk

The County Clerk position is provided for in the Washington State Constitution and is best characterized as the administrative and financial officer of the Superior Court. As an independent elected official, the clerk preserves for the public unrestrained access to a fair, accurate and independently established record of the opinions, decisions and judgments of the court. The County Clerk has six major functions

1. Administrator of Court Records and Exhibits
2. Financial Officer for the Courts
3. Quasi-Judicial Officer
4. Ex-Officio Clerk of the Court
5. Jury Management Officer
6. Department Administrator
7. Passport Information
8. Collection of Fees

County Prosecuting Attorney

The County Prosecuting Attorney has major responsibilities as a legal advisor, a prosecutor of criminal matters, a representative of the county in civil cases, and in smaller counties, as ex-officio coroner. Primary statutory responsibilities of the County Prosecuting Attorney include the following:

- **District Court:** Violation of state statutes involving misdemeanors and gross misdemeanors committed by adults or criminal traffic violations by juveniles 16 & over; representation of the State's interest at involuntary commitment hearings relating to alcohol abuse.
- **Superior Court:** Violation of state statutes involving felonies committed by adults, and all crimes committed by juveniles; Representation of the State's interest at involuntary mental commitment hearings; Civil practice includes paternity establishment, enforcement of child support orders, tort actions, and defense of lawsuits brought against the County.
- **Appellate Courts:** Handle appeals of lower court decisions to the Court of Appeals, Washington State Supreme Court and potentially to the United States Supreme Court.
- **Legal Advisor** to all County departments including the County Council and County Executive.
- **Legal Advisor** to the county legislative authority, school directors and other county and precinct officers in all matters relating to their official business although school districts may hire private attorneys
- **Represent** the state, county, and all school districts in all criminal and civil proceedings in which the state of county or any school district may be a party
- **Prosecute** all criminal and civil actions in which the state or county may be a party and defend all suits brought against the county

- **Crime Victim Assistance:** Assist victims of crime with restitution recoupment process, as a legal advocate facilitating prosecution and as a referral source for community services. Special assistance for victims of sexual assault and domestic violence.
- **Law Library**: Prosecutor currently serves as Chair of the Whatcom County Law Library Board of Trustees.
- Review and approve all cost bills in criminal cases and take care that no witness fees and other charges are greater than allowed by law
- **Attend and Appear** before and give advice to the grand jury when cases are presented for consideration and make an annual report to the governor at the end of each year
- **Is the County Coroner** in counties with a population 40,000 or less
- **Shall provide legal guidance** on a 24 hour basis to law enforcement agencies investigating felonies, which may require advice or assistance in obtaining search warrants or warrants for the arrest of a suspect.

County Sheriff

The County Sheriff is the "chief executive officer and conservator of the peace of the county". The major duties of the Office of Sheriff are prescribed in Section 38.28.010 of the Revised Code of Washington and include the following:

(1) Shall arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses;

(2) Shall defend the county against those who, by riot or otherwise, endanger the public peace or safety;

(3) Shall execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law;

(4) Shall execute all warrants delivered for that purpose by other public officers, according to the provisions of particular statutes;

(5) Shall attend the sessions of the courts of record held within the county, and obey their lawful orders or directions;

(6) Shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they may call to their aid such persons, or power of their county as they may deem necessary.

(7) Administer crime prevention programs

Most County jails are administered by the County Sheriff

(8)Delivers civil and legal processes including

a. Servicing Court orders on defendants in legal actions
b. Serving summons on those drawn for jury duty and subpoenas on witnesses
c. Executing writs of executions on real and personal property , including publishing and posting notice and conducting the sale
d. Conducting sheriff's sales on foreclosed chattel mortgages
e. Selling abandoned motor vehicles
f. Executing miscellaneous orders as to vacate or pay rent, demand for possession of premises, etc
g. Collecting required fees and mileage charges to be remitted to the county treasurer

(9)Emergency Operations – many sheriffs serve as the Director of Emergency Services on behalf of the county.

County Treasurer

The County Treasurer works to efficiently and effectively and debt for their respective County, and all other junior and special purpose districts within the County.

The County Treasurer acts to collect, report, invest and manage all monies as the bank for the county, school districts, fire districts, water and sewer districts and other junior and special purpose districts. Over sixty percent of the workload of the county treasurer is directed toward providing services to the taxing districts and cities and forty percent to the county. The major responsibilities of the county treasurer are summarized as follows:

- Responsible for monies of county, cities, port, school districts, fire districts, cemeteries, public utility districts and water districts.
- Bill and collect, real and personal property taxes, due April 30 and October 31.
- Bill & collect, special assessments and fees, for flood control, road improvement, water and drainage districts.
- Deposit and invest all funds for county and districts. Provide banking services.
- Collect excise tax on sale, or transfer, of real property and mobile homes.
- Foreclose on property for delinquent taxes.
- Maintain inventory of county-owned property and conduct property sales.
- Collect gambling taxes, 911 taxes, and local gas tax (Point Roberts).

County Commissioners/County Council/County Executives

Commissioner Form of Government

The basic form of county government is the Commissioner form. In 34 of Washington's 39 counties, county legislative and executive authorities are combine in boards of county commissioners also known as the county legislative authority. These elected officials are empowered to set county policy, adopt and implement laws and, except for the responsibilities of the other separately elected officials, carry out the day-to-day operations of the county.

Each county legislative authority has three members elected to four year terms. The county is divided into three districts with roughly equal populations and, at the time of election, each commissioner must live in the district he or she wished to represent. Commissioners are nominated for the office in the primary, only by voters in their particular districts. In the general election, however, all voters in a county vote for each county commissioner position on the ballot. County commissioner are elected on a partisan basis.

Home Rule Charter Counties

In Washington State, voters in six counties have adopted home rule charters, which allow alteration of the basic structure of county government. Voters in five counties, King, Pierce, Snohomish, and Whatcom have chosen to be governed by elected County Executives and County Councils rather than Commissioners. San Juan County charter provides for a six member county council and an appointed county manager. Clallam County is the only home rule charter county to retain the commissioner form of government. Councils establish county policy and adopt laws; County Executives and Managers implement them and are responsible for the day-to-day operations. The voters, in adopting home rule charters, decide how many other independently elected (row offices) officials the county will have. One example, is that Clallam County elected its Director of Community Development – the only county in the nation to do so.

The number of elected county councilmembers a county will have is established by the county charter and currently varies from five to nine members. Most council members also represent districts, and only the voters in a specific district may vote for them in the primary. Whatcom County elects one council member county-side. Whether they must run countywide in the general election is a matter for the citizens to decide through the county charter. On the other hand, county executives are always elected by all the voters in a county. In Pierce and Snohomish Counties, executives are elected on a partisan basis, as are the commissioners in Clallam County. In Whatcom and San Juan Counties, they are non-partisan.

Legislative Authority

The County legislative authority (County Commission/County Council) is responsible for adopting, amending, or repealing all county ordinances, which are essentially laws of the county. In charter counties, county executives may veto ordinances within a specified amount of time after they are adopted.

One of the county commissioners' and county councils' primary duties is to establish the levy rate to operate the county and to adopt a balanced budget for each calendar year. The commissioners and the councils fix the budget amount of each department of the county, but variances and increases can be permitted during the year if extraordinary circumstances can be shown. Other elected officials in the county are responsible for the day-to-day operation of their own offices. The county legislative authority adopts the county's annual budget, imposing the taxes and setting the fees to fund that budget. They fix the amount each department may spend during the calendar year. In additional, they make decisions on a wide variety of other subjects affecting the general welfare of county residents.

Also, within their legislative capacity, the commissioners and councils are responsible for adopting, amending and repealing all county ordinances (which are essentially laws of the county). These include traffic, planning and public safety ordinances and any other ordinance concerning the general welfare of the county.

Acting in a quasi-judicial manner, the county legislative authority is the first level of appeal for land use decisions made by planning commissions or hearing examiners. They may also act as boards of equalizations, reviewing property valuations established by the county assessor that are disputed by property owners.

Regional Responsibilities, Boards, and Commissions

County commissioners, County Council Members and County Executives have a key role in a wide variety of community boards and commissions which affect citizens within and even beyond their jurisdictions. They often serve on a variety of multi-county boards (Clean Air Authorities, Council of Governments, Salmon Recovery Boards, Board of Health, etc.) and state and national committees with other officials to develop public policy. Within the county structure, commissioners, councils, and executives are also responsible for appointing citizens to county boards and commissions.

Executive Authority - Departments Under the Commissioners and Executives

County commissioner and executives operate all departments of the county, except those managed by the other independent elected officials (row offices). Their responsibilities, generally, include:

- Public Works
- County roads and bridges (maintenance and construction)
- Information Services and GIS
- Surface and Storm Water
- Sewer and water service
- Airports
- Land use planning and zoning
- Code Enforcement
- Fire Marshal Services
- Building permits and inspections
- Parks and recreation programs
- County Fair

- Community Mental Health
- Developmental Disability Programs
- Chemical Dependency programs
- Solid Waste Programs
- Jails – unless handled by Sheriff
- Juvenile Detention and Probation Services unless administer by Superior Court
- Economic Development
- Environmental Protection
- General Administration
- Fleet Services
- Central Shop and Electronics
- Facilities
- Information Services
- Emergency 911 Communications
- Senior Services – Recreation, Nutrition, Transportation, Information and Assistance
- WSU Cooperative Extension
- Noxious Weed Control
- Risk management
- Human Resources
- Personnel
- Animal Control and Shelter
- Emergency Management
- County Law Library

Appendix A

Branches of Government

Judicial

Executive

Legislative

Four Layers of Government

Federal

State

Local Government – General Purpose

City

County

Special Purpose Districts – Most separately elected but some are also the County Legislative Authority

Districts with Statutorily Designated Governing Body		
District	**Date Created**	**Enabling Statute (RCW)**
Agricultural Related - Also Provided by Conservation Districts and Irrigation Districts		
Mosquito Control Districts	1957	Ch. 17.28 RCW
Weed Districts	1921	Ch. 17.04 RCW
Inter-County Regular Weed Districts	1959	Ch. 17.06 RCW
Diking and Drainage Districts		
Diking Districts	1895	Ch. 85.05 RCW

Diking & Drainage Districts in Two or More Counties (Intercounty Diking and Drainage Districts)	1909	Ch.. 85.24 RCW
Diking, Drainage and Irrigation Improvement District; Drainage and Irrigation Improvement district - Improvement Districts - 1933 Act	1933	Ch. 85.22 RCW
Diking, Drainage, Sewerage Improvement Districts Funding methods revised by Diking, Drainage, and Sewerage Improvement Districts - 1967 Act	1913	Ch. 85.08 RCW, Ch. 85.15 RCW
Drainage Districts	1895	Ch. 85.06 RCW
Drainage Improvement District; Diking Improvement District - Improvement Districts - 1917 Act (reorganization of Diking or Drainage Dist)	1917	Ch. 85.20 RCW
Sewage Improvement Districts* - Formerly under Title 85 After 1979 powers of title 85	1923	RCW 57.04.120-.130
Economic Development		
Cultural Arts, Stadium, and Convention Districts	1982	Ch. 67.38 RCW
Port Districts	1911	Title 53 RCW
Public Facilities Districts	1988 - counties, 1999 - cities & towns	Ch. 36.100 RCW for counties, Ch. 35.57 RCW cities/towns
Public Stadium Authority	1997	Ch. 36.102 RCW
Environmental Protection - Also Provided vy Diking, Drainage and Flood Control Districts		
Air Pollution Control Authorities	1957, 1967	Ch. 70.94 RCW

Conservation Districts	1939	Ch. 89.08 RCW
Flood Control - Environment and Public Safety		
Flood Control by Counties Jointly - 1913 Act (Intercounty)	1913	Ch. 86.13 RCW
Flood Control Districts - 1935 Act	1935, Repealed 1965	Ch.86.05 RCW
Flood Control Districts - 1937 Act	1937	Ch. 86.09 RCW
Flood Control Zone Districts	1961	Ch. 86.15 RCW
Health Related		
Cemetery Districts	1947	Ch. 68.52 RCW
Emergency Medical Service Districts	1979	36.32.480 RCW
Health Districts	1945	Ch. 70.46 RCW
Mosquito Control Districts	1957	Ch. 17.28 RCW
Public Hospital Districts	1945	Ch. 70.44 RCW
Rural Public Hospital District (defined)	1992	RCW 70.44.450-.460
Housing		
Public Housing Authorities	1939	Ch. 35.82 RCW
Joint city-county Housing Authorities	1980	RCW 35.82.300
Irrigation & Reclamation - Agriculture - Environment – Utilities		

Irrigation Districts	1890	Ch. 87.03 RCW
Irrigation and Rehabilitation Districts	1961	Ch. 87.84 RCW
Reclamation and Irrigation Districts in Reclamation Areas	1943	Ch. 89.12 RCW
Reclamation Districts of one million acres	1927	Ch. 89.30 RCW
Library Districts		
Inter-County Rural Library Districts	1947	RCW 27.12.090
Island Library District	1982	RCW 27.12.400 - .450
Library Capital Facility Area	1995	Ch 27.15 RCW
Regional Library	1941	RCW 27.12.080
Rural County Library Districts	1941	RCW 27.12.040 - .070
Rural Partial Library District	1993	RCW 27.12.470
Park & Recreation - Also provided by Port Districts., Irrigation and Rehabilitation Districts		
Metropolitan Park Districts	1907	Ch. 35.61 RCW
Park & Recreation Districts	1957	Ch. 36.69 RCW
Park & Recreation Service Areas	1963	RCW 36.68.400 - .620
Joint Park & Recreation Districts	1979	RCW 36.60.420 - .460
Public Safety		
Emergency Medical Service Districts	1979	36.32.480 RCW

Emergency Service Communication Districts	1987	RCW 82.14B.070-.100
Fire Protection Districts	1933	Title 52 RCW
Regional Fire Protection Service Authorities	2004	Ch. 52.26 RCW
Public Utility Services - Also provided by Irrigation Districts		
Public Utility Districts - power, water, sewer	1931	Title 54 RCW
Legal Authorities (Hydroelectric) - Irrigation Districts - Interlocal	1983	RCW 87.03.825 - .840
Operating Agencies (Electricity Generation and Distribution, Cities & PUD) - Interlocal	1981	Ch. 43.52 RCW
Water-Sewer Districts (water-sewer district, water district, sewer district)	Sewer Dist 1941; water dist 1913; water-sewer consolidation 1971	Title 57 RCW (districts reclassified, formerly Sewer Title 56, Water Title 57), reclassification 1997
Solid Waste Disposal Districts	1982	RCW 36.58.100
Television Reception Improvement Districts	1971	Ch. 36.95 RCW
School Districts		
< TD>School Districts	1889	Ch. 28A.315 RCW
Joint School Districts	1897	Ch. 28A.323 RCW
Transportation Funding		
Airport Districts, County	1945	RCW 14.08.290-.330
County Rail Districts	1983	Ch. 36.60 RCW

Regional Transportation Investment District	2002	Ch. 36.120 RCW
Roads & Bridges Service Districts	1983	Ch. 36.83 RCW
Transportation Benefit District	1989	Ch. 36.73 RCW, RCW 35.21.225 for city
Transportation (Mass Transit)		
City Transportation Authority (Monorail)	2002	Ch. 35.95A RCW, Ch. 248 Laws 2002
County Public Transportation Authority	1974	Ch. 36.57 RCW
County Ferry Districts, passenger-only (Counties of 1 million population)	2003	Ch. 83 Laws 2003 (100 KB)
Public Transportation Benefit Area	1975	Ch. 36.57A RCW
Regional Transit Authorities	1992	RCW 81.112
Unincorporated Transportation Benefit Areas (UTBA)	1975	RCW 36.57.100
Districts Created for Funding Purposes, But Do Not Have Independent Governing Boards		
District	**Date Created**	**Enabling Statute (RCW)**
Agricultural - Weeds and Pests		
Agricultural Pest Districts	1919	Ch. 17.12 RCW
Horticultural Pest and Disease Boards (Horticultural Assessment)	1969	Ch. 15.09 RCW
Apportionment District (Community redevelopment financing Act)	1982	Ch 39.88 RCW, Ruled unconstitutional by *Leonard v. Spokane, 127 Wn. 2nd*

		195 (1995)
Aquifer Protection Areas	1985	Ch. 36.36 RCW
Community Renewal Area	2002	Ch. 35.81 RCW, Ch. 218 Laws of 2002
County Road District	1889	RCW 36.75.060
Flood Control by Counties (River Improvement Fund)	1907	Ch. 86.12 RCW
Industrial Development Districts (Ports) - to develop marginal area properties	1939	Ch. 53.25 RCW
Lake Management Districts	1986	Ch. 36.61 RCW; RCW 35.21.403
Public Waterway Districts	1911	Ch. 91.08 RCW
River & Harbor Improvement Districts	1903	Ch. 88.32 RCW
Sanitary Districts	1933, Repealed 1971	Title 55 RCW
Shellfish Protection Districts - "Clean Water Districts"	1985	Ch. 90.72 RCW
Solid Waste Collection Districts	1971	Ch. 36.58A RCW
Other Types of Special Governments		
Boards of Joint Control (Irrigation districts and other entities)	1949	Ch. 87.80 RCW
Metropolitan Municipal Corporations	1957	Ch. 35.58 RCW & Ch. 36.56 RCW

Townships	1895, Repealed 1997	Title 45 RCW

Special Purpose Districts listed are defined as political subdivisions of the state and come into existence, acquire legal rights and duties, and are dissolved in accordance with statutory procedures. Enabling legislation sets forth the purpose of the district, procedures for formation, powers, functions and duties, composition of the governing body, methods of finance, and other provisions. The districts are usually quasi-municipal corporations though some are statutorily defined as municipal corporations. The are often designated in the statutes as a public body corporate and a taxing authority.