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CLALLAM COUNTY AUDITOR

November 12, 2015

Ms. Shoona Riggs
Clallam County Auditor's Office
223 E. 4th Street, Suite 1
Port Angeles, WA 98362

RE: Ballot Measures, Explanatory Statements, and Text Amendments for CRC's Proposed 2016 Amendments.

Ms. Riggs,

Per your request (dated 11/9/2015) and pursuant to RCW 29A.36.071, RCW 29A.72.050, CCC 37.10.020(2) and CCC 37.01.030, the Prosecuting Attorney's Office (PAO) has prepared the enclosed ballot measures, explanatory statements, and text amendments for the two charter amendments proposed by the Charter Review Commission (CRC).

Please use the enclosed materials as you prepare to send the CRC's proposed charter amendments to the voters as part of the 2016 general election. If you have any questions or concerns regarding the enclosed materials, then please feel free to contact me.

Sincerely,

Brian Wendt
Deputy Prosecuting Attorney

EXHIBIT A

Proposed Ballot Measure:

VACANCIES IN PUBLIC OFFICE

The Clallam County Charter Review Commission proposes an amendment to the Clallam County Home Rule Charter, concerning vacancies in public offices. This amendment would require the charter to use the same language as state law when referencing vacant offices that are nonpartisan or previously held by an official that did not state a preference for a political party. Should this amendment be:

Approved ..... ☐

Rejected ..... ☐

Explanatory Statement:

VACANCIES IN PUBLIC OFFICE

The Clallam County Home Rule Charter prescribes the process that the Board of County Commissioners must use to fill vacancies in public office. *See* Home Rule Charter, art. VII, section 7.50. The proposed amendment would require the charter provision to use the same language as state law when referencing vacant offices that are nonpartisan or previously held by an official that did not state a preference for a political party. Specifically, the amendment would replace references to an "independent candidate" with a candidate that "States No Party Preference" or holds "nonpartisan office".

This statement was prepared by Brian Wendt, Clallam County Deputy Prosecuting Attorney; 223 E. Fourth Street, Suite 11, Port Angeles, WA 98362; (360) 417-2301.

Corresponding Change to Charter (if the amendment is adopted):

Section 7.50 - Vacancies

An elective office shall become vacant on the death, resignation or removal of the officer, or for other causes. Vacancies in elective office shall be filled at the next November election, unless the vacancy occurs after the day for filing declarations of candidacy, in which case the vacancy shall be filled at the next succeeding November election. The person elected shall take office upon certification of the results of the election and shall serve until the time when the term of the elective office would have expired had no vacancy occurred. Until a successor has been elected and certified, a majority of the Board of Commissioners shall fill the vacancy by appointment. The Commissioners shall fill a vacancy from a list of three people submitted by the county central committee of the party which the official in office immediately prior to the vacancy represented. In the event that the official in office immediately prior to the vacancy was ~~an "independent candidate" as provided by charter~~ a "States No Party Preference" candidate or was from a nonpartisan office, the vacancy shall be filled by the Commissioners as they deem appropriate.

(Amendment as proposed by the Charter Review Commission and amended by the voters November 8, 2016; as proposed by the County Commissioners and amended by the voters, November 4, 1980.)

EXHIBIT B

Proposed Ballot Measure:

EMPLOYEE APPEALS OF DISCIPLINARY MATTERS

The Clallam County Charter Review Commission proposes an amendment to the Clallam County Home Rule Charter, concerning a county employee's right to a public disciplinary hearing. This amendment would require an employee contesting a suspension or dismissal from county employment to choose (1) a hearing prescribed by county policies, or (2) a public hearing before the Board of County Commissioners as allowed by charter; thereby, eliminating the ability to pursue both. Should this amendment be:

Approved ..... ☐

Rejected ..... ☐

Explanatory Statement:

EMPLOYEE APPEALS OF DISCIPLINARY MATTERS

The Clallam County Home Rule Charter affords county employees the right to request a public hearing before the Board of County Commissioners to contest any suspension or dismissal from county employment. *See* Home Rule Charter, art. X, section 10.40. This is in addition to a separate grievance process set forth within the county's administrative policies and procedures. The proposed amendment would require employees challenging any suspension or dismissal from county employment to choose between (1) a hearing prescribed by county personnel policies, or (2) a public hearing before the Board of County Commissioners under the charter. In other words, county employees would only be able to contest a suspension or dismissal through one of the two available appellate processes, not both.

This statement was prepared by Brian Wendt, Clallam County Deputy Prosecuting Attorney; 223 E. Fourth Street, Suite 11, Port Angeles, WA 98362; (360) 417-2301.

Corresponding Change to Charter (if the amendment is adopted):

Section 10.40 – Right to Public Hearing

~~All county employees if they so request shall be entitled to a public hearing upon suspension or dismissal from employment. The public hearing must take place within fifteen (15) days after the suspension or discharge. If the Commissioners find in the public hearing that the employee was suspended or discharged for insufficient cause, the employee shall be reinstated and receive back wages and benefits~~ Any County employee, who has been suspended or dismissed from employment, may elect to appeal their suspension or dismissal by selecting either an appeal process found within the County's personnel policies; or, instead the employee may request a public hearing before the Board of County Commissioners within 15 days after the suspension or discharge. If the Commissioners find in the public hearing, at which issues of employee confidentiality may be waived by all participants therein, the employee was suspended or discharged for insufficient cause, the employee shall be reinstated and receive back wages and benefits..

(Amendment as proposed by the Charter Review Commission and amended by the voters November 8, 2016.)