

SENATE BILL REPORT

SB 5060

As of February 20, 2013

Title: An act relating to the removal of county elected officials.

Brief Description: Addressing the removal of county elected officials.

Sponsors: Senators Carrell, Darneille, Dammeier, Conway and Becker.

Brief History:

Committee Activity: Governmental Operations: 2/18/13.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Karen Epps (786-7424)

Background: The commission form of government is the standard form of county government throughout the state for counties that do not adopt a home rule charter. Of Washington's 39 counties, 33 operate under the commission form of government. Under the commission form, the county governing body consists of a board of commissioners, elected on a partisan basis, who serve as the county's legislative body and also perform executive functions. While the county commissioners establish the budget and act as the county legislative body, they share administrative functions with several other independently elected county officials, including a clerk, treasurer, sheriff, assessor, coroner, and auditor. The county prosecuting attorney and the judges of the superior court are also independently elected

Six Washington counties have adopted home rule charters: King, Clallam, Whatcom, Snohomish, Pierce, and San Juan. Of the six charter counties, four have adopted the council-elected executive form, one has adopted the council-appointed administrator form, and one has adopted the commission-appointed administrator form. A county charter can make any elected county official, except the prosecuting attorney and superior court judges, an appointive rather than an elective position. Most of the charter counties have done so only selectively. The office of county clerk has been made an appointive position in four of the six charter counties. The office of the medical examiner has also been made an appointive position in four of the six charter counties. Most other county officials, with a few exceptions, remain as elective positions. The assessor is an elected position in every county, although some make the position nonpartisan. The auditor is an elected officer in all but one county, where the auditor is appointed by the council. The sheriff is an elected position in all

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

of the charter counties. The treasurer continues to be an elected position in all but one county. Pierce County has an elected assessor-treasurer.

County commissioners may suspend a county treasurer when an action based upon official misconduct is commenced against a county treasurer. This authority applies to charter counties as well as to non-charter counties.

Summary of Bill: County commissioners may suspend a county treasurer-assessor from office when an action based on official misconduct is commenced against a treasurer-assessor.

Whenever an action based upon official misconduct is commenced against any elected county official, the county commissioners may suspend the elected official from office until such suit is determined, and may appoint some person to fill the vacancy. Action based upon official misconduct means any action by a court or quasi-judicial entity that is based on wrongful conduct that affects, interrupts, or interferes with the performance of official's duty.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Pierce County is the only county that has an assessor-treasurer. State law does not address the removal of an assessor-treasurer when there was some malfeasance in office. It was concluded in an Attorney General's opinion that the law would need to be changed in order to remove an assessor-treasurer. It is important that there is some mechanism to suspend county officials if there is wrongful conduct. This bill does not establish a removal process, but a suspension process. During the time that a treasurer or an assessor-treasurer is charged with misconduct, they could be suspended.

CON: There are concerns with this bill. There appears to be a violation by the executive and legislative branches of government. Voters put elected officials in office and if the voters are unhappy with an elected official, they can either start a recall campaign or vote them out of office. This bill makes an accusation from the county commissioners sufficient grounds to remove or suspend an official from office. It does not preclude the county commissioners from making an accusation and then removing or suspending an official from office. The county charter process that created the assessor-treasurer position would be the appropriate place to address the issue of removing an assessor-treasurer or the removal of the treasurer duties of that position.

OTHER: This bill brings up an issue that exists currently if an elected official is unable to perform their duties or if the county commissioners decide to suspend a county treasurer. It would be easier to have someone continue the operations while the issues surrounding the elected official are being resolved. It may make sense to set up a process to allow for the

appointment of someone to step in while the county treasurer is not able to perform their duties.

Persons Testifying: PRO: Senator Carrell, prime sponsor; William Andrew Leneweaver, citizen.

CON: James McMahan, WA Assn. of County Officials.

OTHER: Doug Lasher, Clark County Treasurer.