

Chapter 36.16 RCW
COUNTY OFFICERS—GENERAL

Sections

- 36.16.010 Time of election.
- 36.16.020 Term of county and precinct officers.
- 36.16.030 Elective county officers enumerated.
- 36.16.032 Offices of auditor and clerk may be combined in counties with populations of less than five thousand—Salary.
- 36.16.040 Oath of office.
- 36.16.050 Official bonds.
- 36.16.060 Place of filing oaths and bonds.
- 36.16.070 Deputies and employees.
- 36.16.087 Deputies and employees—County treasurer—Prior deeds validated.
- 36.16.090 Office space.
- 36.16.100 Offices to be open certain days and hours.
- 36.16.110 Vacancies in office.
- 36.16.115 Vacancy in partisan elective office—Appointment of acting official.
- 36.16.120 Officers must complete business.
- 36.16.125 Elected officials—Abandonment of responsibilities—Declaratory judgment—Compensation denied during abandonment.
- 36.16.130 Group false arrest insurance for law enforcement personnel.
- 36.16.136 Liability insurance for officers and employees.
- 36.16.138 Liability insurance for officers and employees of municipal corporations and political subdivisions authorized.
- 36.16.139 Insurance and workers' compensation for offenders performing community restitution.
- 36.16.140 Public auction sales, where held.
- 36.16.145 Public auction sales—Conducted by electronic media.

Accounts, reports of to state auditor: RCW 43.09.230, 43.09.240.

Agricultural

agents, assistants, as college employees for retirement benefit purposes: RCW 28B.10.400.
expert, pest extermination by: RCW 17.12.060.

Air pollution control officer: RCW 70A.15.2300.

Assistant superintendents of schools: RCW 28A.310.020, 28A.310.230.

Board of adjustment for airport zoning: Chapter 14.12 RCW.

Board of managers, county and city tuberculosis hospital: Chapter 70.30 RCW.

Civil service for sheriff's office, county officers to aid in carrying out: RCW 41.14.200.

Clerks, election

duties relating to polling place regulations after closing:
Chapter 29A.60 RCW.
violations by, penalties: Chapter 29A.84 RCW.

Code of ethics for municipal officers—Contract interests: Chapter 42.23 RCW.

Compensation, constitutional provision: State Constitution Art. 11 § 5 (Amendment 57).

Continuity of government act, effect as to: RCW 42.14.040, 42.14.070.

County administrator (public assistance): RCW 74.04.070 through 74.04.080.

County superintendent of schools
community center board of supervisors, superintendent as member: RCW 28A.335.270.
penalties applicable to: Chapter 28A.635 RCW.
powers and duties prescribed: Chapter 28A.310 RCW.

Dental hygienists, licensed, county may employ: RCW 18.29.050.

Department of revenue, to advise: Chapter 84.08 RCW.

Detention home personnel: Chapter 13.04 RCW.

Director of public health, generally: Chapter 70.08 RCW.

District health officer
generally: Chapter 70.46 RCW.
vital statistics, officer as registrar: Chapter 70.58A RCW.

Electrical construction violations, county officers liable—Penalty: RCW 19.29.060.

Eligibility to hold office: RCW 42.04.020.

Employee safety award programs: RCW 36.32.460.

Flood control activities, immunity of from liability: RCW 86.12.037.

Free transportation for public officers prohibited: State Constitution Art. 12 § 20.

Health officer
assisted living facilities, officer to aid in administration of licensing laws: Chapter 18.20 RCW.
children with disabilities, education of: RCW 28A.155.030.
convention of: RCW 43.70.140.
duties relating to
certified copies of birth or death certificates: Chapter 70.58A RCW.
child welfare agencies: Chapter 74.15 RCW.
embalmers, licensing of: Chapter 18.39 RCW.
sexually transmitted disease: Chapter 70.24 RCW.

hearing tests for pupils, officer may give: RCW 28A.210.020.
vital statistics: Chapter 70.58A RCW.
water recreational facilities: Chapter 70.90 RCW.

Hospitalization and medical aid insurance for: RCW 41.04.180,
41.04.190.

Interchange of personnel with federal agency, rights preserved: RCW
41.04.140 through 41.04.170.

Juvenile probation officer, psychopathic delinquents, officer's
duties: Chapter 71.06 RCW.

Local authorities, county officer as for motor vehicle purposes: RCW
46.04.280.

Lost or uncertain boundary lines, commissioners appointed to
ascertain: RCW 58.04.030.

Military

leave for public employees: RCW 38.40.060.
personnel, apprehension and restraint: Chapter 38.38 RCW.

Misconduct of public officers: Chapter 42.20 RCW.

Moneys, use by, of official, a felony: State Constitution Art. 11 §
14.

Moneys to be deposited with treasurer: State Constitution Art. 11 §
15.

Oaths, who may administer: RCW 5.28.010.

Officers, elections, duties, terms, compensation: State Constitution
Art. 11 § 5 (Amendment 57).

Payroll deductions for: RCW 41.04.020 through 41.04.036.

Probation counselors: Chapter 13.04 RCW.

Probation officer, family court, officer's duties: RCW 26.12.070.

Property tax advisor: RCW 84.48.140.

Public bodies, meetings: Chapter 42.30 RCW.

Public hospital district superintendent: Chapter 70.44 RCW.

Public officers, terms when vacancies filled: RCW 42.12.030.

P.U.D. taxes certified to and collected by county officials: RCW
54.16.080.

Recall of: State Constitution Art. 1 §§ 33, 34 (Amendment 8).

Registration of public officer, how effectuated: RCW 42.12.020.

Retirement systems, retention of rights: Chapter 41.04 RCW.

Review board, county officers to assist: RCW 35.13.173.

*Salaried officers not to receive witness fees: RCW 42.16.020,
42.16.030.*

Sanitary officers: Chapter 70.05 RCW.

*Social security, federal, coverage includes county employees: Chapter
41.48 RCW.*

*Special commissioner (flood control by counties jointly): RCW
86.13.060.*

State board of health measures, officers to enforce: RCW 43.20.050.

*Supervisor of elections, duties relating to
hospital district elections: Chapter 70.44 RCW.
P.U.D. elections: RCW 54.04.060.*

*Support of dependent children, officials to charge no fees in
connection with: RCW 74.20.300.*

Surveyor to determine town boundaries: RCW 35.27.040.

*Unclaimed money and property in hands of public authority,
disposition: RCW 63.30.040.*

*Vacancies in county offices, how filled: State Constitution Art. 11 §
6 (Amendment 52).*

RCW 36.16.010 Time of election. The election of county and precinct officers shall be held on the Tuesday next following the first Monday in November, 1922; and every four years thereafter on the Tuesday next following the first Monday in November, and all such elective county and precinct officers shall after midnight, June 11, 1919, be elected at the time herein specified: PROVIDED, That if a vacancy occur during the first biennium after any such election, an election to fill such vacancy for the unexpired term shall be held at the next succeeding general election. [1963 c 4 § 36.16.010. Prior: 1919 c 175 § 2; RRS § 4030.]

RCW 36.16.020 Term of county and precinct officers. The term of office of all county and precinct officers shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280: PROVIDED, That this section and RCW 36.16.010 shall not apply to county commissioners. [2015 c 53 § 60; 1979 ex.s. c 126 § 26; 1963 c 4 § 36.16.020. Prior: 1959 c 216 § 2; 1919 c 175 § 1; 1886 p 101 § 2; Code 1881 § 3153; 1877 p 330 § 2; 1871 p 35 § 3; 1867 p 7 § 4; RRS § 4029.]

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

RCW 36.16.030 Elective county officers enumerated. (Effective until January 1, 2025.) Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner. Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29A.60.280. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558. [2021 c 127 § 5; 2015 c 53 § 61; 1996 c 108 § 1; 1991 c 363 §§ 46, 47; 1990 c 252 § 8; 1963 c 4 § 36.16.030. Prior: 1955 c 157 § 5; prior: (i) Code 1881 § 2707; 1869 p 310 §§ 1-3; 1863 p 549 §§ 1-3; 1854 p 424 §§ 1-3; RRS § 4083. (ii) Code 1881 § 2738; 1863 p 552 § 1; 1854 p 426 § 1; RRS § 4106. (iii) 1891 c 5 § 1; RRS § 4127. (iv) 1890 p 478 § 1; 1886 p 164 § 1; 1883 p 39 § 1; Code 1881 § 2752; 1869 p 402 § 1; 1854 p 428 § 1; RRS § 4140. (v) 1943 c 139 § 1; Code 1881 § 2766; 1863 p 557 § 1; 1854 p 434 § 1; Rem. Supp. 1949 § 4155. (vi) Code 1881 § 2775, part; 1863 p 559 § 1, part; 1854 p 436 § 1, part; RRS § 4176, part. (vii) 1933 c 136 § 2; 1925 ex.s. c 148 § 2; RRS § 4200-2a. (viii) 1937 c 197 § 1; 1933 c 136 § 3; 1925 ex.s. c 148 § 3; RRS § 4200-3a. (ix) 1937 c 197 § 2; 1933 c 136 § 4; 1925 ex.s. c 148 § 4; RRS § 4200-4a. (x) 1927 c 37 § 1; 1890 p 304 § 2; RRS § 4205-1.]

Expiration date—2021 c 127 § 5: "Section 5 of this act expires January 1, 2025." [2021 c 127 § 10.]

Effective dates—1991 c 363 §§ 28, 29, 33, 47, 131: See note following RCW 28A.343.660.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.16.030 Elective county officers enumerated. (Effective January 1, 2025.) Except as provided elsewhere in this section, in

every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff, and a county treasurer, except that in each county with a population of less than forty thousand the county legislative authority may determine that no coroner shall be elected and instead appoint a coroner. In a county with a population of two hundred fifty thousand or more, the county legislative authority may replace the office of coroner with a medical examiner system and appoint a medical examiner as specified in RCW 36.24.190. Any county may enter into an interlocal agreement under chapter 39.34 RCW with an adjoining county for the provision of coroner or medical examiner services. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558. [2021 c 127 § 4; 2015 c 53 § 61; 1996 c 108 § 1; 1991 c 363 §§ 46, 47; 1990 c 252 § 8; 1963 c 4 § 36.16.030. Prior: 1955 c 157 § 5; prior: (i) Code 1881 § 2707; 1869 p 310 §§ 1-3; 1863 p 549 §§ 1-3; 1854 p 424 §§ 1-3; RRS § 4083. (ii) Code 1881 § 2738; 1863 p 552 § 1; 1854 p 426 § 1; RRS § 4106. (iii) 1891 c 5 § 1; RRS § 4127. (iv) 1890 p 478 § 1; 1886 p 164 § 1; 1883 p 39 § 1; Code 1881 § 2752; 1869 p 402 § 1; 1854 p 428 § 1; RRS § 4140. (v) 1943 c 139 § 1; Code 1881 § 2766; 1863 p 557 § 1; 1854 p 434 § 1; Rem. Supp. 1949 § 4155. (vi) Code 1881 § 2775, part; 1863 p 559 § 1, part; 1854 p 436 § 1, part; RRS § 4176, part. (vii) 1933 c 136 § 2; 1925 ex.s. c 148 § 2; RRS § 4200-2a. (viii) 1937 c 197 § 1; 1933 c 136 § 3; 1925 ex.s. c 148 § 3; RRS § 4200-3a. (ix) 1937 c 197 § 2; 1933 c 136 § 4; 1925 ex.s. c 148 § 4; RRS § 4200-4a. (x) 1927 c 37 § 1; 1890 p 304 § 2; RRS § 4205-1.]

Effective date—2021 c 127 §§ 4 and 6: "Sections 4 and 6 of this act take effect January 1, 2025." [2021 c 127 § 9.]

Effective dates—1991 c 363 §§ 28, 29, 33, 47, 131: See note following RCW 28A.343.660.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.16.032 Offices of auditor and clerk may be combined in counties with populations of less than five thousand—Salary. The office of county auditor may be combined with the office of county clerk in each county with a population of less than five thousand by unanimous resolution of the county legislative authority passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor, and the salary of the office of county auditor that is not combined with the office of county clerk, shall be not less than ten thousand three hundred dollars. The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973. [1991 c 363 § 48; 1973 1st ex.s. c 88 § 1; 1972 ex.s. c 97 § 1; 1967 ex.s. c 77 § 1; 1963 c 164 § 2; 1963 c 4 § 36.16.032. Prior: 1957 c 219 § 4.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.16.040 Oath of office. Every person elected to county office shall before he or she enters upon the duties of his or her office take and subscribe an oath or affirmation that he or she will faithfully and impartially discharge the duties of his or her office to the best of his or her ability. This oath, or affirmation, shall be administered and certified by an officer authorized to administer oaths, without charge therefor. [2009 c 549 § 4007; 1963 c 4 § 36.16.040. Prior: 1955 c 157 § 6; prior: (i) Code 1881 § 2666; 1869 p 303 § 4; 1863 p 541 § 4; 1854 p 420 § 4; RRS § 4045. (ii) Code 1881 § 2708, part; 1869 p 310 § 4, part; 1863 p 549 § 4, part; 1854 p 424 § 4, part; RRS § 4084, part. (iii) 1943 c 249 § 1; Code 1881 § 2739; 1863 p 553 § 2, part; 1854 p 426 § 2; Rem. Supp. 1943 § 4107. (iv) 1886 p 61 § 4, part; 1883 p 73 § 9, part; Code 1881 § 2163, part; 1877 p 246 § 5, part; 1863 p 408 § 3, part; 1860 p 334 § 3, part; 1858 p 12 § 3, part; 1854 p 417 § 3, part; RRS § 4129, part. (v) 1897 c 71 § 44; 1893 c 124 § 46; Code 1881 § 2753; 1854 p 428 § 2; RRS § 4141. (vi) Code 1881 § 2774; 1863 p 558 § 9; 1854 p 435 § 9; RRS § 4156. (vii) Code 1881 § 2775, part; 1863 p 559 § 1, part; 1854 p 436 § 1, part; RRS § 4176, part. (viii) Code 1881 § 2096; 1869 p 374 § 18; RRS § 4231. (ix) 1909 c 97 p 280 § 1, part; 1903 c 104 § 13, part; 1899 c 142 § 5, part; 1897 c 118 § 30, part; 1890 p 355 § 10, part; Code 1881 § 3170, part; RRS § 4767, part. (x) 1925 ex.s. c 130 § 55; 1891 c 140 § 46; 1890 p 548 § 50; RRS § 11138.]

RCW 36.16.050 Official bonds. Every county official before he or she enters upon the duties of his or her office shall furnish a bond conditioned that he or she will faithfully perform the duties of his or her office and account for and pay over all money which may come into his or her hands by virtue of his or her office, and that he or she, or his or her executors or administrators, will deliver to his or her successor safe and undefaced all books, records, papers, seals, equipment, and furniture belonging to his or her office. Bonds of elective county officers shall be as follows:

(1) Assessor: Amount to be fixed and sureties to be approved by proper county legislative authority;

(2) Auditor: Amount to be fixed at not less than ten thousand dollars and sureties to be approved by the proper county legislative authority;

(3) Clerk: Amount to be fixed in a penal sum not less than double the amount of money liable to come into his or her hands and sureties to be approved by the judge or a majority of the judges presiding over the court of which he or she is clerk: PROVIDED, That the maximum bond fixed for the clerk shall not exceed in amount that required for the treasurer in the same county;

(4) Coroner: Amount to be fixed at not less than five thousand dollars with sureties to be approved by the proper county legislative authority;

(5) Members of the proper county legislative authority: Sureties to be approved by the county clerk and the amounts to be:

(a) In each county with a population of one hundred twenty-five thousand or more, twenty-five thousand dollars;

(b) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand, twenty-two thousand five hundred dollars;

(c) In each county with a population of from forty thousand to less than seventy thousand, twenty thousand dollars;

(d) In each county with a population of from eighteen thousand to less than forty thousand, fifteen thousand dollars;

(e) In each county with a population of from twelve thousand to less than eighteen thousand, ten thousand dollars;

(f) In each county with a population of from eight thousand to less than twelve thousand, seven thousand five hundred dollars;

(g) In all other counties, five thousand dollars;

(6) Prosecuting attorney: In the amount of five thousand dollars with sureties to be approved by the proper county legislative authority;

(7) Sheriff: Amount to be fixed and bond approved by the proper county legislative authority at not less than five thousand nor more than fifty thousand dollars; surety to be a surety company authorized to do business in this state;

(8) Treasurer: Sureties to be approved by the proper county legislative authority and the amounts to be fixed by the proper county legislative authority at double the amount liable to come into the treasurer's hands during his or her term, the maximum amount of the bond, however, not to exceed:

(a) In each county with a population of two hundred ten thousand or more, two hundred fifty thousand dollars;

(b) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, two hundred thousand dollars;

(c) In each county with a population of from eighteen thousand to less than one hundred twenty-five thousand, one hundred fifty thousand dollars;

(d) In all other counties, one hundred thousand dollars.

The treasurer's bond shall be conditioned that all moneys received by him or her for the use of the county shall be paid as the proper county legislative authority shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any court, or otherwise, and for the faithful discharge of his or her duties.

Bonds for other than elective officials, if deemed necessary by the proper county legislative authority, shall be in such amount and form as such legislative authority shall determine.

In the approval of official bonds, the chair may act for the county legislative authority if it is not in session. [2010 1st sp.s. c 26 § 5; 1991 c 363 § 49; 1971 c 71 § 1; 1969 ex.s. c 176 § 91; 1963 c 4 § 36.16.050. Prior: 1955 c 157 § 7; prior: (i) 1895 c 53 § 1; RRS § 70. (ii) 1895 c 53 § 2, part; RRS § 71, part. (iii) 1921 c 132 § 1, part; 1893 c 75 § 7, part; RRS § 4046, part. (iv) Code 1881 § 2708, part; 1869 p 310 § 4, part; 1863 p 549 § 4, part; 1854 p 424 § 4, part; RRS § 4084, part. (v) 1943 c 249 § 1, part; Code 1881 § 2739, part; 1863 p 553 § 2, part; 1854 p 426 § 2, part; Rem. Supp. 1943 § 4107, part. (vi) 1886 p 61 § 4, part; 1883 p 73 § 9, part; Code 1881 § 2163, part; 1877 p 246 § 5, part; 1863 p 408 § 3, part; 1860 p 334 § 3, part; 1858 p 12 § 3, part; 1854 p 417 § 3, part; RRS 4129, part. (vii) 1897 c 71 § 44, part; 1893 p 124 § 46, part; Code 1881 § 2753, part; 1854 p 428 § 2, part; RRS § 4141, part. (viii) 1943 c 139 § 1, part; Code 1881 § 2766, part; 1863 p 557 § 1, part; 1854 p 434 § 1,

part; Rem. Supp. 1943 § 4155, part. (ix) Code 1881 § 2775, part; 1863 p 559 § 1, part; 1854 p 436 § 1, part; RRS § 4176, part. (x) 1909 c 97 p 280 § 1, part; 1903 c 104 § 13, part; 1899 c 142 § 5, part; 1897 c 118 § 30, part; 1890 p 355 § 10, part; Code 1881 § 3170, part; RRS § 4767, part. (xi) 1890 p 35 § 5, part; RRS § 9934, part. (xii) 1925 ex.s. c 130 § 55, part; 1891 c 140 § 46, part; 1890 p 548 § 50, part; RRS § 11138, part.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Public officers, official bonds

Code of 1881, county application: RCW 42.08.010 through 42.08.050.

1890 act, county application: RCW 42.08.060 through 42.08.170.

RCW 36.16.060 Place of filing oaths and bonds. Every county officer, before entering upon the duties of his or her office, shall file his or her oath of office in the office of the county auditor and his or her official bond in the office of the county clerk: PROVIDED, That the official bond of the county clerk, after first being recorded by the county auditor, shall be filed in the office of the county treasurer.

Oaths and bonds of deputies shall be filed in the offices in which the oaths and bonds of their principals are required to be filed. [2009 c 549 § 4008; 1963 c 4 § 36.16.060. Prior: 1955 c 157 § 8; prior: (i) 1895 c 53 § 2, part; RRS § 71, part. (ii) 1890 p 35 § 5, part; RRS § 9934, part.]

RCW 36.16.070 Deputies and employees. In all cases where the duties of any county office are greater than can be performed by the person elected to fill it, the officer may employ deputies and other necessary employees with the consent of the board of county commissioners. The board shall fix their compensation and shall require what deputies shall give bond and the amount of bond required from each. The sureties on deputies' bonds must be approved by the board and the premium therefor is a county expense.

A deputy may perform any act which his or her principal is authorized to perform. The officer appointing a deputy or other employee shall be responsible for the acts of his or her appointees upon his or her official bond and may revoke each appointment at pleasure. [2009 c 549 § 4009; 1969 ex.s. c 176 § 92; 1963 c 4 § 36.16.070. Prior: 1959 c 216 § 3; 1957 c 219 § 2; prior: (i) Code 1881 § 2716; 1869 p 312 § 10; 1863 p 550 § 7; 1854 p 425 § 7; RRS § 4093. (ii) Code 1881 § 2741; 1863 p 553 § 4; 1854 p 427 § 4; RRS § 4108. (iii) Code 1881 § 2767, part; 1871 p 110 § 1, part; 1863 p 557 § 2, part; 1854 p 434 § 2, part; RRS § 4160, part. (iv) 1905 c 60 § 1; RRS § 4177. (v) 1905 c 60 § 2; RRS § 4178. (vi) 1905 c 60 § 3; RRS § 4179. (vii) 1949 c 200 § 1, part; 1945 c 87 § 1, part; 1937 c 197 § 3, part; 1925 ex.s. c 148 § 6, part; Rem. Supp. 1949 § 4200-5a, part. (viii) 1943 c 260 § 1; Rem. Supp. 1943 § 4200-5b.]

County clerk, deputies of: Chapter 2.32 RCW.

RCW 36.16.087 Deputies and employees—County treasurer—Prior deeds validated. In all cases in which the county treasurer of any county in the state of Washington shall have executed a tax deed or deeds prior to February 21, 1903, either to his or her county or to any private person or persons or corporation whomsoever, said deed or deeds shall not be deemed invalid by reason of the county treasurer who executed the same not having affixed a seal of office to the same, or having affixed a seal not an official seal; nor shall said deed or deeds be deemed invalid by reason of the fact that at the date of the execution of said deed or deeds there was in the state of Washington no statute providing for an official seal for the office of county treasurer. [2009 c 549 § 4010; 1963 c 4 § 36.16.087. Prior: 1903 c 15 § 2; RRS § 4126. Formerly RCW 36.16.080.]

RCW 36.16.090 Office space. The boards of county commissioners of the several counties of the state shall provide a suitable furnished office for each of the county officers in their respective courthouses and may provide additional offices elsewhere for the officers at the board's discretion. [2009 c 105 § 1; 1963 c 4 § 36.16.090. Prior: 1893 c 82 § 1; Code 1881 § 2677; 1869 p 306 § 15; 1854 p 422 § 15; RRS § 4032. SLC-RO-14.]

RCW 36.16.100 Offices to be open certain days and hours. All county and precinct offices shall be kept open for the transaction of business during such days and hours as the board of county commissioners shall by resolution prescribe. [1963 c 4 § 36.16.100. Prior: 1955 ex.s. c 9 § 2; prior: 1951 c 100 § 1; 1941 c 113 § 1, part; Rem. Supp. 1941 § 9963-1, part.]

RCW 36.16.110 Vacancies in office. (1) The county legislative authority in each county shall, at its next regular or special meeting after being appraised of any vacancy in any county, township, precinct, or road district office of the county, fill the vacancy by the appointment of some person qualified to hold such office, and the officers thus appointed shall hold office until the next general election, and until their successors are elected and qualified.

(2) If a vacancy occurs in a partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29A.04.133 and shall continue through the term for which he or she was elected.

(3) If a vacancy occurs in a nonpartisan county board of commissioners elective office or nonpartisan county council elective office, the person appointed to fill the vacancy must be from the same legislative district, county, or county commissioner or council district as the county elective officer whose office was vacated, and must be one of three persons who must be nominated by the nonpartisan executive or nonpartisan chair of the board of commissioners for the county. In case a majority of the members of the county legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter,

and from the list of nominees provided for in this section, appoint someone to fill the vacancy.

(4) If a vacancy occurs in a nonpartisan county board of commissioners elective office or nonpartisan county council elective office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor may commence once he or she has qualified as defined in RCW 29A.04.133 and shall continue through the term for which he or she was elected. [2010 c 207 § 2; 2003 c 238 § 1; 1963 c 4 § 36.16.110. Prior: 1927 c 163 § 1; RRS § 4059; prior: Code 1881 § 2689; 1867 p 57 § 28.]

Findings—Intent—2010 c 207: "The legislature finds that a number of counties have moved to designate certain countywide elective offices as nonpartisan. Because the creation of these nonpartisan offices is a relatively new occurrence, there is not a mechanism in the state Constitution or statutory laws to fill vacancies in these offices. The legislature also finds that many local governments have not created a mechanism for expediently filling the vacancies. The legislature further finds the following: Political representation is an important and fundamental aspect of elective government; vacancies in elective office effectively disenfranchise portions of the state's citizenry; vacancies in elective office can hamper or completely stall the efficient administration of all aspects of governance, including the appointment of inferior officeholders responsible for the administration of health, public safety, and a myriad of social services; and that all of these governing functions represent public policy considerations of broad concern. Therefore, it is the responsibility and intent of the legislature to provide a mechanism for filling vacancies in these offices that is in keeping with the state Constitution and current statute." [2010 c 207 § 1.]

Contingent effective date—2003 c 238: "This act takes effect January 1, 2004, if the proposed amendment to Article II, section 15 of the state Constitution (HJR 4206) is validly submitted to and is approved and ratified by the voters at a general election held in November 2003. If the proposed amendment is not approved and ratified, this act is void in its entirety." [2003 c 238 § 5.] House Joint Resolution No. 4206 was approved by the voters on November 4, 2003.

RCW 36.16.115 Vacancy in partisan elective office—Appointment of acting official. Where a vacancy occurs in any partisan county elective office, other than a member of the county legislative authority, the county legislative authority may appoint an employee that was serving as a deputy or assistant in such office at the time the vacancy occurred as an acting official to perform all necessary duties to continue normal office operations. The acting official will serve until a successor is either elected or appointed as required by law. This section does not apply to any vacancy occurring in a charter county which has charter provisions inconsistent with this section. [1981 c 180 § 3.]

Severability—1981 c 180: See note following RCW 42.12.040.

Election of successor: RCW 42.12.040.

RCW 36.16.120 Officers must complete business. All county officers shall complete the business of their offices, to the time of the expiration of their respective terms, and in case any officer, at the close of his or her term, leaves to his or her successor official labor to be performed, which it was his or her duty to perform, he or she shall be liable to his or her successor for the full value of such services. [2009 c 549 § 4011; 1963 c 4 § 36.16.120. Prior: 1890 p 315 § 43; RRS § 4031.]

RCW 36.16.125 Elected officials—Abandonment of responsibilities—Declaratory judgment—Compensation denied during abandonment. The county legislative authority of a county may cause an action to be filed in the superior court of that county for a declaratory judgment finding that a county elected official has abandoned his or her responsibilities by being absent from the county and failing to perform his or her official duties for a period of at least thirty consecutive days, but not including: (1) Absences approved by the county legislative authority; or (2) absences arising from leave taken for legitimate medical or disability purposes. If such a declaratory judgment is issued, the county official is no longer eligible to receive compensation from the date the declaratory judgment is issued until the court issues a subsequent declaratory judgment finding that the county official has commenced performing his or her responsibilities. [1999 c 71 § 1.]

RCW 36.16.130 Group false arrest insurance for law enforcement personnel. Any county may contract with an insurance company authorized to do business in this state to provide group false arrest insurance for its law enforcement personnel and pursuant thereto may use such portion of its revenues to pay the premiums therefor as the county may determine. [1963 c 127 § 2.]

RCW 36.16.136 Liability insurance for officers and employees. The board of county commissioners of each county may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1969 ex.s. c 59 § 1.]

RCW 36.16.138 Liability insurance for officers and employees of municipal corporations and political subdivisions authorized. Any board of commissioners, council, or board of directors or other governing board of any county, city, town, school district, port district, public utility district, water-sewer district, irrigation district, or other municipal corporation or political subdivision is authorized to purchase insurance to protect and hold personally harmless any of its commissioners, councilmembers, directors, or other governing board members, and any of its other officers, employees, and agents from any action, claim, or proceeding instituted against the foregoing individuals arising out of the performance, purported performance, or failure of performance, in good faith of duties for,

or employment with, such institutions and to hold these individuals harmless from any expenses connected with the defense, settlement, or monetary judgments from such actions, claims, or proceedings. The purchase of such insurance for any of the foregoing individuals and the policy limits shall be discretionary with the municipal corporation or political subdivision, and such insurance shall not be considered to be compensation for these individuals.

The provisions of this section are cumulative and in addition to any other provision of law authorizing any municipal corporation or political subdivision to purchase liability insurance. [1999 c 153 § 43; 1975 c 16 § 1.]

Part headings not law—1999 c 153: See note following RCW 57.04.050.

Liability insurance for officers and employees authorized: RCW 28A.400.360, 28B.10.660, 35.21.205, 52.12.071, 53.08.205, 54.16.095, 57.08.105, and 87.03.162.

RCW 36.16.139 Insurance and workers' compensation for offenders performing community restitution. The legislative authority of a county may purchase liability insurance in an amount it deems reasonable to protect the county, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of community restitution imposed by court order or pursuant to RCW 13.40.080. The legislative authority of a county may elect to treat offenders as employees and/or workers under Title 51 RCW. [2002 c 175 § 32; 1984 c 24 § 3.]

Effective date—2002 c 175: See note following RCW 7.80.130.

Workers' compensation coverage of offenders performing community restitution: RCW 51.12.045.

RCW 36.16.140 Public auction sales, where held. Public auction sales of property conducted by or for the county must be held at such places as the county legislative authority may direct. A county may conduct a public auction sale by electronic media pursuant to RCW 36.16.145. [2015 c 95 § 2. Prior: 1991 c 363 § 50; 1991 c 245 § 3; 1965 ex.s. c 23 § 6.]

Intent—2015 c 95: See note following RCW 36.16.145.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Building permit—County must require payroll estimate under industrial insurance act: RCW 51.12.070.

Public lands—Advertisement—Hours: RCW 79.11.165.

Sales of county property, where held: RCW 36.34.080.

Tax sales, where held: RCW 84.64.080, 36.35.120.

RCW 36.16.145 Public auction sales—Conducted by electronic

media. (1) A county treasurer may conduct a public auction sale by electronic media.

(2) In a public auction sale by electronic media, the county treasurer may:

- (a) Require persons to provide a deposit to participate;
- (b) Accept bids for as long as the treasurer deems necessary; and
- (c) Require electronic funds transfers to pay any deposits and a winning bid.

(3) At least fourteen days prior to the beginning of a public auction sale by electronic media, the county treasurer must:

- (a) Publish notice of the sale once a week during two successive weeks in a newspaper of general circulation in the county; and
- (b) Post notice of the sale in a conspicuous place in the county courthouse and on the county's internet website.

(4) A deposit paid by a winning bidder in a public auction sale by electronic media must be applied to the balance due. If a winning bidder does not comply with the terms of the sale, the winning bidder's deposit will be forfeited and credited to the county treasurer's operations and maintenance fund. Deposits paid by nonwinning bidders must be refunded within ten business days of the close of the sale.

(5) All property sold at a public auction sale by electronic media is offered and sold as is.

(6) In a public auction sale by electronic media, a county treasurer is not liable for:

- (a) Known or unknown conditions of the property, including but not limited to errors in the assessor's records; or
- (b) Failure of an electronic device not owned, operated, or managed by the county that prevents a person from participating in the sale.

(7) For purposes of this section:

(a) "Electronic funds transfer" has the same meaning as provided in RCW 82.32.085.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Public auction sale by electronic media" means a transaction conducted via the internet that includes invitations for bids to purchase property submitted by an auctioneer and bids to purchase property submitted by sale participants, culminating in an auctioneer's acceptance of the highest or most favorable bid. Invitations and bids are submitted through an electronic device, including but not limited to a computer. [2015 c 95 § 3.]

Intent—2015 c 95: "The legislature intends to grant counties in Washington clear authority to conduct public auctions via the internet, potentially reducing sale costs and enabling more bidders to participate." [2015 c 95 § 1.]