

RESOLUTION NO. 60-2004

CALLING FOR A SPECIAL ELECTION TO CHOOSE
FREEHOLDERS TO DRAFT A HOME RULE CHARTER FOR
SAN JUAN COUNTY AND PRESCRIBING THE PROCEDURE
FOR THE ELECTION OF SUCH FREEHOLDERS

WHEREAS, Article XI, Section 4, as amended by Amendment 21, of the Washington State Constitution provides that the legislative authority of a county may call for an election of freeholders for the purpose of framing a county charter for its own government, subject to the constitution and laws of the state; and

WHEREAS, the Board of County Commissioners has been requested by numerous electors, pursuant to the Washington Constitution, to call for the election of a board of twenty-one (21) freeholders at the 2004 General Election; and

WHEREAS, the Vision Statement provides that "we are equally represented by elected officials who conduct the activities of government in an ethical, fair, impartial, responsive and open manner which recognizes the independent, self-reliant nature of its citizens;" and

WHEREAS, at the time of the adoption of the Comprehensive Plan in 1998, the Board of County Commissioners committed within three years to "conduct public hearings regarding equitable redistricting which could call for an election of a board of freeholders;" and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the citizens of the county to utilize the procedure whereby the Commissioners will call for the election of freeholders; and

WHEREAS, Article XI, Section 4, as Amended by Amendment 21 of the Washington State Constitution, further provides that the legislative authority of the county shall prescribe the procedure for the nomination of qualified electors as candidates for such a board of freeholders to be apportioned "in accordance with the commissioner districts in proportion to the population of said district as nearly as may be."

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

A special election is called for November 2, 2004, to be held in conjunction with the General Election on such date, to place on the ballot the election of twenty-one (21) freeholders whose duty shall be to frame a Home Rule Charter, pursuant to the provisions of Article XI, Section 4 of the Washington State Constitution. For the purpose of such election, the following procedures shall apply:

C: PA (2)
AUD
✓ BINDER
ELECTIONS
6-16-04

1. Twenty-one (21) freeholders shall be nominated and elected at large from the three county commissioner districts as follows: District One, ten (10) freeholders; District Two, seven (7) freeholders; and District Three four (4) freeholders. All twenty-one freeholder positions shall be non-partisan. The County Auditor shall be the filing officer for declarations of candidacy for such positions. The filing period shall be from 8:00 a.m. to 4:30 p.m. Monday, August 23, 2004 through Friday, August 27, 2004. There shall be no filing fee. In the event that valid the number of valid declarations of candidacy are for any one district is less than the number of freeholders to be elected from that district, then the filing period shall be extended for one additional week through 4:30 p.m. on Friday September 3, 2004 to allow additional time for filing for the district with the insufficient number of freeholders.

2. Candidates for freeholder shall be qualified electors (registered voters) who reside within the commissioner districts from which they are seeking election, and who shall have resided within San Juan County for a period of not less than five (5) years immediately preceding the date the San Juan County Auditor is required by law to certify the results of the election, to wit: November 17, 2004.

3. Candidates shall be allowed to withdraw their declaration of candidacy at any time before 4:30 p.m. on Wednesday, September 8, 2004, by filing a signed request for withdrawal with the San Juan County Auditor.

4. In the event that sufficient valid declarations of candidacy are not filed within the established filing period, or extension of filing period, or in the event valid declarations are withdrawn as provided here, such that there are not at least as many candidates nominated as have been allocated to each such commission district, the Board of County Commissioners shall nominate such additional candidates (if any) as may be necessary to fulfill such allocations, and shall file the name and address of such nominee(s) with the San Juan County Auditor no later than 4:30 p.m. on Friday, September 10, 2004.

5. All qualified electors within each commissioner district shall be entitled to vote for the number of freeholders allocated to that district. Candidate names for freeholder within each district will appear on the ballot in an order determined by a lottery drawing conducted by the County Auditor. The number of candidates allocated to and within each commissioner district who receive the highest number of votes shall be certified as elected from that district. Any tie vote will be resolved by coin toss.

6. Notice of the election will be given at the same time and in the same manner as the notice provided for the General Election to be held on the same date. Notice shall include the name and address for each candidate for freeholder. The election shall be conducted by the San Juan County Auditor, and the results shall be canvassed by the San Juan County Canvassing Board.

7. Statement from candidates for election as freeholders will be included in the County Voter's Pamphlet for the 2004 General Election in accordance with rules to be determined by the County Auditor and approved by the Board of County Commissioners.

8. The ballot shall list the freeholder candidates within each respective commissioner district, with the instruction to "Vote for Ten, Seven, or Four" (as the case may be) below the heading for the commissioner district. The ballot shall appear in, substantially, the following form, with the names of the candidates for freeholder in each commissioner district appearing only on the ballots in that district:

FREEHOLDER ELECTION

FREEHOLDERS – COMMISSIONER DISTRICT NO. 1

Vote for Ten

FREEHOLDERS – COMMISSIONER DISTRICT NO. 2

Vote for Seven

FREEHOLDERS – COMMISSIONER DISTRICT NO. 3

Vote for Four

9. The list of freeholder candidates shall appear on the ballot after the Superior Court judicial officers.

10. Except only as they may be modified by specific provisions herein, the procedures and laws governing the conduct of election to nonpartisan office in Title 29 RCW shall apply to the election of freeholders.

11. The candidate receiving the highest number of votes in the election shall serve as interim chair of the Board of Freeholders until such time as the Board of Freeholders shall determine the procedures under which it shall operate. No member of the Board of Freeholders shall receive any compensation for his or her activities throughout the freeholder process.

12. The Board of Freeholders shall schedule and hold a public meeting within thirty (30) days following the certification of the election results, to be called by the interim chair. The meeting shall be open to the public, but need not be open for public testimony. At its initial meeting, the Board of Freeholders shall receive a briefing from the San Juan County Prosecuting Attorney's Office regarding the authority, rights and responsibilities of freeholders as public officials. The Board of Freeholders shall be required to submit its proposed charter to the Board of County Commissioners no later than nine (9) months from the date of such initial meeting.

13. At its first meeting, the Board of Freeholders will make provisions to accomplish the following within the next thirty (30) days:

- A. Establish dates, times and location for regularly scheduled meetings; and
- B. Submit a proposal to the Board of County Commissioners for requested use and assistance of county staff and resources.

14. Thereafter, and for so long as the Board of Freeholders shall meet, it shall:

- A. Ensure that all meetings are open to the public and properly noticed;
- B. Encourage and allow for public testimony and inclusion in the freeholder process;
- C. Provide official minutes of all meetings to the Board of County Commissioners within thirty (30) days following the meeting, and
- D. Submit quarterly plans to the Board of County Commissioners no later than the last day of each calendar quarter outlining activities for the following quarter and expected activities for future quarters through the expected completion of the freeholder process which, as specified above, shall be no later than ten months from the certification of election results.

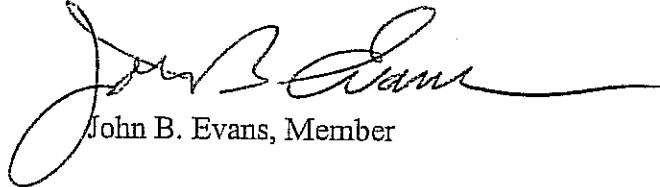
15. In no event shall any county employee engage in any activity while on public time, or at public expense, intended to promote or oppose any Home Rule Charter proposal. The Board of Freeholders shall not use public employees, resources or facilities to promote the adoption of a Home Rule Charter.

ADOPTED this 15th day of June, 2004.

**BOARD OF COUNTY COMMISSIONERS
SAN JUAN COUNTY, WASHINGTON**



Darcie L. Nielsen, Chair

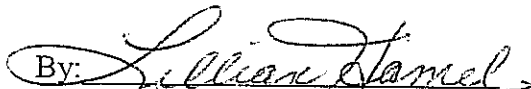


John B. Evans, Member

ABSTAINED

Rhea Y. Miller, Member

ATTEST: Si A. Stephens, Auditor
and Ex-Officio Clerk of the Board

By: 
Lillian Hamel - Clerk 6/15/04

APPROVED AS TO FORM ONLY

RANDALL K. GAYLORD
San Juan County Prosecuting Attorney

By: 