



FOSTER PEPPER PLLC

Appendix A

Recommended Governance

Options Legislative Language

County Financial Health and Governance Alternatives 2007 Legislative Study

December 1, 2007

Produced for:

Department of Community Trade and Economic Development

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Recommendation 4 – Strengthen the Executive Powers of Board of County Commissioners

Sec. 1. RCW 36.32.010 and 1990 c 252 s 1 are each amended to read as follows:

There is established in each county in this state a board of county commissioners to exercise county legislative powers and certain executive powers consistent with applicable law. Except as provided in RCW 36.32.055 and 36.32.0552, each board of county commissioners shall consist of three qualified electors, two of whom shall constitute a quorum to do business.

Sec. 2. RCW 36.32.120 and 2003 c 337 s 6 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime and no act that is a state crime may be made a civil violation. The notice must set out a copy of the proposed regulations or summarize the content of each proposed regulation; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. For purposes of this subsection, a summary shall mean a brief description which succinctly describes the main points of the proposed regulation. When the county publishes a summary, the publication shall include a statement that the full text of the proposed regulation will be mailed upon request. An inadvertent mistake or omission in publishing the text or a summary of the content of a proposed regulation shall not render the regulation

invalid if it is adopted. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as district judges;

(10) Have power to declare by ordinance what shall be deemed a nuisance within the county, including but not limited to "litter" and "potentially dangerous litter" as defined in RCW 70.93.030; to prevent, remove, and abate a nuisance at the expense of the parties creating, causing, or committing the nuisance; and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes;((-))

(11) Adopt and implement administrative policies and procedures applicable to all county offices, departments, services or institutions, including without limitation policies and procedures concerning personnel, civil service, labor relations, training, risk management, fiscal and budgetary matters, information and communications technology, records management, equipment, procurement, public works and contracting;

(12) Appoint and dismiss directors and other managers of any county offices, departments or institutions except for such offices as are elected and the departments or institutions supervised by such elective officers;

(13) Temporarily suspend with pay any elective county officer from his or her official duties whenever an action based upon official misconduct, breach of an official bond or a purported felony is commenced against such officer by the attorney general, by a prosecuting attorney or by the United States attorney, and appoint some person temporarily to carryout those duties, all until such action is finally resolved;

(14) Request that a prosecuting attorney file appropriate actions pursuant to RCW 42.12.010 to determine whether an elective office has become vacant;

(15) Provide for organizational, management and business process improvement studies, and performance audits, and, upon receiving the results of such studies and audits, implement such recommendations or other measures as the legislative authority deems appropriate;

(16) Assist the efficiency and effectiveness of county services by providing for county-wide facility, buildings, equipment, fleet, supplies and technology studies or plans applicable to all county offices, departments or institutions, and, upon completing or receiving such studies or plans, implement such recommendations or other measures as the legislative authority deems appropriate;

(17) Assist the efficiency and effectiveness of county financial management by providing for county-wide fiscal and financial management programs or plans applicable to all county offices, departments or institutions, and, upon completing such programs or plans, implement such recommendations or other measures as the legislative authority deems appropriate;

(18) Approve, execute and implement inter-governmental agreements with the United States, any Indian tribe, state of Washington, or any other state or Canadian province, or any political subdivision of this or other state or province, for the joint or cooperative delivery of facilities, improvements, equipment, services or regulatory or enforcement activities;

(19) Exercise such other powers as may be vested in the legislative authorities or boards of county commissioners of the several counties under applicable law, including without limitation the power to sue and be sued, to own, construct, purchase, lease, add to and maintain, sell, convey or otherwise dispose of any real and personal property or property rights as necessary for the conduct of the affairs of the county, to enter into contracts, and to employ such persons as the legislative authority deems appropriate.

Sec. 3. RCW 36.40.010 and 1963 c 4 s 36.40.010 are each amended to read as follows:

The board of county commissioners of a county may appoint a budget director who shall report to the board with respect to

the responsibilities vested in such officer under this chapter. The budget director may be the county auditor or another person reporting to the board of county commissioners. On or before the second Monday in July of each year the ~~county auditor~~ budget director shall notify in writing each county official, elective or appointive, in charge of an office, department, service, or institution of the county, to file with him or her on or before the second Monday in August thereafter detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by such office, department, service, or institution for the ensuing fiscal year.

Sec. 4. RCW 36.40.020 and 1963 c 4 s 36.40.020 are each amended to read as follows:

The county commissioners shall submit to the ~~auditor~~ budget director a detailed statement showing all new road and bridge construction to be financed from the county road fund, and from bond issues theretofore issued, if any, for the ensuing fiscal year, together with the cost thereof as computed by the county road engineer or for constructions in charge of a special engineer, then by such engineer, and such engineer shall prepare such estimates of cost for the county commissioners. They shall also submit a similar statement showing the road and bridge maintenance program, as near as can be estimated.

The county commissioners shall also submit to the ~~auditor~~ budget director detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bonds or warrants not yet authorized.

Sec. 5. RCW 36.40.030 and 1963 c 4 s 36.40.030 are each amended to read as follows:

The estimates required in RCW 36.40.010 and 36.40.020 shall be submitted on forms provided by the ~~county auditor or chief financial officer~~ budget director and classified according to the classification established by the state auditor. The ~~county auditor or chief financial officer~~ budget director shall provide such forms. He or she shall also prepare the estimates for interest and debt redemption requirements and any other estimates the preparation of which properly falls within the duties of his or her office.

Each such official shall file his or her estimates within the time and in the manner provided in the notice and form and the ~~county auditor or chief financial officer~~ budget director

shall deduct and withhold as a penalty from the salary of each official failing or refusing to file such estimates as herein provided, the sum of ten dollars for each day of delay: PROVIDED, That the total penalty against any one official shall not exceed fifty dollars in any one year.

In the absence or disability of any official the duties required herein shall devolve upon the official or employee in charge of the office, department, service, or institution for the time being. The notice shall contain a copy of this penalty clause.

Sec. 6. RCW 36.40.040 and 1963 c 4 s 36.40.040 are each amended to read as follows:

Upon receipt of the estimates the ~~county auditor or chief financial officer~~ budget director shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service, or institution for the ensuing fiscal year, the actual receipts for the first six months of the current fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount proposed to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor after consultation with the Washington state association of counties and the Washington state association of county officials.

The ~~county auditor or chief financial officer~~ budget director shall set forth separately in the annual budget to be submitted to the county legislative authority the total amount of emergency warrants issued during the preceding fiscal year, together with a statement showing the amount issued for each emergency, and the legislative authority shall include in the annual tax levy, a levy sufficient to raise an amount equal to the total of such warrants: PROVIDED, That the legislative authority may fund the warrants or any part thereof into bonds instead of including them in the budget levy.

Sec. 7. RCW 36.40.050 and 1963 c 4 s 36.40.050 are each amended to read as follows:

The budget shall be submitted by the ~~auditor~~ budget director to the board of county commissioners on or before the first Tuesday in September of each year. The board shall thereupon consider the same in detail, making any revisions or additions it deems advisable.

Sec. 8. RCW 36.92.010 and 1967 ex. S. c 103 s 2 are each amended to read as follows:

The purpose of this chapter is to provide county officials of each county with a modern approach to the common problems encountered by said officers in procurements, accounting, record keeping, facility management, equipment, supplies, technology and problem solving with respect to any or all of those matters, thereby effectuating economies in county government.

It is further the intent of this chapter that the constitutional autonomy of the various county officers be preserved while providing such officials with a centralized department to perform ministerial functions for them on the most modern and efficient systems, processes, technology, facilities and equipment (~~(machines)~~) available.

Sec. 9. RCW 36.92.020 and 1967 ex. S. c 103 s 3 are each amended to read as follows:

As used in this chapter, the following words shall have the meanings ascribed herein:

- (1) "Services department" shall mean the county central

services department, established in accordance with the provisions of this chapter.

(2) "Board" shall mean the board of county commissioners.

(3) "Automatic data processing" or "ADP" shall mean that method of processing information using mechanical or electronic machines, guided by predetermined instructions to produce information in usable form, and shall include but not be limited to electronic accounting machines, electronic data processing machines, (~~and~~) computers, related equipment and software.

(4) "Electronic accounting machines" or "EAM" shall mean that method of ADP utilizing punch cards or unit record equipment.

(5) "Electronic data processing" or "EDP" shall include that system which comprises a combination of equipment and/or software or unites to provide input of source data, storage and processing of data and output in predetermined form, including without limitation a central processing unit (CPU) or main frame.

(6) "Computer" shall mean any device and/or system that is capable of solving problems and supplying results by accepting data and performing prescribed operations. It shall include analog or digital, general purpose or special purpose computers.

(7) "Copy" or "micro-copy" shall mean photographic, photostatic, photomechanical or other copy process.

(8) "Records technology" shall mean any system or method for storing, managing, retrieving and otherwise handling records or information in any form.

It is the intent of this chapter that the definitions contained in subsections (3) through (7~~8~~) of this section shall be construed in the broadest possible interpretation in order that new and modern equipment and methods as they become available shall be included therein.

Sec. 10. RCW 36.92.030 and 1967 ex. S. c 103 s 4 are each amended to read as follows:

By resolution, the board of county commissioners may create a county central services department which shall be organized and

function as any other department of the county. When a board creates a central services department, it shall also provide for the appointment of a supervisor to be the administrative head of such department, subject to the supervision and control of the board, and to serve at the pleasure of the board. The supervisor shall receive such salary as may be prescribed by the board. In addition, the supervisor shall be reimbursed for traveling and other actual and necessary expenses incurred by him or her in the performance of his or her official duties. The board of county commissioners may assign the services department with the responsibility to plan, develop, acquire, maintain and/or manage any or all of the following, as determined by the board: systems, processes, technology, facilities and equipment with respect to ADP, EAM, EDP, computers, copying, information, records technology and communications technology consistent with this chapter. The board of county commissioners also may assign the services department with the responsibility for any or all of the planning, development, acquisition, maintenance and/or management of county buildings and facilities, real estate, other property, supplies, public works, and/or risk management, all consistent with applicable law.

Sec. 11. RCW 36.92.050 and 1967 ex. S. c 103 s 6 are each amended to read as follows:

Services departments created pursuant to this chapter shall initially draw a comprehensive data processing , records technology and information management use plan. It shall establish levels of service to be performed by the department and shall establish levels of service required by using agencies. Before proceeding with purchase, lease or acquisition of the data processing equipment, the comprehensive data processing use plan shall be adopted by the board.

When established by the board, the services department may perform the service functions relating to accounting, record keeping, and ~~micro-copy~~ information storage and management by the utilization of automatic data processing and ~~micro-copy~~ records technology equipment.

In relation to said equipment the services department shall perform any ministerial services authorized by the board and requested by the various officers and departments of the county. In this connection, it is the intent of this chapter that the services department be authorized to utilize such equipment to the highest degree consistent with the purposes of this chapter

and not inconsistent with constitutional powers and duties of such officers.

The services department is also authorized to utilize such equipment for the purpose of problem solving when such problem solving is of a ministerial rather than a discretionary nature.

Sec. 12. RCW 36.92.080 and 1967 ex. S. c 103 s 9 are each amended to read as follows:

When a board of county commissioners creates a central services department pursuant to RCW 36.02.030, the ~~((ministerial))~~ administrative services and responsibilities assigned by the board of county commissioners to be performed by such department in connection with automatic data processing shall not thereafter be performed by any other officer or employee of said county.

Recommendation 5 -- Create the Statutory Position of Appointed County Manager

NEW SECTION. **Sec. 1.** A new section is added to chapter 36.32 to read as follows:

(1) To improve the effectiveness and efficiency of county government, the board of county commissioners of a non-charter county may appoint a county manager to serve as the chief administrative officer of the county. The county manager shall be appointed for an indefinite term and may be removed, with or without cause, by a majority vote of the board of county commissioners. At least thirty days before the effective date of his or her removal, the county manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the county board of county commissioners stating the board of county commissioners' intention to remove him or her and the reasons therefor. Upon passage of the resolution stating the board of county commissioners' intention to remove the manager, the commissioners by a similar vote may suspend him or her from duty, but his or her pay shall continue until his or her removal becomes effective.

(2) The powers and duties of a county manager appointed pursuant to this section shall include:

(a) To have general supervision over the administrative affairs of the county that are under the supervision of the board of county commissioners, including without limitation the management of employees and human resources, budget and financial management, technology planning and use, labor and employment matters, records management, capital facilities, purchasing and public works, stores and related functions, public information, and risk management;

(b) To appoint and remove at any time all department heads and employees of the county within departments that are under the supervision of the board of county commissioners, subject to the provisions of any applicable law, rule, or regulation relating to public employees;

(c) To attend all meetings of the board of county commissioners at which his or her attendance may be required by that body;

(d) To see that all laws and ordinances are faithfully executed;

(e) To make recommendations regarding the county budget to the board of county commissioners, to be responsible for the administration of that budget upon its adoption, and to keep the board of county commissioners fully advised of the financial condition of the county and its future capital and operating needs;

(f) To serve as the budget director of the county if so designated by the board of county commissioners;

(g) To organize and reorganize departments and offices of the county under the supervision of the board county commissioners;

(h) To prepare and submit to the board of county commissioners such reports as may be required by that body or as he or she may deem it advisable to submit;

(i) At the direction of the board of county commissioners, to represent the board in negotiations with other agencies, labor unions, employee organizations, and with other persons or entities;

(j) To assist in the coordination of the functions and work of all county offices and departments;

(k) To periodically recommend best practices and technology for improving public services and to develop methods to increase the efficiency, economy and effectiveness of the operation of those offices and departments;

(l) To recommend for adoption by the board of county commissioners such other measures as he or she may deem necessary or expedient; and

(m) To perform such other duties as the board of county commissioners may determine by ordinance or resolution.

(3) Neither the board of county commissioners, nor any of its members, shall direct the appointment of any person to, or his or her removal from, office by the county manager or any of his or her subordinates. Except for the purpose of inquiry, the board of county commissioners and its members shall deal with the administrative service through the manager and neither the board of county commissioners nor any committee or member thereof shall give orders to any subordinate of the county

manager, either publicly or privately. The provisions of this section do not prohibit the board of county commissioners from fully and freely discussing with the county manager anything pertaining to appointments and removals of county officers and employees and county affairs.

(4) With the approval of the boards of county commissioners of each of the counties concerned, a county manager may serve in that capacity for two or more counties at the same time.

Recommendation 6 – Amend Constitution to Create an Alternative County Charter Process

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of this state for their approval and ratification, or rejection, an amendment to Article XI, Section 4 of the Constitution of the state of Washington to read as follows:

The legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified ~~electors~~ voters of such county voting at a general election shall so ~~determine; and whenever.~~

(a) Whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

(b) Any county may frame a "Home Rule" charter for its own government subject to the Constitution and laws of this state, and for such purpose the legislative authority of such county may cause an election to be ~~had~~ held, at which election there shall be chosen by the qualified voters of said county not less than fifteen (15) nor more than twenty-five (25) freeholders thereof, as determined by the legislative authority, who shall have been residents of said county for a period of at least five (5) years preceding their election and who are themselves qualified ~~electors~~ voters, whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. Such proposed charter shall be submitted to the qualified ~~electors~~ voters of said county, as provided in subsection (d) of this section. ~~and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said county~~

~~and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter. Said proposed charter shall be published in two (2) legal newspapers published in said county, at least once a week for four (4) consecutive weeks prior to the day of submitting the same to the electors for their approval as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten (10) days before the day of election in all election districts of said county. Said elections may be general or special elections and except as herein provided, shall be governed by the law regulating and controlling general or special elections in said county. Such charter may be amended by proposals therefore submitted by the legislative authority of said county to the electors voters thereof at any statewide general election after notice of such submission published as ~~above~~ specified in subsection (d), and ratified by a majority of the qualified ~~electors~~ voters voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others.~~

~~Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law, and for their compensation, but shall not affect the election of the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, or the jurisdiction of the courts.~~

Notwithstanding the foregoing provision for the calling of an election by the legislative authority of such county for the election of freeholders to frame a county charter, registered voters equal in number to ten (10) per centum of the voters of any such county voting at the last preceding general election, may at any time propose by petition the calling of an election of freeholders. The petition shall be filed with the county auditor of the county at least three (3) months before any statewide general election and the proposal that a board of freeholders be elected for the purpose of framing a county charter shall be submitted to the vote of the people-voters of the county at said the next statewide general election occurring not less than 120 days after the petition is

validated by the county elections officer., and at At the same election, a board of freeholders of not less than fifteen (15) or more than twenty-five (25), as fixed in the petition calling for the election, shall be chosen to draft the new charter. The procedure for the nomination of qualified ~~electors~~ voters as candidates for said board of freeholders shall be prescribed by the legislative authority of the county, and the procedure for the framing of the charter and the submission of the charter as framed shall be the same as in the case of a board of freeholders chosen at an election initiated by the legislative authority of the county.

In calling for any election of freeholders as provided in this subsection, the legislative authority of the county shall apportion the number of freeholders to be elected in accordance with either the legislative districts or the county commissioner districts, if any, within said county, the number of said freeholders to be elected from each of said districts to be in proportion to the population of said districts as nearly as may be.

~~Should the charter proposed receive the affirmative vote of the majority of the electors voting thereon, the legislative authority of the county shall immediately call such special election as may be provided for therein, if any, and the county government shall be established in accordance with the terms of said charter not more than six (6) months after the election at which the charter was adopted.~~

(c) As an alternative and notwithstanding the provisions of any existing charter, any county may frame or amend a "Home Rule" charter for its own government, subject to the Constitution and laws of this state, as provided in this subsection. For this purpose, the legislative authority of a county may appoint a county governance commission on its own initiative. Alternatively, if ten (10) per centum of the number of qualified voters of the county voting at the last preceding general election sign a petition submitted to the county legislative authority, then within sixty (60) days after the validation of the petition by the county elections officer, the county legislative authority shall appoint a county governance commission.

A county governance commission shall be composed of no fewer than five (5) and no more than eleven (11) qualified voters of that county who shall prepare and adopt a proposed charter or charter amendment(s) within 12 months

after the date of the county legislative authority action to appoint a commission or, in the case of a petition, the date of validation of the petition. If a submitted petition does not specify a number of governance commission members between five (5) and eleven (11), the number shall be determined at the discretion of the county legislative authority.

The proposed charter or charter amendment(s) shall be submitted to the qualified voters of the county at the next statewide general election held not less than 90 days after adoption by the county governance commission. If a county governance commission fails to adopt a proposed charter or charter amendment(s) within 12 months after first convening, the county legislative authority shall dissolve the county governance commission. Further, if the commission was originally formed as a result of a petition and that commission fails to adopt a proposed charter or charter amendment(s) within 12 months after first convening, the county legislative authority shall call for an election of eleven (11) freeholders at the next succeeding statewide general election to frame a charter or charter amendment(s) in accordance with the procedures in subsection (b).

In submitting any charter or charter amendment(s), the county governance commission may present alternate articles or provisions for the choice of the voters and these may be voted on separately without prejudice to the remainder of the charter or charter amendment.

(d) Elections held under this section 4 must be held in conjunction with a statewide general election, and shall be governed by the law regulating and controlling elections in the county.

Any home rule charter or charter amendment(s) framed under subsections (b) or (c) of this section 4 may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law, and for their compensation, but shall not affect the election of the prosecuting attorney, judges of the superior court, justices of the peace, or the jurisdiction of the courts.

The county shall cause a summary of every proposed charter or charter amendment under this section 4 to be published in two (2) newspapers of general circulation throughout the county, at least once a week for four (4) consecutive weeks prior to the day of submitting the same to the voters, and the complete text of each charter or

charter amendment shall be included in a voters' pamphlet distributed to the voters of the county in accordance with state election laws.

If a majority of the qualified voters voting thereon approve, the charter or charter amendment(s) proposed under this section 4 shall become the organic law of that county; shall supersede any existing charter or charter provision, including amendments thereto, any existing form of county government and all special laws inconsistent with such charter or charter amendment(s); and shall take effect on the date that is six (6) months after the certification of the election results or as otherwise provided in the charter or charter amendment(s).

The terms of all elective officers, except the prosecuting attorney, ~~the county superintendent of schools,~~ the judges of the superior court, and the justices of the peace, who are in office at the time of the adoption of a Home Rule Charter shall terminate as provided in the charter. All appointive officers in office at the time the charter goes into effect, whose positions are not abolished thereby, shall continue until their successors, if any, shall have qualified.

After the ~~adoption of such approval~~ of a "Home Rule" charter or charter amendment, such county shall continue to have all the rights, powers, privileges and benefits then possessed or thereafter conferred by general law. All the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, ~~the county superintendent of schools,~~ the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees.

The provisions of Sections 5, 6, 7, and the first sentence of Section 8 of this Article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof. The authority conferred on the board of county commissioners by Section 15 of Article II as amended, shall be exercised by the legislative authority of the county.

All existing home rule charters adopted under the prior provisions of this section are ratified and

confirmed, and nothing in this amendment is intended to
affect their validity