



Pierce County

Office of the County Council

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Roger Bush
Councilmember, District No. 3

April 13, 2009

The Honorable Dale Washam
Pierce County Assessor-Treasurer
2401 So. 35th Street, Room 200
Tacoma, WA 98409-7484

Dear Dale,

I am in receipt of your email message of April 3, 2009, requesting that I cite the authority that confers power on the Council to adopt provisos to appropriations in the County budget, in particular, those adopted by the Council in Supplemental Budget Ordinance No. 2009-16s. You were absolutely correct to look to the County Charter in answer to your own question.

Fundamentally, the Council is the policy determining body of the County. See Charter Section 2.10. Section 2.20 of the Charter enumerates, without limiting, the legislative powers of the Council specifically conferring upon that body the power to appropriate revenue and adopt budgets for the County.

"Section 2.20 -- Exercise of Powers

(1) The Council shall exercise its legislative power by adoption and enactment of ordinances or resolutions. It shall have the power:

- (a) subject to the limitations provided by law, to levy taxes, appropriate revenue, and adopt budgets for the County."

Finally, the very section of the Charter that you cited to me illustrates the power of the Council over members of the Executive branch of government, including other elected officials.

"Section 2.40 -- Relationship with Other Branches

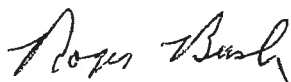
Except in the performance of its legislative functions under this Charter, the Council, its staff, and individual Councilmembers shall have no power to direct, either publicly or privately, any officer or employee subject to the supervision of the Executive or other elected officials."

Contrary to your assertion that the Assessor-Treasurer is an autonomous elected official, by definition in Section 3.50 of our Charter, the Assessor-Treasurer is an executive department and one subject to the Council's direction in the exercise of its legislative functions under Section 2.40.



Adopting a supplemental budget is clearly a legislative act contemplated by the Charter. The provisos adopted as part of the budget are expressions of policy direction in relation to the appropriation of revenue and the adoption of budgets, whether they are restrictions on the number of FTEs allowed to be filled or directions to officials to take specific action relative to the dollars appropriated, they are clearly within the contemplation of the Charter as a legitimate exercise of the legislative power.

Sincerely,

A handwritten signature in cursive script that reads "Roger Bush".

ROGER BUSH, Chair
Pierce County Council
District No. 3