

# La Conner Citizen's Handbook to Local Government

Hunter Tautvydas, 2022

## **Forward**

The purpose of this handbook is to provide a general overview of La Conner's town government and its place within the larger government system of Washington State. Beginning with broader concepts before narrowing to focus more directly on the town of La Conner itself, it is meant to illustrate the ways in which our town's government is shaped and affected by government at the State and County level, as well as describe the inner workings of La Conner's government and its relationship with the town's residents.

For additional information regarding specific concepts, see the Municipal Research Services Center (MRSC) website. The MRSC is a non-profit organization that provides legal and policy based information on a wide range of topics related to state and local government in Washington. While primarily intended to serve local governments themselves, any Washington resident can likewise find a great deal of information through the MRSC that will assist them in better understanding and engaging with their government.

For a complete history and truly comprehensive guide to government in Washington, see Steve Lundin's book *The Closest Governments to the People: A Complete Reference Guide to Local Government in Washington State*. This book can be found online in PDF format through the MRSC.

## **Acknowledgements**

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## Section 1 - Key Concepts of Local Government in Washington State

### Section 1.1 - City Classification

Under Washington State law, municipalities, or subdivisions of a state within which a municipal corporation has been established to provide general local government for the population of a defined area,<sup>1</sup> are placed into one of four primary categories according to their population at the time of organization. These categories primarily describe the differences in power and authority that a given city or town government may hold, as well as how these governments are structured internally.

#### *Section 1.1.1 - First Class Cities*

First class cities are cities which had a population of 10,000 persons or more at the time of their organization or reorganization and have adopted a charter. Because first class cities are able to adopt their own charters, the governments of these cities have broad leeway to structure their governments how they want and to operate on their own accord. These charters must be in accordance with Article XI, Section 10 of the Washington State constitution, but otherwise may vary broadly from city to city.<sup>2</sup> As a first class city, Seattle, for example, operates with a Mayor and nine city council members. Seven of these city council seats are elected from individual districts and the remaining two are elected at-large by the city as a whole. Appointment powers in the Seattle city government lie mostly in the hands of the Mayor but are often subject to council approval.<sup>3</sup> Spokane, another first class city, operates with a Mayor, a council president, and six city council members, two being elected from each of the three separate electoral districts in Spokane. In Spokane, the Mayor is in charge of all relevant government appointments, with each appointment being subject to council approval, similar to Seattle's process.<sup>4</sup> These differences and similarities in the structure of each city government speak to the leeway provided to first class cities under Washington State law.

#### *Section 1.1.2 - Code Cities*

Code cities are cities which had a population of at least 1,500 persons at the time of their organization or reorganization. Code cities were created in 1967 with the introduction of the Optional Municipal Code, legislation passed to provide municipalities with an alternative to the basic standard of classification available at the time and to give communities broader authority over local affairs.<sup>5</sup> Cities and towns as well as unincorporated areas with a population of above 1,500 may reorganize as a code city at their own discretion. Code cities with a population of 10,000 or more may even adopt their own city charter, in a similar manner to that of first class cities. Code cities have access to a broader scope of powers than that of second class cities or

<sup>1</sup> Encyclopædia Britannica - Municipality

<sup>2</sup> MRSC - City and Town Classification

<sup>3</sup> MRSC - First Class Cities

<sup>4</sup> MRSC - First Class Cities

<sup>5</sup> MRSC - City and Town Classification

towns, but less than that of first class cities, as the powers of code cities are more clearly defined by state law.<sup>6</sup> The vast majority of municipalities in Washington State are classified as code cities, including Anacortes, Burlington, and Mount Vernon.

#### *Section 1.1.3 - Second Class Cities*

Second class cities are cities which had a population between 1,500 and 10,000 persons at the time of their organization or reorganization and do not operate as a code city or have a charter. The powers of a second class city government are restricted to those expressly or implicitly granted by the state legislature.<sup>7</sup> For example, second class cities may not adopt initiatives or referendums under any circumstances, while code cities are free to do so. The number of second class cities has decreased over time, as most municipalities have chosen to reorganize as code cities. There are currently five second class cities in Washington, including Palouse in Whitman County and Ritzville in Adams County.<sup>8</sup>

#### *Towns - 1.1.4*

Towns are municipalities which had a population of less than 1,500 at the time of their organization and are not operating under a charter or as a code city.<sup>9</sup> The governments of towns are by-and-large the most restricted in terms of the scope of their powers. Like second class cities, towns may only hold those powers which have been expressly or implicitly granted by the state legislature, however, state legislation typically grants second class cities more power than it does to towns. Second class cities, for example, may establish wards, or divisions of a city for administrative or representative purposes, while towns may not. The Mayor in a town government also has fewer powers and less freedom to act than Mayors in second class cities.<sup>10</sup> Towns can no longer be created in Washington, as in 1994 state law made it so that an area cannot incorporate unless it has 1,500 inhabitants. As towns by definition must organize with less than 1,500 inhabitants, it is no longer possible for a populated area to incorporate as a town. Alongside La Conner, Concrete, Coupeville, and Friday Harbor are all examples of town governments in Washington State.<sup>11</sup>

### **Section 1.2 - Types of Government**

Cities and towns in Washington State are organized under two principal systems of government, Mayor-Council and Council-Manager. The specific form of government adopted by a city or town only determines how legislative and administrative authority will be distributed between its legislative and executive officials, and does not describe how much authority the government will have, as this is broadly determined by its city classification (see Section 1.2). First class cities and code cities with a population above 10,000 have the ability to establish their own forms of government through their city charter, though most still choose to function under either Mayor-Council or Council-Manager governments.<sup>12</sup>

<sup>6</sup> MRSC - City and Town Classification

<sup>7</sup> MRSC - City and Towns Classification

<sup>8</sup> Wikipedia - Municipalities in Washington

<sup>9</sup> MRSC - City and Town Classification

<sup>10</sup> MRSC - City and Town Classification

<sup>11</sup> Wikipedia - Municipalities in Washington

<sup>12</sup> MRSC - City and Town Forms of Government

### *Section 1.2.1 - Mayor-Council*

The Mayor-Council form of government is the most common in Washington, and consists of a Mayor, who is elected at-large and serves as the city or town's chief administrative officer, and a separately elected city council, elected either at-large or by district, serving as the legislative body. The city council is responsible for developing and then voting to adopt policies, while the Mayor is responsible for presiding over city council meetings and carrying out the policies that the city council puts into place. In certain circumstances a Mayor may have the authority to and vote in the council to break ties, and veto legislation, though this does not apply in towns and may be overridden by the city council. The specific dynamics of how the Mayor and the city council relate to one another in these areas depends upon whether the city adopts the so-called "strong-mayor" or "weak-mayor" system of government. Naturally, a strong-mayor system grants more authority to the office of Mayor, while the weak-mayor system grants more power to the city council. Because the Washington State legislature allows Mayors, except for town Mayors, to veto legislation passed by the city council, most Mayor-Council governments in Washington State can be thought of as essentially operating under the strong-mayor system.<sup>13</sup>

### *Section 1.2.2 - Council- Manager*

Council-Manager governments consist of an elected city council, either elected at-large or by districts, which is responsible for policy making and a professional city manager. The city manager is hired or appointed by the council and is responsible for administration as well as providing policy advice, directing daily operations, preparing the city budget, and overseeing city personnel. While the city council is prohibited from interfering with the city manager's administration, the city manager is directly accountable to the council and may be removed at any time by a simple majority vote. Under the council-manager system the position of Mayor does exist and serves as the ceremonial head of the city government, but this role has no real administrative duties or authority.<sup>14</sup>

## **Section 1.3 - The Separation of Powers**

The separation of powers, or the distribution of legislative, executive, and judicial powers among separate branches of government, is a cornerstone of the American political system, and has been since the time of the founding fathers. Each of the three branches is able to exercise its own set of powers as defined by law, without undue interference from other branches, and interact with one another through a system of checks and balances on one another's power. This concept was enshrined at the national level in the U.S. Constitution and in the constitutions of 40 individual states.<sup>15</sup>

In Washington State, city and county governments also operate under this system. In the case of a city government, the city council acts as the legislative branch, as it proposes and enacts policies, while the Mayor (or city manager as the case may be) acts as the head of the executive branch and is responsible for the implementation of said policies as well as general

<sup>13</sup> MRSC - City and Town Forms of Government

<sup>14</sup> MRSC - City and Town Forms of Government

<sup>15</sup> NCSL - Separation of Powers Overview

administration.<sup>16</sup> The judicial branch of Washington's local government exists in the form of Superior Courts and District Courts which are established at the county level, as well as Municipal Courts which are sometimes established by cities. The roles and powers of these courts are discussed further in Section 2.4.2.

Checks and balances exist at state and local levels of government just as they do at the national level. For example, second class cities with the Mayor-Council form of government may require the approval of the city council for Mayoral appointments to the positions of city clerk, treasurer, and attorney. While the Mayor is unilaterally empowered to choose who to appoint to these positions, this power is offset, or "checked", by the power of the city council to accept or reject each appointment. The idea is that through this system no one branch of the government will be allowed to dominate the others outright, as their different powers and responsibilities force them to cooperate with one another if anything is to ever get done.<sup>17</sup> In the case of Mayor-Council governments, if positions key to the running of the city like that of city clerk or treasurer are to be filled the city council and the Mayor must collaborate and find common ground to move forward. However, in Washington towns, state law explicitly prohibits the town council from taking any action to confirm the appointment of town employees. This same process is mirrored at the national level in the way that the President must obtain approval from Congress for appointments to positions like that of Supreme Court Justice.

## **Section 1.4 - Home Rule**

Home rule is the right of local governments to have control over local affairs without interference from the state. Article XI, Section 11 of the Washington State Constitution serves as a direct grant of home rule authority and powers to local governments in Washington. Through this, counties, cities, and towns are empowered to exercise the normal powers of the state within their boundaries, except for those powers which have been denied to them by state law. How exactly the concept of home rule and the powers it grants to local governments should be understood is still debated, as inconsistent court decisions alongside contradictory state legislation has made the full extent of home rule powers unclear.<sup>18</sup> In general, city classification determines a municipality's powers under home rule. Code cities, for example, have broad authority in all local matters, while second class cities and towns work only with powers that have been expressly or implicitly granted by the state legislature.<sup>19</sup>

## **Section 2 - La Conner Within the Washington State Government**

### **Section 2.1 - Our Designation as a Town**

La Conner was first incorporated on November 20th, 1883, six years before what was then the Washington Territory achieved statehood in 1889,<sup>20</sup> and only eight days before Skagit County

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<sup>16</sup> MRSC - City and Town Forms of Government

<sup>17</sup> MRSC - City and Town Forms of Government

<sup>18</sup> The Closest Governments to the People - Lundin - Chapter 65

<sup>19</sup> MRSC - City and Town Classification

<sup>20</sup> HistoryLink.org - Oldman

was created out of the southern reaches of Whatcom County. La Conner would disincorporate in 1886, only to reincorporate again for the final time in 1890.<sup>21</sup> From 1883 to 1884, La Conner even served as the county seat of Skagit County, or the municipality hosting the county government, before Mount Vernon was eventually chosen as the permanent county seat. At that time city classifications did not exist under Washington State law as they do today, and La Conner was considered a city. By the twentieth century, La Conner was officially classified as a town under State law, and has remained so to the present day.

La Conner's designation as a town shapes the local government's role and describes its powers under state law. As described in Section 1, by and large towns are the most restricted municipalities in terms of their scope of legal powers. A full description of a town government's powers, rights, and responsibilities under Washington State law can be found under Chapter 35.27 of the Revised Code of Washington, which can in turn be found on the Washington State Legislature website. However, a brief description of important powers, rights, and responsibilities will be included here.

In terms of La Conner's authority under Home Rule, as a town we are limited to those powers expressly or implicitly granted by the state legislature. These powers are further defined through "strict construction", or the narrow interpretation of any and all powers granted to town governments by state law, and include the following;<sup>22</sup>

- The ability to make and pass laws, ordinances, regulations, etc. that are consistent with both existing State and Federal law.
- The ability to purchase, lease, receive, or dispose of real estate and property for government use and the benefit of the town, including under eminent domain.
- The ability to contract with private businesses and corporations to supply the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other pieces of infrastructure necessary for supplying water for use of the town, its inhabitants, or for irrigation.
- The power to establish, build, repair, and manage bridges, streets, sidewalks, alleys, sewers, town squares, municipal buildings, natural features, waterways,
- The ability to provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires and operate ambulances for the town and surrounding areas.
- The power to levy and collect annually a property tax, for the payment of current expenses and for the payment of government debts (if any debts exists) within limits authorized by existing state and federal law.
- The ability to license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in the town.
- The power to regulate the keeping of domestic animals within any part of the city.
- The power to grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways for any and all purposes, including but not being limited to the construction, maintenance and operation of public infrastructure.

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<sup>21</sup> HistoryLink.org - Nath

<sup>22</sup> RCW - 35.27.370

- The right to impose fines, penalties and forfeitures for any and all violations of the law. It must also be noted that no fine may exceed five thousand dollars and the term of imprisonment may not exceed one year, unless state law says otherwise.

These powers, among others, are specifically granted to the town council under state law, as it is the town council that is responsible for the crafting and enacting of legislation that takes advantage of these powers. The Mayor, while very important, could not grant permits or pass ordinances unilaterally as this is solely the role of the town council.

La Conner's town status not only impacts the scope of the government's powers, but also the internal structure and operation of the town government itself. Just as First Class, Second Class, and Code cities have access to broader powers than that of Towns, the internal government of other municipalities is generally much less restricted than Town governments. As a Town, La Conner's government is shaped by these restrictions as defined by state law, which includes the following:<sup>23</sup>

- The government of a town must consist of a Mayor, a town council consisting of five members, and a treasurer. All of these positions are elective.
- Towns may not establish "wards", or divisions of a municipality into separate districts, typically for the purposes of representation in elections. As such, all elective positions are elected by the residents of the town as a whole.
- Town Mayors are empowered to appoint officials to key government positions and to head various government departments. All appointed officers and employees hold office at the pleasure of the Mayor, but remain subject to any applicable law, rule, or regulation relating to civil service.
- Within town governments, positions and officials appointed by the Mayor are not subject to confirmation by the town council.
- In the event that the town Mayor is removed or has otherwise left office, the town council may appoint an interim Mayor, or "Mayor Pro Tem", to serve for a period of six months. In comparison, Second Class cities and Code cities may appoint Pro Tem Mayors to serve for a period of up to two years.

## **Section 2.2 - What form of government do we have?**

La Conner operates under the Mayor-Council form of government. As described in **Section 1.2.1**, by providing Mayors of local governments operating under the Mayor-Council system with the power to veto legislation passed by the city council, Washington State has essentially made all Mayor-Council governments into "strong-mayor" governments. As a town La Conner does not have access to the power of Mayoral veto under Washington State law.<sup>24</sup> Despite the lack of mayoral power in this area, La Conner's government can still be considered a strong-mayor Mayor-Council government due to the comparative scope of mayoral powers and responsibilities that La Conner still has access to. La Conner's Mayor is empowered to appoint and remove department heads, may draft and propose budgets to the city council, represents the

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<sup>23</sup> RCW - 35.27

<sup>24</sup> MRSC - City and Town Forms of Government

city in dealing with other governments, and is responsible for enforcing city laws and ordinances.<sup>25</sup>

As a Mayor-Council government the powers vested in La Conner's town government is primarily divided between the office of the Mayor, acting as the head of the executive branch, and the town council, acting as the legislative branch. As such, La Conner's Mayor is responsible for government administration and the implementation of policy, while the town council is responsible for the creation of said policy. Acting below the Mayor are a series of government departments and administrative positions responsible for addressing specific areas of governance as an extension of the executive branch. Likewise, there are a number of government committees and commissions attached to the legislative branch that are created by and act on behalf of the town council to address various issues. All of these points will be expanded upon further in **Section 3**, "La Conner's Town Government".

## Section 2.3 - La Conner and Skagit County

### Section 2.3.1 - County Governments

Much like towns and cities, county governments in Washington state vary depending on the population of a given county and the will of its citizens. Article XI, Section 5 of Washington's State Constitution describes the standard form of county governments, which is used by the vast majority of Washington's counties, referred to as the commission form.<sup>26</sup> The commission form of county government consists of a governing body in the form of a board of commissioners empowered to act with both legislative and executive powers, in that they are responsible for creating policy, passing legislation, and establishing budgets, as well as enacting these policies in an administrative capacity. Typically, a county will have three commissioners, although with a large enough population combined with a strong desire from among the voters, it may have as many as five. Counties with populations of between 300,000 and 400,000 may increase their number of commissioners from three to five via voter approval, whereas counties with a population of over 400,000 must have a five member board of commissioners. Sharing administrative power with the board of commissioners are a number of independently elected county officials, including a county clerk, treasurer, sheriff, assessor, coroner, and auditor.<sup>27</sup>

While thirty-two of Washington's thirty-nine counties operate under the commission form of government, as laid out in Article XI, Section 4 of the Washington Constitution there exists a second option, referred to as the 'Home Rule' charter form, that allows counties to develop their own charters and internally structure their governments as they see fit. These charters must first be proposed to and chosen by the given county's electorate, but once adopted they allow for the establishment of any government offices deemed necessary for the running of the county. The only administrative areas that such charters may not interfere is in the election of the county's prosecuting attorney and superintendent of schools. In terms of the judiciary, such charters cannot affect the election of the judges of the superior court or the justices of the peace, and may not interfere in the jurisdiction of the courts. While a number of Washington's counties have tried

<sup>25</sup> Mayor and Councilmember Handbook - WAcities.org - Appendix 1

<sup>26</sup> MRSC - County Forms of Government

<sup>27</sup> MRSC - County Forms of Government

to adopt home rule charters, only seven have been successful in doing so, including King County and Whatcom County.

### *Section 2.3.2 - The Dual Nature of Counties*

Washington's county governments are unique as political entities due to a pair of dual natures, both in their political status, as subdivisions of the State government and as separate municipalities, and in their ability to exercise power over incorporated and unincorporated areas within the county.<sup>28</sup>

The first of these two dual natures, that of a county's legal status, is defined by Washington's Constitution. Article XI, Section 1 recognizes counties as legal subdivisions of the State government, in that counties exercise their authority as an extension of the Washington State government, and are responsible for implementing state policies on behalf of the state government. Processes such as conducting federal elections, prosecuting felons, establishing property values for tax purposes, and collecting property taxes are laid out by the state government, but carried out by county departments and officials. While counties are agents of the state government in this way, they are also recognized as distinct municipal corporations in Article XI, Section 11 of the Washington State Constitution in the same way that cities and towns are by state law. Counties are given broad authority to exercise general regulatory powers within the bounds of the county. This allows counties to carry out many of the same functions as towns and cities, including the ability to provide sewer systems, water systems, and recreational facilities. The ability for county governments to provide law enforcement or maintain county roads is upheld by both of these political natures.<sup>29</sup>

The second dual nature of Washington's counties comes in the differences between how counties exercise power over the county as a whole and how they exercise power over unincorporated areas, those which have not been organized under a specific class of local government, within the county. Generally speaking, counties exercise some administrative and judicial powers over, and may provide various basic government services to, all communities within the county. Unincorporated areas, however, are subject to more direct involvement from the county. In one sense, the county government acts as a stand in for those areas which do not have local governments by carrying out functions, such as infrastructure development and law enforcement, that would normally be carried out by a city or town government.<sup>30</sup>

### *Section 2.3.3 - Skagit County*

Skagit county operates under the typical commission form of county government, meaning that it is governed by a board of three commissioners who act with legislative and executive authority to oversee the running of the county government by enacting policy, creating a balanced budget, and appointing officials to key government positions.<sup>31</sup> Skagit's commissioners are elected from three separate districts with approximately equal populations within the geographic boundaries

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<sup>28</sup> The Closest Governments to the People - Lundin - Chapter 3

<sup>29</sup> The Closest Governments to the People - Lundin - Chapter 3 p. 83-85

<sup>30</sup> The Closest Governments to the People - Lundin - Chapter 3 p. 85-87

<sup>31</sup> County Offices - skagitwv.org

of Skagit county.<sup>32</sup> The town of La Conner, along with Anacortes, Fidalgo Island, Bayview, Bow, Edison, and all areas northward up to the border with Whatcom County, are included in District 1. District 2 is made up of Mount Vernon, Conway, and the areas to the south toward the Snohomish County line. District 3 includes Burlington, Sedro-Woolley, and all of eastern Skagit County, and is by far the largest geographic district.<sup>33</sup> Serving beneath the three commissioners is the county administrator, an appointed position to whom many duties associated with the commissioners are delegated, including appointing government officials, overseeing general county administration, and formulating policy.<sup>34</sup> Besides the three commissioners and county administrator, other key officials in the county government include the county assessor, auditor, coroner, prosecuting attorney, treasurer, and county clerk. These positions are not subject to appointment by the commissioners and are instead elected by Skagit County voters.<sup>35</sup>

The county's authority over the town of La Conner comes primarily from its role as a subdivision of the state Government. La Conner must rely on the county to provide access to judicial services and facilities, particularly the court system and the county jail. The county is also responsible for a number of administrative duties. The Skagit County assessor, not the town of La Conner, is responsible for establishing property values to determine property taxes, and it is the Skagit County treasurer that is responsible for collecting all such property taxes imposed on La Conner residents. Elections at most levels of government are also handled by county officials.

As La Conner is a fully incorporated town, the role of the county as a separate municipal corporation in its own right has much less of an impact on La Conner residents than if they were to live in an unincorporated part of Skagit county. Government functions such as maintaining roads and other pieces of infrastructure are handled by La Conner's own government departments, rather than by the county as it may be otherwise. One area that the county is directly involved in the internal affairs of La Conner is law enforcement. The town of La Conner is allowed by state law to establish its own police force, but instead chooses to contract with the Skagit County Sheriff's Office for its law enforcement needs. In terms of direct county involvement in La Conner's local government this is the exception rather than the norm.

## Section 2.4 - La Conner and Washington's Judiciary

### *Section 2.4.1 - Washington's Judiciary*

As described in **Section 1.3**, the separation of government powers into three branches, the legislative, the executive, and the judiciary, is the guiding light of the American political system at almost every level of government. As a town, La Conner's government contains two of these three branches, that being the legislative branch in the form of the town council and the executive branch in the form of the Mayor as well as any associated government departments, committees, and commissions under their purview. What La Conner's government does not have on its own is a judicial branch, and it must instead rely on courts established at the state and local level to fulfill this role.

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<sup>32</sup> RCW - 36.32.020

<sup>33</sup> Skagit County - FAQ - County Commissioners Office

<sup>34</sup> County Offices - [skagitwv.org](http://skagitwv.org)

<sup>35</sup> Skagit County Strategic Plan 2017-2021 - p. 16 - Organizational Chart

Washington's judiciary is established in Article IV of the State Constitution and in various pieces of legislation within Sections 2 and 3 of the Revised Code of Washington.<sup>36</sup> Article IV established four levels within Washington's court system. The highest level is the Washington State Supreme Court, which functions in the same general role as the United States Supreme Court. Below that is the Washington State Court of Appeals, which serves as an intermediary between the lower courts and the state Supreme Court and is separated into three divisions, each division having complete jurisdiction over legal matters in their subdivision of the state.<sup>37</sup> Skagit County, alongside Whatcom, Snohomish, and King County, falls within the jurisdiction of Division 1.<sup>38</sup> The vast majority of Washington residents will likely never have to directly interact with these courts. It is far more likely that a person will find themselves having business before one of the courts at the level of the local judiciary. The term "local judiciary" does not exist under Washington State law, but in the interest of simplification here "local judiciary" refers to any court other than the Washington State Supreme Court or the State Court of Appeals. This includes superior courts, district courts, and municipal courts.<sup>39</sup> A more detailed description of each type of court will be provided in **Section 2.4.2**.

#### *Section 2.4.2 - The Local Judiciary*

*Superior Courts* - These courts operate as trial courts and are referred to as "general jurisdiction courts", because there is no limit to the types of civil and criminal cases that they may hear. Juvenile courts, or those courts established to deal with criminal and some legal matters involving persons below the age of 18, serve as divisions of each Superior Court. Superior Courts have jurisdiction within their own designated district, consisting of one, or in some cases more than one, county.<sup>40</sup> Superior Court judgeships are considered a non-partisan elected office. Judges are elected by residents of the county and serve four year terms.<sup>41</sup> La Conner is served by the Superior Court of Skagit County, which includes a Juvenile Court, and the four presiding judges.<sup>42</sup> Working within the courts beneath these judges are a number of administrative and support staff, including bailiffs, clerks, and court reporters.<sup>43</sup>

*District Courts* - Like Superior Courts, District Courts are established at the county level. District Court judges are elected by voters in their county on a non-partisan basis and serve four year terms.<sup>44</sup> Residents of La Conner are served by the Skagit County District Court, which is located in Mount Vernon and headed by three District Court judges with a series of administrative staff working below them.<sup>45</sup> These courts have been given limited jurisdiction over civil cases involving damages up to \$75,000 and in criminal cases involving misdemeanors and some gross misdemeanors, such as driving under the influence or 4th degree assault.<sup>46</sup> Superior Courts and District Courts may share jurisdiction over certain cases, depending on the details of the case.

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<sup>36</sup> The Closest Governments to the People - Lundin - Chapter 69

<sup>37</sup> The Closest Governments to the People - Lundin. Chapter 69 p. 997

<sup>38</sup> Washington State Courts - Resources - Court of Appeals Divisions of Washington

<sup>39</sup> The Closest Governments to the People - Lundin. Chapter 69 p. 997

<sup>40</sup> Washington State Courts - Resources - Superior Courts

<sup>41</sup> The Closest Governments to the People - Lundin. Chapter 69 p. 1001

<sup>42</sup> Skagit County Strategic Plan 2017-2021 - p. 16 - Organizational Chart

<sup>43</sup> Washington State Courts - Resources - Superior Courts

<sup>44</sup> The Closest Governments to the People - Lundin. Chapter 69 p. 1006

<sup>45</sup> Skagit County District Court - Skagit County

<sup>46</sup> A Citizen's Guide to Washington Courts. 9

*Municipal Courts* - Unlike Superior and District Courts, Municipal Courts do not operate at the county level. Instead, these courts are established by cities and have authority over cases involving violations of the city's municipal code that occurred within city limits, including gross misdemeanors, misdemeanors, and infractions.<sup>47</sup> Municipal Court Judges may either be elected as non-partisan officials or appointed into office.<sup>48</sup> La Conner does not have a Municipal Court, and as such, La Conner's residents may instead be served by Judges from one of the Municipal Courts established in nearby cities like Mount Vernon, Anacortes, Burlington, or Sedro Woolley. Of these municipalities only Sedro Woolley operates a Municipal Court that acts as a part of their own local government and is wholly separate from the broader Skagit County court system. The local governments of Mount Vernon, Anacortes, and Burlington have all established their own courts and maintain the buildings in which these courts are held, but it is actually the Skagit County District Court judges who preside over the Municipal Courts in each of these cities.<sup>49</sup>

## Section 3 - La Conner's Town Government

### Section 3.1 - The Office of the Mayor

La Conner's Mayor serves as the head of the executive branch of La Conner's town government, and in some respects as the de facto head of the town government. Once elected the Mayor serves for a term of four years, and may be elected several times over as the office of mayor can not be subject to term limits. To be eligible to hold the office of mayor a person must be a resident and registered voter of the town of La Conner.<sup>50</sup> As chief executive officer the Mayor is responsible for the administration of the various departments within the government as well as the implementation of policy enacted by the town council. These responsibilities often go hand in hand, though, as it is through these government departments that policy is translated into action.<sup>51</sup> While a strong-mayor Mayor-Council government does empower the Mayor in many ways, the Mayor's actions are restricted in others, both by state law and the policy decisions made by the city council. The Mayor's ability to administer policy through the town government does not allow the mayor to neglect direction provided by the town council, and the executive authority of the Mayor must always be exercised in a manner that is consistent with state law and the decisions made by the town council.

Even though it is the town council that is directly responsible for policy making, the Mayor plays a key role in this process as well, as the Mayor may from time to time introduce different legislative options or recommendations to the city council. As the Mayor is the de facto head of the departments that will be responsible for implementing policy and achieving the goals set by the city council, any recommendations or input on behalf of the Mayor are very relevant to the process and are likely to be taken into consideration by the town council. In this way the Mayor is able to influence La Conner's government policy, albeit indirectly. Another of the main ways that the Mayor is able to shape policy is through their role in creating the town budget. Because

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<sup>47</sup> A Citizen's Guide to Washington Courts - p. 10

<sup>48</sup> The Closest Governments to the People - Lundin. Chapter 69 p. 1007

<sup>49</sup> Washington State Courts - Court Directory - Skagit County

<sup>50</sup> RCW - 35.27

<sup>51</sup> Mayor and Councilmember Handbook - WAcities.org - Chapter 5 - p. 16

the Mayor is responsible for presenting a preliminary budget to the town council, the Mayor’s spending proposals can serve as a guideline for identifying and addressing town priorities.<sup>52</sup>

It’s very common for residents of a city or town to overestimate the power of their Mayor. As previously discussed, the Mayor’s scope of influence and power to act is heavily limited by state law and the policies of the town council. In many cases the Mayor simply doesn’t have the authority to act in the way that residents may want them to. Another factor to consider is that while the Mayor occupies the highest office in the town government, and is broadly responsible for administration, much of the day to day running of the government is actually in the hands of the town administrator. In many cities and towns, particularly the smaller ones, the office of mayor is only a part time job, and many Mayors across the country are separately employed in a full time job alongside their mayoral responsibilities in local government. In fact, there are only around a dozen cities in Washington that employ full time mayors.<sup>53</sup> While La Conner’s Mayor has the same set of responsibilities as the Mayor of any other town or city, it is assumed that fulfilling this role will take less time than it would for a Mayor of a larger city, and this is reflected in the Mayor’s salary. The Mayor of a larger city, such as Mount Vernon or Seattle, would be paid the equivalent of a “full time” salary, scaled to the size of the city’s population, economy, and yearly budget. To keep up with complexities of running a government, part time Mayors will often hire a town administrator to work under the supervision of the mayor, and La Conner is no different. The specific role of the town administrator will be discussed further in **Section 3.7** “Local Government Departments”.

### **Section 3.2 - The Role of the Town Council**

As stated in **Section 2.2**, it is the job of the town council to set policy while the job of the Mayor, and other associated departments, to implement it. La Conner’s town council is generally not involved in the administrative aspects of the government. As a legislative body, the role of the town council is to enact policies and policy goals through the passing of legislation. In this context “policy” can be thought of as a course of action for the community that is put into effect through the passing of laws, ordinances, and resolutions which are designed to guide community development, wellbeing, etc.<sup>54</sup> La Conner’s town council is focused on analyzing and addressing local issues through this process.

Aside from the town council, many other groups are involved in or may influence the policy making process. These groups include the Mayor, various department heads, community organizations, chambers of commerce, unions, and many others. In order to address important policy areas the town council may divide itself into different committees and commissions whose job it is to focus solely on one policy area at a time. These subgroups may address both long term and short term policy objectives, and may stand for anywhere between months and years at a time depending on the nature of the policy area they are tasked to address. Representatives from other levels of government, community groups, or regulatory agencies may be invited onto the community in order to bring in outside perspectives.<sup>55</sup>

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<sup>52</sup> Mayor and Councilmember Handbook - WAcities.org - Chapter 5 - p. 16

<sup>53</sup> Mayor and Councilmember Handbook - WAcities.org - Chapter 5 - p. 16

<sup>54</sup> Mayor and Councilmember Handbook - WAcities.org - Ch. 6

<sup>55</sup> Mayor and Councilmember Handbook - WAcities.org - Ch. 6 - p. 21

### Section 3.3 - The Job of a Council Member

Representing the community is the primary focus of any elected official, and it is no different for members of the town council. La Conner's town council is made up of five members, all of whom hold seats that are elected at-large and serve four year terms without term limits. By "elected at-large" it is meant that each council seat is elected by the community as a whole.<sup>56</sup> This means that each member of the city council represents the entire community, and not individual districts as subsets of the community. To some degree, this has the effect of incentivizing council members to think of the good of La Conner as a whole rather than the good of their own districts at the potential expense of the rest of the town.

The job of a council member is simply to represent the people of La Conner and their interests in the policy making process. This is done at every stage of said process, from writing legislation to discussing it in committees, and finally in voting on whether or not to adopt the legislation. In committees council members are tasked with learning about the specifics of a given issue and discussing them with any community stakeholders that may also be on the committee so that they can ensure any decisions made are well informed. This process will often include communicating with the public, often by either by making recordings of committee meetings available on the town website or by hosting town halls where citizens can ask questions or raise concerns about various issues.

### Section 3.4 - La Conner's Finances

#### 3.4.1 - *What is the Town Budget?*

Naturally, the town budget is a piece of legislation that describes how La Conner's government plans to allocate financial resources and pay expenses over the course of the year, but perhaps more importantly at its most basic level the budget is really a legal document that gives La Conner's government the authority to do so in the first place. Through allocating resources and controlling how much each department is able to spend, the town council expresses its priorities and policies. As discussed in **Section 3.1**, the role that the Mayor plays in developing the budget provides them with some ability to express their priorities as well. State law requires that the finalized budget produced through this process must be "balanced", meaning that total government expenditures must not exceed the funds available to cover these expenses.<sup>57</sup>

As per Washington State law, the annual fiscal period for all cities and towns is January 1st through December 31st. Each new budget must be developed according to state requirements as described in Chapter 35.33 of the Revised Code of Washington (RCW), and adopted before the start of the next fiscal year, as in no later than December 31st of the year the budget was created. Following adoption the budget is to be submitted to the Municipal Research Services Center (MRSC) and to the State Auditor's Office (SAO).<sup>58</sup>

#### 3.4.2 - *Process for Adopting the Town Budget*

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<sup>56</sup> RCW - 35.27

<sup>57</sup> MRSC - Introduction to Budgeting

<sup>58</sup> MRSC - City and Town Budget Procedures

On or before the second Monday in September, La Conner's finance director issues the so-called "request for budget", which requires all department heads and other relevant officials to submit detailed estimates of their projected revenue and expenses for the coming fiscal year to the finance director. Once collected, the finance director is responsible for using these estimates to create a preliminary budget and then present said budget to the Mayor. If they choose to, the Mayor does have the power to make changes to the budget as they see fit. After approving the preliminary budget the Mayor must in turn present it to the town council no later than the first Monday in October.<sup>59</sup>

After receiving and reviewing the preliminary budget the town council must make the budget publicly available and hold a public hearing, the first of at least three public hearings which state law requires, to discuss it. This first hearing, referred to as the revenue hearing, typically focuses on issues related to revenue sources in the preliminary budget, including, but not limited to, consideration of possible increases in property taxes. This hearing is typically held sometime between mid-October and mid-November. A separate hearing, the preliminary hearing, is typically held around this time as well, although the only requirement for this hearing is that it be held prior to the final budget hearing, and sometimes includes input from the heads of La Conner's government departments. Following this, the Mayor is responsible for preparing the final budget proposal and filing it with both the town's finance director and the town council a minimum of 60 days before the beginning of the next fiscal year. The final budget hearing must then be held no later than the first Monday in December, and can be continued for several days up until December 7th if need be. After this final hearing the town council has until December 31st to vote to adopt the budget.<sup>60</sup>

#### *3.4.3 - La Conner's Town Budget*

Previous iterations of La Conner's town budget can be found in full on the official La Conner town website under the section dedicated to the Finance department. Inside each budget readers will find statements from town officials regarding La Conner's fiscal policies, complete breakdowns of La Conner's yearly revenue and expenditures broken down by fund and compared across several years, information on the salaries of town officials, financial breakdowns of La Conner's town projects, descriptions of services paid for by these funds, and estimations for La Conner's financial future, among many other useful pieces of information.

While La Conner's budgets are comprehensive, they are not infallible, and there is often some difference between the expenditures and revenue as projected in the budget and the actual expenditures and revenue at the end of the fiscal year. For example, La Conner's 2019 budget included a projected \$6,520,236 in expenditures and \$5,023,132 in revenue,<sup>61</sup> while actual expenditures and revenues in 2019 totalled \$4,694,551 and \$4,845,433 respectively.<sup>62</sup> In 2020 La Conner budgeted for \$5,988,113 in expenditures and \$5,086,029 in revenue,<sup>63</sup> but ended up with total expenditures of \$5,086,833 and a total revenue of \$5,119,809.<sup>64</sup> As can be clearly seen here, La Conner's budget serves as an estimate, albeit a very carefully determined estimate, and

<sup>59</sup> MRSC - City and Town Budget Procedures

<sup>60</sup> MRSC - City and Town Budget Procedures

<sup>61</sup> La Conner Final Budget - 2020, p. i - ii

<sup>62</sup> La Conner Final Budget - 2021, p. i - ii

<sup>63</sup> La Conner Final Budget - 2021, p. i - ii

<sup>64</sup> La Conner Final Budget - 2022, p. ii - iii

unforeseen circumstances inevitably result in changes to La Conner's finances over time. In general, however, both La Conner's estimated and actual expenditures and revenue tend to hover somewhere in the ballpark of \$5,000,000 annually.

#### *3.4.4 - La Conner's Funds*

Organizationally, La Conner's budget is divided into several funds, each of which corresponds to a different category of use for the resources directed into them. As per state law, each fund exists as a separate financial entity, each fund must be balanced so that expenditures equal revenues, and individual fund's expenditures may not exceed the amount initially budgeted for. To differentiate between funds they are numbered according to their category of use, as described in guidelines provided to Washington's cities and towns by the Washington State Auditor's Office. A description of each of these categories, and the funds that fall within them, is included in this section.<sup>65</sup> For more information regarding these funds and their uses, see the relevant sections in La Conner's budget.

*General (Current Expense) Fund: 000-099* - The general fund is used to account for all finances that are not accounted for elsewhere. In Washington, cities and towns can only have one true general fund, but may establish many sub-funds to account for general internal management. La Conner currently has one true general fund, referred to as the Current Expense Fund (001), and four sub-funds in this category, including the Park and Port Fund (002), the Facilities Fund (003), the Public Arts Fund (004), and the Street Fund (005). Together, these five funds take up one of the largest shares of both La Conner's annual revenue and expenditures. In each case the funds listed here are used to financially support the activities for which they are named, i.e. the Street Fund pays for things like traffic control and street lighting, while the Facilities Fund pays for the maintenance of La Conner's town facilities.

- **Current Expense Fund (001)** - This fund covers a number of expenses, including the salaries and expenses of many town officials, town hall operations, community events, law enforcement, fire department wages and expenses, alongside many others. The largest single source of revenue for this fund comes through taxes, although licenses, fines, and permits are also important in supporting it. On its own, the Current Expense Fund is usually the largest single fund, typically being budgeted at around \$1,000,000 annually.

*Special Revenue Funds: 100-199* - This category of funds accounts for revenue sources that are legally restricted to only be used to cover certain municipality activities, specifically those other than debt service or capital projects.<sup>66</sup> La Conner has only one special revenue fund, the Hotel Motel Fund (#123), which is paid for primarily through the 4% Hotel Motel tax distributed by the Washington state government as well as interest from related investments.

*Debt Service Funds: 200-299* - As the name implies, these funds are designated to cover the accumulation of resources to pay the principal, interest, and related costs of general long term debts. La Conner currently has two debt service funds, the Fire Truck Bond Fund (212) and the

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<sup>65</sup> La Conner Final Budget - 2022

<sup>66</sup> Fund Types and Accounting Principles - Office of the Washington State Auditor

Fire Hall Bond Fund (214). The main source of revenue for these funds are various sales and use taxes, although as investments they do earn interest as well.

*Capital Project Funds:* 300-399 - This series of funds is meant to account for financial resources related to capital projects, specifically the acquisition and construction of capital projects, such as public works, general infrastructure, water systems, government facilities, and roads, among many others. La Conner has three such funds, the Flood Control Fund (303) and the two funds covering Real Estate Excise Taxes (REET). In Washington, both the State government and local municipalities are able to levy taxes on real estate sales. The statewide tax is 1.28%, but the local tax rate depends on the size of the municipality and if it is operating under the Growth Management Act (GMA). All cities and towns may levy the first REET at a rate of 0.25%, referred to as REET 1. Those planning under the GMA may also levy a second tax of 0.25%, referred to as REET 2. La Conner does operate under the GMA, and currently levies both REET taxes, designated in the town budget as REET 1 Fund (304) and REET 2 Fund (305).

*Enterprise Funds:* 400-499 - These funds account for the financing of public goods and services provided to the public. La Conner has four such funds, the Water Fund (401), the Drainage Fund (403), the Sewer Fund (409), and the Sewer Compost Fund (412). This category of funds is typically the largest category in La Conner's budget in terms of annual expenses and revenues. The funds are the means by which the town of La Conner is able to provide water, drainage, and sewer services to its residents and are primarily paid for through user fees.

#### *Section 3.4.5 - Revenue Shared Between Funds*

In most cases, the sources of revenue for individual funds or sets of funds depends on what type of funds they are, but there are three main revenue sources whose proceeds are shared between one or more funds; sales taxes, utility taxes, and business license fees.

*Sales Taxes* - La Conner's sales taxes range are divided between the Current Expense Fund (55.35%), the Streets Fund (14.85%), the Facilities Fund (13.25%), The Park and Port Fund (8.45%), and the Fire Hall Bond Fund (7.83%).

*Utility Taxes* - La Conner has five utility taxes, for Electricity, Natural Gas, Telephone(s), Garbage, and Cable, each of which is applied at a rate of 6%. Collectively, roughly 60% of these taxes goes towards the Current Expense Fund, while the remaining 40% goes toward the Street Fund.

*Business Licenses* - Approximately 75% revenue collected through business licenses goes towards the Current Expense Fund. The remaining 25%, or so, is applied to the Street Fund.

#### **Section 3.5 - Local Government Departments**

In general, similar sets of government departments will be found in all towns and cities across the country, as all governments are responsible for providing a similar range of services to their citizens and performing the same general functions. However, the specific sizes and responsibilities of these agencies will vary based on the population size, environmental

conditions, and economic conditions, among other factors, of the city or town and the surrounding area. This section will describe the roles and responsibilities of La Conner's key government departments;<sup>67</sup>

- Finance - As in any government, La Conner's Finance Department provides financial management and works to ensure accountability within the government in terms of taxation, spending, creating yearly budgets, and the paying salaries of government employees.
- Fire Department - The La Conner Fire Department (LCFD) was made an official department of the town in 1932, but has served the community in different capacities for over 100 years. The LCFD is headed by a Fire Chief, a position appointed by the Mayor and which is responsible for the management of the department and its staff. Aside from the Fire Chief, the LCFD is managed and staffed by an Assistant Fire Chief, as well as any other officers or number of firefighters that has been decided by the Town Council.
- Law Enforcement - Originally, law enforcement in La Conner was managed by the town itself, however, since May of 2001 the town of La Conner's law enforcement services have come from the Skagit County Sheriff's Office. The La Conner Precinct of the Sheriff's Office is located at 204 Douglas street, adjacent to Town Hall, and is headed by a Sergeant and staffed by several patrol deputies. This La Conner Detachment is a unit within the Sheriff's Office Patrol Division, which is responsible for policing the unincorporated areas of Skagit County from the San Juan Islands to the summit of the Cascade Mountain Range, managing search and rescue as well as seasonal boat patrols.
- Planning, Permits & Codes - The Planning Department plans, organizes and coordinates all planning activities for the town. This includes developing and implementing land use policies and procedures, reviewing permit applications, overseeing historic design in the town, and conducting shoreline and critical area reviews.
- Public Works - Public works comprises a broad category of infrastructure projects, financed by the government, such as roads, bridges, schools, parks, hospitals, electrical grids, and water systems. These projects are meant to provide recreational, employment, educational, and health and safety resources for public use. La Conner's Public Works department is responsible for repairing, maintaining, and managing the town's infrastructure.
- La Conner Senior Center - The La Conner Senior Center provides resources to Senior Citizens, and others, in the form of classes, events, services, and entertainment. The Senior center is located in Maple Hall (104 Commercial Street) and is typically open on Tuesdays. Each month the La Conner Senior Center releases a complete schedule of the activities it will be hosting for said month, which can be found on the official town of La Conner website.
- Sewer, Water, Wastewater, & Yard Debris - La Conner's wastewater facilities serve the Town of La Conner, Swinomish Tribal Community, Port of Skagit County, and Skagit County Sewer District No. 1. The Town of La Conner owns the infrastructure of the wastewater treatment plant, but does not operate it. Instead, the town contracts with a private company to provide staff and operate the wastewater treatment plant.

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<sup>67</sup>Town Government | La Conner, WA ([townoflaconner.org](http://townoflaconner.org)) - Departments

- Town Administrator / Public Records Officer - The Town Administrator is hired by the mayor to serve as the manager of the town government under the authority and direction of the mayor. Their responsibilities include managing and coordinating the activities and functions of various officers, departments, commissions, and boards in implementing town ordinances and the policies of the city council. The Town Administrator also serves as the town of La Conner's Public Records Officer, and is responsible for maintaining public records as well as making them available to community members upon request. (To request access to public records see the Public Records Request Form, available on the official town of La Conner website under the Town Administrator/Public Records Officer section.)

Fulfilling the roles and responsibilities of various government agencies will often require cooperation between two or more different departments at once. The Public Works department, for example, due to its broad set of responsibilities related to the town's infrastructure and the other department's connection to various aspects of said infrastructure, regularly works with almost all other departments on a number of different issues. While the Public Works department may have the most connections to its fellow departments, all the aforementioned departments do regularly cooperate with one another to achieve their goals. To that end, once a month the heads of each department are scheduled to meet and coordinate the activities of their departments with one another.

### **Section 3.6 - Existing Committees and Commissions**

Both committees and commissions are organizations created by the government for the purpose of debating and crafting policy within specific areas of interest, however, they each serve very different roles. Committees will be primarily made up of legislators, in the case of La Conner these legislators would be city council members, as well as other government officials whose day to day jobs relate to the focus of said committee. Committees operate as a means of regulation internal to the government. Commissions, on the other hand, are much more community oriented. Commissions may be staffed with government officials, but also commonly include members of the community or private sector who have a concerted interest in or background concerning the topic of the commission. These groups serve as external review processes, informing the government on relevant information and community concerns over the course of the policy making process.<sup>68</sup> La Conner has several different committees and commissions in operation, including the following:

#### *3.6.1 - Our Town Commissions*

*Parks Commission* - The parks commission operates in an advisory capacity, informing the mayor, town administrator, and town council on matters regarding the operation, policies, procedures, and improvements to the town's parks, play fields, street ends, and open space. This commission is made up of five voting members, appointed from the public by the Mayor, as well as two non-voting members, including one student from La Conner High School and one town council member belonging to the council parks and preservation committee. Three of the five voting members must be legal voters residing in La Conner.<sup>69</sup>

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<sup>68</sup> NCSL - Committees and Commissions

<sup>69</sup> La Conner Municipal Code - Chapter 2.45

*The La Conner Arts Commission* - The La Conner Arts Commission, or LCAC, was created to support artistic creation, education, and participation which showcases La Conner as a center for artistic expression. The LCAC works to acquire and display visual art, support literary and performance based art, and encourage the exchange of ideas on issues related to contemporary art in our dynamic society. The LCAC is primarily composed of five voting members, referred to as commissioners, who are appointed by the mayor on the basis of their knowledge of the arts and commitment to the importance of public art as a part of our culture. These commissioners must represent the diversity of our community and reside or work within the La Conner School district. Once appointed, commissioners serve a three year term on the LCAC and may be reappointed for one additional three year term, with two consecutive terms being the maximum number of terms served by any one member. Alongside the commissioners, the LCAC includes one non-voting member from La Conner High School, appointed by the mayor at the end of their Junior year, who must reside in the La Conner School district and may serve for one year. Additionally, one non-voting town council member serves on the LCAC at all times, acting as a liaison to the town government.<sup>70</sup>

*Planning Commission* - It is the purpose of the planning commission to conduct an annual review of La Conner's comprehensive development plans, hold hearings and take testimony regarding zoning and land use ordinances, and review various project permit applications, potentially making suggestions for amendments to the town council regarding each of these areas. To that end, the planning commission is empowered to review and approve or disapprove of various permit applications and must hold at least one public hearing before recommending amendments or changes to the town council. The planning commission is composed of five members who, once appointed, elect a Chairman and Vice-Chairman from their own membership to head the commission. Appointments to the planning commission are made by the mayor and are subject to approval by the town council. Members must be residents of the town of La Conner and serve for a period of six years.<sup>71</sup>

### *Section 3.6.2 - Town Council Committees*

Currently, La Conner has established six standing committees, each one being assigned to address a different scope of issues and areas of concern. These committees consist of two members, both appointed by the council president, and are tasked with analyzing policy issues assigned to them and then making various recommendations to the town council regarding how these issues can be best addressed by the town government as a whole. Aside from these six standing committees, the town of La Conner may also establish ad hoc, temporary committees to address pressing issues and concerns that may require special attention. A description of each standing committee, their scope of authority, and any associated town departments is included here:<sup>72</sup>

*Facilities Committee* - Responsible for all matters related to buildings owned by the town, including, but not limited to: Town Hall, Maple Hall, the Garden Club building, the fire hall, the public works building, the sewer plant structure, and associated restrooms. The facilities

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<sup>70</sup> La Conner Municipal Code - Chapter 2.47

<sup>71</sup> La Conner Municipal Code - Chapter 15.13

<sup>72</sup> La Conner Municipal Code - Chapter 2.05.040

committee coordinates with all administrators and department heads whose activities include the use of these town buildings.

*Finance and Labor Committee* - Considers all matters related to the general fiscal and financial operation of the town, including economic development, and budget and financial reports. The finance and labor committee also addresses issues regarding town personnel, such as salary schedules and position classifications, in conjunction with the town finance director, the mayor, and the town administrator.

*Park and Preservation Committee* - Addresses issues related to parks, park lands, recreational facilities and activities, and docks and floats, all in coordination with the town administrator, the planning and public works departments, and the Parks Commission. As described in **Section 3.6.1**, one member from the park and preservation committee must also serve as a member of the Parks Commission.

*Streets and Safety Committee* - Responsible for issues regarding transportation and transportation related infrastructure, such as streets, sidewalks, street lighting, signals, etc., in coordination with both the public works department and the planning department. The streets and safety committee also addresses matters regarding police and fire protection, emergency services, and animal control alongside the Skagit County sheriff's office, the fire department, the town administrator, and the town finance director.

*Long-Range Planning Committee* - Addresses matters related to physical, economic, aesthetic, cultural, and social development in relation to various government policies, plans, and programs in coordination with the town administrator, planning department, planning commission, town attorney, and hearing examiner.

*Utilities Committee* - Considers issues related to water, sewer systems, electric power, natural gas, telephones, cable television, storm drainage, and flood control measures. To address these broad concerns the utilities committee works in coordination with the town administrator, public works department, and the town finance director. One member of this committee is also mandated to serve on the wastewater advisory board.

## Section 4 - Public Engagement

### Section 4.1 - Elections

Elections are commonly thought of as one of the main avenues for public engagement with the government. This is in large part due to the fact that elections are moments when citizens are effectively choosing the people and values that will shape government decision making until the next election. The effectiveness of this system is the cornerstone of representative democracy. Residents of La Conner vote in a number of different elections at the federal, state, and county level. At the local level, however, there are only two positions in La Conner's government that are open for election, seats on the town council and the position of mayor.

(For more information on county level government and elections see **Section 2.3.**)

#### *Section 4.1.1 - Rules and Regulations Regarding La Conner's Elections*

As discussed in Section 3, to be eligible to run for the position of mayor or for a seat on the town council must be a resident of and registered voter in the town of La Conner. For both the mayor and any town council positions elections are scheduled under state law to take place only in odd numbered years. Elections are held biennially, that is to say that an election takes place every two years. Town council elections are staggered so that three council seats will be up for election one year, while the other two seats' elections are scheduled to take place two years from that point alongside the mayoral election.<sup>73</sup> This process is fairly common at all levels of government, with the general thinking behind it being that it will ensure there are always at least two current members of the town council who have some prior experience. In our most recent election, in November of 2021, council positions 2, 3, and 4 were up for election. The election before that, in 2019, council seats 1 and 5 as well as the position of mayor were up for election.<sup>74</sup> These three positions will be included in our next election, scheduled for November of 2023.

#### *Section 4.2.2 - La Conner's Election Process*

Assuming you are eligible to hold office, the process begins with an open filing period in early May. Candidates have until May 20th to declare their candidacy for office, and until May 27th to submit their candidate statements and photos to be included in the State Voters' pamphlet that is distributed along with the official ballots.<sup>75</sup> There is no fee to register as a candidate for La Conner's town council. Between the May filing period and the general election in November candidates for office are engaged in their respective campaigns. It is not uncommon to see candidates run unopposed for local government offices, making campaigns less necessary in those instances, but even for elections that are contested, campaigns at the local level are not nearly as involved as those for positions at the higher levels of government. Positions in La Conner's government are supposed to be non-partisan, so elections for those positions should be as well, although candidates are sometimes endorsed by political parties, even if they aren't supposed to be. Because La Conner's population is so small, candidates for office do not have to file campaign finance reports with the government, and it is impossible to say how much money is spent on the typical campaign, although mayoral campaigns likely spend more than those for city council. The extent of most campaigns involves posting signs and billboards along the roads in and around La Conner, handing out fliers, and going door-to-door to talk directly with the voters. In most election years a local election forum will be held to give the public the chance to ask questions and get to know the candidates before they decide which of them will be representing them for the next four years.

Election races in La Conner only include primaries if there are three or more candidates running for office, as the purpose of Washington's primaries is to winnow down the number of candidates to no more than two, who are then the only candidates on the ballot for the general election.<sup>76</sup> Because La Conner's elections rarely attract more than two potential candidates, primaries are

<sup>73</sup> RCW - 35.27.080

<sup>74</sup> General 2021/2019 Candidate Lists - Vote Washington

<sup>75</sup> Candidate Filing FAQ - Elections & Voting - WA Secretary of State

<sup>76</sup> The Closest Governments to the People - Lundin - Ch. 67 p. 932

very rare for La Conner, and typically any candidates running for a given office will appear on the final ballot in November. At that time, all eligible residents of La Conner will cast votes for their preferred candidate in the mayoral race and each race for a town council seat. Larger cities may be divided into districts, with each council seat representing a different part of the city, but as La Conner is a town this does not apply. Each town council seat represents the whole of La Conner and town council candidates are elected-at-large, by all voters. Once elected the incoming Mayor and town council members are typically sworn in and officially take office sometime in the month of January immediately following the November election.

## **Section 4.2 - Civic Communication in Local Governments**

### *Section 4.2.1 - Typical Avenues of Communication*

Local governments have a number of different options and methods at their disposal they can use to communicate with the public. One of the most common government practices in this area is to open government meetings to the public and facilitate a range of different types of public meetings centered around key issues.<sup>77</sup> Like most governments, La Conner regularly engages in both of these practices. La Conner's town council meets twice a month, on the second and fourth Tuesdays of each month at 6:00 pm. These meetings can be attended in person in the Upper Maple Center, 104 Commercial St, or online via Zoom. The agenda for town council meetings is posted before each meeting on the official Town of La Conner website ([www.townoflaconner.org](http://www.townoflaconner.org)) under the subsection "Town Council and Council Meeting Packet" in the Town Government section. These packets are also available at Town Hall. Residents, or other interested parties, can raise issues or address the town council directly during the "Community Comments" portion of the meeting. Similar information is provided whenever La Conner hosts public hearings, open houses, or public forums, although as these meetings are meant to address specific issues they occur much less frequently.<sup>78</sup>

While council meetings are open to the public, committee, commission, and other board meetings are sometimes not. Even when they are not open to all, the general public can still learn about the goings on of these groups, as their agendas and a record of their meetings' minutes is regularly posted under the Town Government section of La Conner's website under "Agendas and Minutes". Additionally, the issues addressed by these groups and any other relevant information often make up much of the agenda covered in public forums and hearings, making these public meetings good sources of issue specific information that may not always be so readily available to the public.<sup>79</sup>

As technology and social media become more prevalent in the daily life of La Conner residents, they have become increasingly used as another means of government communication with the public. Social media platforms such as Facebook, Instagram, YouTube, alongside other interactive technologies are now a regular part of sharing information about local events, issues, emergencies, and general government activities.<sup>80</sup> During the pandemic the need for distance communication increased, and many local governments expanded their online presence, with

<sup>77</sup> MRSC - Community Engagement Resources

<sup>78</sup> Town Government | La Conner, WA ([townoflaconner.org](http://townoflaconner.org))

<sup>79</sup> Town Government | La Conner, WA ([townoflaconner.org](http://townoflaconner.org)) - Agendas and Minutes

<sup>80</sup> MRSC - Community Engagement Resources

larger cities with access to greater resources leading the charge. Unfortunately, La Conner's online presence is fairly limited at the present moment, and primarily comes in the form of the official town website ([www.townoflaconner.org](http://www.townoflaconner.org)), La Conner's facebook page, and any regularly scheduled Zoom meetings hosted by the town. However limited, these platforms have made the process of communication between the government and La Conner's residents much easier and more effective. The town of La Conner's website in particular is a key resource for anyone looking to get involved with local politics.

#### *Section 4.2.2 - Legal Requirements in Government Communication*

Under Washington state law, as a town La Conner's government is legally required to publish information related to any ordinances passed by the town council. This information is to be published in the local newspaper once the ordinance has been passed and must include a summary of the text and its main points. Towns are also required to establish a specific procedure for notifying its residents of upcoming public hearings and council meetings.<sup>81</sup> La Conner's own procedure is described here:<sup>82</sup>

1. Notice of public hearings before the town council or town planning commission is to be published in the town's newspaper six days before the date of the hearing and must include the time, place, date, subject, and body before whom the hearing is to be held.
2. The preliminary agenda for regular council meetings must be posted in the Town Hall, located at 204 Douglass Street, on the town of La Conner website, and published in the town's newspaper at least 24 hours before the meeting takes place.
3. The town clerk must also post notices and agendas, as described in parts 1 and 2 of this outline.

#### **Section 4.3 - Businesses and Other Private Organizations**

Naturally, business owners and those involved in other private organizations are able to interact and engage with local government through the same systems as any other resident. The advantage that businesses and other groups have over individuals in their interactions with the government is in their ability to organize more efficiently around particular issues and areas of concern. This ability allows these groups to better effect change at every level of government. Locally, the La Conner Chamber of Commerce is an important institution and organizing force, which pursues a goal of advancing the economic and civic wellbeing of La Conner through advocating on behalf of the community and business interests in the area. The La Conner Chamber of Commerce provides support, information, and other resources to local businesses, organizes community events to promote the area, and interacts with La Conner's government regarding various issues. Currently, La Conner's Chamber of Commerce is made up of over 120 members and is a key resource for local businesses.<sup>83</sup>

For business and private organizations there are many options to engage with the government from the outside. In La Conner, certain business owners and members of private organizations may also have the opportunity to become involved with the government from within, even if they

<sup>81</sup> RCW - 35.27.300

<sup>82</sup> La Conner Municipal Code - Chapter 2.05 - Section 2.05.015

<sup>83</sup> About the Chamber - La Conner Chamber of Commerce

aren't elected. Commissions are a good example of this at work, as they are commonly staffed by both members of the public and private sectors. The La Conner Arts Commission, for example, requires that its appointed members be members of the community with extensive experience in the arts. Naturally, this means that most of its members are themselves local artists with private businesses or who are involved with private organizations supporting the arts in La Conner and Skagit County as a whole. Currently, several members of the La Conner Arts Commission fit this description, and the same can be said for several other commissions and ad hoc committees working for and with La Conner's town government. The experience that these people have gained working in the private sector in areas related to economic development, culture, etc., makes them an invaluable asset in assisting the government to address local issues.

## **Section 4.4 - Bringing an Issue to your Local Government's Attention**

### *Section 4.4.1 - Contacting the Government Regarding Issues in General*

There is no specific process that must be followed in order to contact La Conner's government. There are a number of different avenues by which members of the community can communicate their needs or concerns to the government, as individuals or as a larger collective. However, there are a few things that should be kept in mind when considering how best to make your voice heard in local politics.

At times it can be difficult to know how to first approach issues related to the government. Lack of access to relevant information is often a barrier to public engagement with the government entities that should be serving their interests. This issue is perhaps the most impactful at higher levels of government, but it is present in local governments as well. The best place to begin is with Town Council meetings, as they are held regularly, encourage public engagement, and typically cover a number of critical town issues during each session. As discussed in **Section 4.2.1**, La Conner's Town Council meetings occur two evenings every month, and can be attended in person or online via Zoom. Before attending a meeting residents should check the agenda that is posted before each meeting on La Conner's official website to see which issues will be discussed that night.. At each meeting there is also a set amount of time allotted for residents to ask questions and raise their own issues with the town government, so even if a specific issue isn't set to be discussed by the town council, residents still have the opportunity to openly discuss their concerns.

There are also a number of ways to contact your local officials outside of formal meetings. The names, phone numbers, emails, and mailing addresses of the Mayor and all department heads can be easily found on the town website under their respective department's subsection. Contact information for the town council as a whole as well as individual council members is located under the subsection Town Government - Town Council & Council Meeting Packet, as well as a great deal of other useful information pertaining to the town council and council meetings. When contacting local officials email or written mail is best, as it creates a record of interactions between the government and the public. Copies of emails and letters sent to the town council are saved and posted on the town's website under the subsection Town Government - Letters to the Town Council.<sup>84</sup>

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<sup>84</sup> Town Government | La Conner, WA ([townoflaconner.org](http://townoflaconner.org))

#### *Section 4.4.2 - Budget Time*

As discussed in **Section 3.4.2**, each year La Conner's town budget for the next fiscal year is developed, debated, and eventually adopted between the months of September and December. This lengthy process involves a great deal of intergovernmental communication and communication with the public, as officials work to create a budget that will effectively allocate resources to address the community's needs. For those who want to effect change, see improvements made to the running of the town, or express their needs to the government, this is perhaps the best time to get involved.

There are, and will always be, at least three public meetings held at various points over the course of the budget development process to discuss the town budget before it is adopted. During this time the town will be looking to express its policy goals through the formation of the budget. Negotiations over resource allocation present a great opportunity to push for change in a specific area, particularly if making the desired changes will cost a large amount of money. After the budget has been adopted it is much more difficult to make large scale changes. The various funds that make up La Conner's budget, (see **Section 3.4.4**), cannot exceed the amount originally budgeted for, making the sudden adoption of previously unplanned changes to town infrastructure or policy, well after the budget has been set, very difficult, if not impossible. Residents looking to make their voices heard during this time should familiarize themselves with previous budgets, which can be found on the town website, as well as the proposed budget for the following year once it has been made available to the public, prior to attending a town budget meeting. Contacting members of La Conner's town council, the Mayor, or potentially any relevant department heads regarding specific issues is also advised.

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- Chapter 35.27
  - 35.27.080
  - 35.27.300
  - 35.27.370
- Chapter 36.32
  - 36.32.020

### Town of La Conner

#### La Conner Municipal Code

- Chapter 2.05
- Chapter 2.45
- Chapter 2.47
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