



King County

Charter Review Commission

Agenda

Wednesday – January 16, 2019
5:30 – 8:30 p.m.

King County Chinook Building
1st Floor Conference Rooms 121/123
401 5th Ave. Seattle, WA 98104

- | | | |
|--|---------------------------|-------------|
| 1. Welcome | Co-Chairs | 5 minutes |
| 2. Public Comment | | As needed |
| 3. Councilmember Comment: <ul style="list-style-type: none">• Councilmember Kohl-Welles | | As needed |
| 4. Approve December 19, 2018 meeting minutes | Co-Chairs | 5 minutes |
| 5. Staff Update <ul style="list-style-type: none">• CRC Webpage• Follow-up to member questions | County Staff | 20 minutes |
| 6. Review & Discussion: <ul style="list-style-type: none">• Updated Charter• Issues Tracker• Next Steps/Timeline | Co-Chairs
County Staff | 145 minutes |
| 7. Next meeting <ul style="list-style-type: none">• January 23, 2019 | Co-Chairs | 5 minutes |
| 8. Other Business | Co-Chairs | As needed |
| 9. Adjourn | | |

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King County

Charter Review Commission

December 19, 2018

In Attendance:

Louise Miller (Co-Chair), Ron Sims (Co-Chair), Tim Ceis, Joe Fain, Elizabeth Ford, Ian Goodhew, David Heller, Michael Herschensohn, Sean Kelly, Linda Larson, Marcos Martinez, Rob Saka, Brooks Salazar, Beth Sigall (via telephone), Alejandra Tres and Kinnon Williams.

Excused:

Clayton Lewis, Nat Morales, Jeff Natter, Toby Nixon, Nikkita Oliver and Sung Yang.

Council and Executive Staff:

Patrick Hamacher, Director of Legislative Analysis, Calli Knight, External Relations Specialist, and Mac Nicholson, Director of Government Relations.

Also in Attendance:

Mike Sinsky, Senior Deputy Prosecuting Attorney, King County Prosecuting Attorney's Office.

1. Welcome and Call to Order

Co-Chair Miller called the meeting to order at 6:06 p.m. and asked those on the telephone to introduce themselves.

Those who have not yet signed and submitted the Certificate of Training related to ethics and other resources provided with the materials for the first meeting, were encouraged to do so.

2. Public Comment:

There was no one present to provide public comment.

3. Approval of Minutes

Co-Chair Sims moved approval of the minutes of the November 28, 2018 meeting. The motion was seconded. There being no objections, the minutes were approved.

4. Staff Follow-up to Member Questions

Responses to the outstanding questions related to the Chief Administrative Officer and Personnel Board will be postponed until the next meeting.

Mr. Sinsky will meet with Commissioner Nixon and any other interested commissioners to address questions related to areas where the Charter may be inconsistent with the Public Disclosure Commission, the Open Public Records Act or the Open Public Meetings Act. Results will be reported back to the full commission.

A motion was made to include in discussion by this group the typographical, technical and legal items on pages 15 through 19 of the proposals spreadsheet. The motion was adopted.

5. Formalize Process for Decision Making

A motion was made to retain the current time frame and after the January meeting, decide which of the issues will be presented to the public in February. The motion was adopted.

6. Review Updated Tracker

Charter section 410 (packet page 7): A motion was made to strike this item from the list. The motion passed with one objection.

Charter section 460 and 470.1 (packet page 7): A motion was made to keep these on the list and invite executive staff and Councilmembers or their staff to attend a meeting and explain their reasoning for the requested changes. The motion was adopted.

Charter section 270, 650, 660 and 800 (packet page 9): A motion was made to keep these sections on the list for further discussion. The motion was adopted.

A motion was made to do a dot exercise at the second meeting in January to assess each commissioner's top priorities (exclusive of technical amendments) to take to a public meeting. The number of dots will be decided in January.

Action:

- Staff will provide additional data/information as requested.
- An additional meeting will be scheduled for January to continue review of the proposed amendment tracker.
- A reminder email will be sent to the outreach groups asking for their input.

The meeting was adjourned at 8:29 p.m.

Budget & Finance Proposals			Move Forward?			Additional Analysis?	
Charter Section:	Recommended By:	Comments/Additional Information	Yes	Continued	No	Yes	No
Article 4							
410	Councilmembers Kohl-Welles & Lambert	1. The budget message should be a "budget address at a county council meeting"			1		1
460	Councilmember Kohl-Welles (1) Councilmember Lambert (2, 3)	1. Eliminate the prohibition on the County Council originating or changing the capital budget without a request from the Executive. 2. Require consultation prior to the Executive transmittal of appropriations ordinances allocating unspent funds. 3. Allow the Council to originate non-emergency appropriations ordinances.		1, 2, 3			1, 2, 3
470.1	Executive Constantine	1. Allow leases of more than a year in operating budgets, not just capital budgets		1			1
470.2	Executive Constantine	1. General clean-up and revision of budget related items and references: replace term "current expense" with "operating"; objects of expense; contingency appropriations		1			1
470.3	Executive Constantine	Delete		1			1
480	Executive Constantine	Update language		1			1
490	Executive Constantine	Delete		1			1

County Council, Regional Committees & The Charter Review Commission			Move Forward?			Additional Analysis?	
Charter Section:	Recommended By:	Comments/Additional Information	Yes	Continued	No	Yes	No
Article 2							
270.1	Comissioner Nixon (1,2) Councilmembers Kohl-Welles (3) Upthegrove (4)	1. Could we add a regional committee that would review and, by supermajority vote, have the ability to veto proposals for new countywide levies? The creation of new county taxes has a significant impact on the ability of cities to raise their revenue for their own purposes. There should be a way to ensure regional consensus on countywide levies. A committee made up of a few county council members, a representative of the county executive, representatives of cities over a certain population, and SCA representatives of the rest of the cities, should be able to veto new levy proposals by a supermajority vote. 2. Could we add a regional committee focused on affordable housing, or is that assumed to be within the scope of RPC? 3. Consider giving cities a greater voice by merging the regional committees into one. 4. Regional committee process is inefficient and ineffective. Look for strategies to improve coordination and communication.		1, 2, 3, 4		3, 4	1, 2
270.2	Commissioner Nixon	1. Does this mean that at least two of the three must be councilmembers that have unincorporated areas in their district? What does this mean for SCA filling the "other cities and towns" positions? Does SCA have to also consider appointing from cities outside King County?					
270.3	Commissioner Nixon	1. Is there a time limit for this second review? Should there be?					
Article 6							
650.1	Commissioners Nixon (1), and Saka (2)	1. Look at increasing the size of the County Council. 2. Add at large seat(s).					
650.2	Commissioner Heller (1) Councilmember Lambert (2)	1. Look at "preferential" or "ranked choice" voting for Council districts (Commissioner Tres stressed that pro and con would need to be discussed equally) 2. Establish process for filling councilmember vacancies in the charter.					
650.30.10	Commissioner Nixon	1. It would be great if this also said that the Districting Committee shall not consider voting history, the residence of any person including incumbents council members, nor any data regarding characteristics for which discrimination is prohibited under Section 840.					
NEW SECTION 660	Councilmember McDermott	1. Establish a public process for funding campaigns for office.					
Article 8							
800	Commissioner Nixon (1) Councilmember Lambert (2, 3)	1. 45 days is no longer long enough to get this done. Check with Elections to insert the right timeline. 2. Allow each councilmember the opportunity to directly appoint a CRC member. 3. Require a resident of Unincorporated King County to be on the CRC.					

Law Enforcement			Move Forward?			Additional Analysis?	
Charter Section:	Recommended By:	Comments/Additional Information	Yes	Continued	No	Yes	No
Article 2							
265	Commissioner Nixon (1) Councilmember Kohl-Welles (2, 3)	<p>1. Some of the records that they may review or copy might be exempt from or prohibited from public disclosure. Should the office of law enforcement oversight be required to protect such files from disclosure to the same extent as the law enforcement agency? Or does the office have the power to override the wishes of the Sheriff and release records to the public that the Sheriff would have not disclosed?</p> <p>2. Strengthen OLEO powers around independent investigations and access to information and ability to communicate with the public.</p> <p>3. Change director term to 5 years.</p>					
Article 8							
895	Commissioner Saka	1. Explicitly provide for representation for the family of the deceased.					

Referendum and Initiative			Move Forward?			Additional Analysis?			
Charter Section:	Recommended By:	Comments/Additional Information	Yes	Continued	No	Yes	No		
Article 2									
230.4	Commissioner Nixon; Councilmembers Balducci and McDermott	1. This is inconsistent with 230.70. This section says that the actual signed petitions have to be filed before the effective date of the ordinance, which is impossible to do with the default effective date being 10 days after enactment. 230.70 says that only the INTENT to file a referendum must be submitted to the clerk of the council, upon which the effective date is delayed until at least 45 days after enactment. Should this section be clarified or refer to 230.70? Countywide special elections are rare and expensive. Should this be only primary or general elections to avoid the cost of a countywide special election? Or would it really be desirable to have a referendum vote at a February or April special election even if it costs millions of dollars, in order to avoid delaying the effective date of the ordinance? Note that statewide referendums are always at a general election. We should check to be sure this is consistent with state law. Election timelines have changed, and 45 days is likely not enough time to get an item onto the ballot because ballots have to be printed in advance of them going out to military and overseas voters 45 days before the election. Also, this definitely does NOT allow enough time for signature verification – the timeline should provide a time limit for signature verification, and make the election date based on that. This could be simplified to just “an emergency ordinance”.	Forwarded to subcommittee w/ Sinsky						
230.5	Commissioner Nixon	1. Countywide special elections are rare and expensive. Should this be only primary or general elections to avoid the cost of a countywide special election? Also, under state law there is no “regular” election; should specify “primary or general”. 135 days is probably enough time for both signature verification and to get printed on ballots, but we should verify against the election timeline. There should be a time limit for signature verification, and specify how this interacts with council consideration of the initiative. What if it is enacted after ballots are already printed? What if the people vote it down after the council enacts it? Is the election moot? This should be clarified to avoid the situation that occurred in the state legislature with I-940. The council should not be allowed to adopt the proposed initiative and then immediately amend it in order to avoid putting the original and substitute on the ballot together.	Forwarded to subcommittee w/ Sinsky						
230.50.10	Commissioner Nixon (1,2)	1. Eliminate metropolitan. 2. What does “take action” mean in this context? Does it mean “a vote of the full council to enact or reject the initiative”? Or can ANY action count, such as referring to committee?	Forwarded to subcommittee w/ Sinsky						
230.6	Commissioner Nixon	1. Should there be a time limit for signature collection? Under the current process, once the form of a petition is approved by the clerk, there’s no limit to how long signatures can be collected. For state initiatives to the people, the time limit is about six months; for initiatives to the legislature, about nine months. People’s opinions change over time, people die, people move away, so long the longer signatures can be gathered the more risk there is that signatures are stale or voters want to withdraw their signature. We should allow petitions to be on 8.5x11 paper so that individuals can easily print their own. We should allow “one line” petitions that can be signed by one person and returned to the initiative committee by mail.	Forwarded to subcommittee w/ Sinsky						

Referendum and Initiative			Move Forward?	Additional Analysis?
230.7	Commissioner Nixon	1. What does this mean "if an ordinance is subjected to referendum"? I think it means that sufficient valid signatures are submitted prior to the effective date of the ordinance. By default this would mean the signatures must be submitted within 45 days of enactment. But what if signature verification is not complete by the time the effective date is reached? Does the effective date slide until the director of elections declared that the number of valid signatures is sufficient or not? What if the director of elections says there are insufficient valid signatures (because of bad ones), and the referendum proponents challenge it in court? Does the effective date continue to slide until the challenge is resolved? At what point does the decision on whether or not there's going to be a referendum vote become final, so that the ordinance can either go into effect or it can go on the ballot?		
230.75	Commissioner Nixon	1. This should also apply to ordinance proposed by initiative that are adopted by the council without going to the people for a vote. This would avoid the I-940 problem. I think this means that a previous initiative can be amended at any time by another initiative. I think it also means that the county council can put an amendment to an initiative on the ballot for the people to vote on, and the two-year period does not apply.		

Forwarded to subcommittee w/ Sinsky

Forwarded to subcommittee w/ Sinsky

Typographical and Grammatical Changes			Move Forward?			Additional Analysis?		
Charter Section:	Recommended By:	Comments/Additional Information	Yes	Continued	No	Yes	No	
Article 2								
220.3	Commissioner Nixon	1. add comma	Forwarded to subcommittee w/Sinsky					
Article 3								
350.20.50	Commissioner Nixon (1,2)	1. Typo – this colon is superfluous and should be removed. 2. Add “primary”. This is obsolete and should be removed.	Forwarded to subcommittee w/Sinsky					
Article 7								
710	Commissioner Nixon	1. Typo--should be hypen in "four year"	Forwarded to subcommittee w/Sinsky					
Article 8								
820	Commissioner Nixon	1. Should be “with the county”. Should be a colon.	Forwarded to subcommittee w/Sinsky					
Article 9								
Revisers note	Commissioner Nixon	1. Is it necessary to keep this note forever, or can it be removed?	Forwarded to subcommittee w/Sinsky					
Revisers note	Commissioner Nixon	1. Is it necessary to keep this note forever, or can it be removed?	Forwarded to subcommittee w/Sinsky					

Technical Changes			Move Forward?			Additional Analysis?			
Charter Section:	Recommended By:	Comments/Additional Information	Yes	Continued	No	Yes	No		
Encompassing Changes:	Commissioner Nixon	1. Delete "metropolitan" throughout	Forwarded to subcommittee w/Sinsky						
	Councilmember Balducci	1. High Priority placed on items that increase transparency	N/A						
Article 1									
140	Commissioner Nixon	1. This would be a good place to declare who the county is named after (which is currently in state law), that the boundaries are as defined in state law, and that the county seat is Seattle.	Forwarded to subcommittee w/Sinsky						
Article 2									
260	Commissioner Nixon	1. Does mean that complaints can't be filed by non-citizens? How do we define "citizen of the county"? If it means "resident of the county", should we change it to that? What if it's someone who owns a business in the county but lives in another county? Why is this limited to citizens at all?	Forwarded to subcommittee w/Sinsky						
Article 3									
330	Commissioner Ceis	Is this section regarding CAO necessary. It is unclear and adds confusion.	Forwarded to subcommittee w/Sinsky						
350	Executive Constantine	1. Retitle "Sheriff's Department" from "Department of Public Safety"	Forwarded to subcommittee w/Sinsky						
350.2	Commissioner Nixon	1. Shouldn't the Department of Public Safety be listed here, since it is one of the subsections of 350.20?	Forwarded to subcommittee w/Sinsky						
310	Commissioner Nixon (1) Executive Constantine	1. Since the Assessor is explicitly listed here, should it also list the other countywide elected officials? 2. Update to add full list of elected officials.	Forwarded to subcommittee w/Sinsky						
320.2	Commissioner Nixon (1), Executive Constantine (2, 3)	1. Typo – this "a" should be deleted. 2. Delete obsolete Executive duty to serve on boards/commissions from county commissioner era. 3. Add Elections and Sheriff to the composition of the Executive Branch	Forwarded to subcommittee w/Sinsky						
340.1	Commissioner Nixon, Executive Constantine	Should the County Sheriff, Superior Court Clerk, and Director of Elections be included here, since they are heads of executive departments who are not appointed by the county executive?	Forwarded to subcommittee w/Sinsky						
Article 6									
610	Commissioner Nixon	1. Why aren't the Sheriff and Director of Elections included in this list? Wouldn't it be easier to just say ALL elected officials?	Forwarded to subcommittee w/Sinsky						
650.4	Commissioner Nixon	1. Do these transitional provisions, and others elsewhere in the charter, need to be retained? Or should this be moved to Article 9?	Forwarded to subcommittee w/Sinsky						
680.1	Commissioner Nixon	1. Isn't this redundant with the paragraph two above this one?	Forwarded to subcommittee w/Sinsky						

Technical Changes			Move Forward?			Additional Analysis?		
Article 8								
898	Commissioner Nixon (1) Executive Constantine (2)	1. Could this be 891 to keep it together with 890? Or maybe 890.10? Typo. Should be "result of negotiations". 2. Retitle "Sheriff's Office" from "Department of Public Safety"	Forwarded to subcommittee w/Sinsky					
899	Commissioner Nixon ☒	1. Could this be 892 to keep it together with 890 and 891? Or maybe 890.20?	Forwarded to subcommittee w/Sinsky					
Resolution	Commissioner Nixon	1. Does this need to continue to be part of the charter? Does it have any continuing operational effect, or is it just of historical interest?	Forwarded to subcommittee w/Sinsky					

Changes to Comply with State Law			Move Forward?			Additional Analysis?			
Charter Section:	Recommended By:	Comments/Additional Information	Yes	Continued	No	Yes	No		
Article 2									
220.4	Commissioner Nixon	1. This language does not properly account for executive sessions under RCW 42.30.110, nor meetings that are not required to be open under RCW 42.30.140. This language should be amended, unless we actually don't want the council to be able to hold closed meetings allowed under these sections. Does "verbatim" in this context refer to an audio or video recording? This doesn't require a full written transcript of each meeting, correct? Does the council actually record closed meetings under 42.30.110 or 42.30.140? If not, then this language is incorrect. The minimum retention period is specified by the local government records retention schedule developed under RCW 40.14. We should verify that the ordinance is consistent with the schedule.	Forwarded to subcommittee w/Sinsky						
230.10.10	Commissioner Nixon	.1. Omit, spell out, or capitalize "ch.". State law does allow interfund loans, for terms of three years or less, from utility or enterprise funds. Is the intent of the charter to disallow such interfund loans? If not, should this section explicitly allow interfund loans in compliance with state law?	Forwarded to subcommittee w/Sinsky						
Article 6									
690	Commissioner Nixon	1. Why is this in the county charter? Why not just depend on RCW 42.17A and PDC?	Forwarded to subcommittee w/Sinsky						
690.1	Commissioner Nixon	1. Is this now defined in state law, and no longer needed?	Forwarded to subcommittee w/Sinsky						
Article 8									
830	Commissioner Nixon	1. This language is inconsistent with the Public Records Act, RCW 42.56, in a number of ways, particularly in that it specifies only a couple of exemptions and ignores the hundreds of others in state law. This should be removed and just reference the PRA.	Forwarded to subcommittee w/Sinsky						

Elected Official			Move Forward?			Additional Analysis?	
Charter Section:	Recommended By:	Comments/Additional Information	Yes	Continued	No	Yes	No
Article 6							
NEW SECTION 620	Commissioner Ceis	1. Censure or Removal of Elected Officials for misconduct					
645	Commissioners Ceis, Heller and others (1) Councilmember Lambert (2)	1. Consider an Appointed Sheriff 2. Consider an appropriate list of qualifications for the office holder.					
NEW SECTION 648	Commissioners Saka and Oliver	1. Elected Public Defender					
NEW SECTION 660	Councilmember McDermott	1. Establish a public process for funding campaigns for office.					

Personnel			Move Forward?			Additional Analysis?	
Charter Section:	Recommended By:	Comments/Additional Information	Yes	Continued	No	Yes	No
Article 2							
220.2	Executive Constantine	1. Clarify Charter's reference to Council's power to set compensation includes all pay items, including medical and leave benefits including Prosecutor's Office and Courts.					
Article 3							
340.4	Executive Constantine	1. Require Council confirmation only for department heads and chief administrative officer only					
350.20.40	Executive Constantine	1. Clarify what employees are classified as career service.					
350.20.60	Executive Constantine	1. Uniform language to clarify which departments are Executive branch departments and subject to career service rules (Sheriff and Department of Public Defense)					
Article 5							
530	Executive Constantine	1. Clarify personnel rules apply to Executive branch employees					
550	Executive Constantine	1. Expand classifications exempt from career to include division and section heads. 2. Allow Council to designate additional career service exemptions.					
Article 8							
NEW SECTION 890.1	Councilmember Lambert	1. Prior to commencing of negotiations with represented employees, the Executive shall work with the Council on more specific and timely general paramets and goals					

Other Items of Interest			Move Forward?			Additional Analysis?	
Charter Section:	Recommended By:	Comments/Additional Information	Yes	Continued	No	Yes	No
Article 2							
NEW SECTION in Article 2	Councilmember Lambert	1. Establish a process for rating and reporting on county services provided in unincorporated king county.					
NEW SECTION in Article 2	Commissioner Saka	1. Add new office or committee on the Council to ensure sustained economic growth and vitality in the county (e.g. "Office of Economic Development, Empowerment & Vitality")					
NEW SECITON 220.51	Councilmember Lambert	1. Create a process for Councilmembers to register unhappiness about the job performance of executive branch employees and appointees.					
230.10.10	Executive Constantine	Allow enterprise funded surplus property to be sold for less than fair market value if being used for affordable housing if authorized by the state and any contracts related to the property					
Article 8							
NEW SECTION 816	Council Chair McDermott	1. Require project labor agreements for county capital projects.					
840	Commissioners Nixon (1) & Saka (2) Councilmember Kohl-Welles (3)	1. This says that the county shall not enter into any contract with a person who discriminates, but it doesn't say the county itself shall not discriminate in who it contracts with. The county shouldn't be allowed to discriminate in contracting any more than it discriminates on employment. 2. Should the non-discrimination language be expanded? 3. Prohibit the County from contracting with any entity convicted of a trafficking offense.					
843	Commissioner Nixon (1) Councilmember Lambert (2)	1. add or contracting 2. Modify to allow more opportunities for faith-based organizations to contract with the County					

**Charter Review Commission
Community Outreach Meetings
6:00 p.m.**

Date	Location	Councilmember Hosting
Tues February 19	The Officers Club at Magnuson Park 7448 63rd Ave NE Seattle, WA 98115	Dembowski
Wed February 20	Chief Kanim Middle School 32627 SE Redmond-Fall City Rd Fall City, WA 98024	Lambert
Tues February 26	Federal Way Community Center 876 S 333rd St Federal Way, WA 98003	von Reichbauer

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