

1987 CHARTER REVIEW ISSUE SUMMARY

ISSUE SUBJECT: Which County officials should be appointed.

ISSUED RAISED BY: Virginia Gunby, Freeholder and Legislative Assistant to
County Council

DESCRIPTION OF ISSUE:

The King County Executive and Assessor are independently elected partisan positions. Would the electorate be better served if the County Executive and/or the County Assessor were appointed positions instead of elected?

ALTERNATIVES:

(1) No change or (2) positions be appointed by the County Council.

PROPOSED CHARTER REVISION:

Making the County Executive and/or the County Assessor elected positions can be accomplished by revising the County Charter. There could be many different Charter provisions, depending on what is proposed. For example, if the Assessor was eliminated as an elective office, that position would reasonably be appointed by the County Executive viewing it as an administrative function, unless the County Executive was no longer an elective position. In that case, the charter would probably require the Assessor to be appointed by the Council.

SUMMARY OF ARGUMENTS FOR AND AGAINST CHARTER REVISION:

For:

- o Simplify governmental process by consolidating the county administrative authority supervised by the County Council.
- o Reduce cost by eliminating elected officials and their supporting administrative staff.

Against:

- o County administration may be less sensitive to the electorate.
- o Administrative authority could be hampered by Council attempting to involve itself in the administrative process.
- o Administrative authority could be restricted to such a degree it could not make important administrative decisions.

RECOMMENDATION:

The Structural Committee found that the present position of elected County officials functions effectively and that there is no significant benefit to be found from changing those positions to appointed ones.

The Structural Committee's preliminary recommendation is that no change be made to those positions of County officers who are elected.

The Commission considered this issue on February 9, 1988 and sustained the Structural Committee's recommendation.

REFERENCE MATERIALS:

Various 1987 King County Charter Review Commission meetings.

DG:ew14.1

1987 CHARTER REVIEW ISSUE SUMMARY

ISSUE SUBJECT: (A) The ratio between salary levels for the Executive and County Councilmembers and (B) the manner by which salaries for elected officials are adjusted.

ISSUE RAISED BY: This has been an issue for some time and was most recently raised as a Charter issue in a 1987 County Council election campaign.

DESCRIPTION OF ISSUE:

There are two related issues.

- A. **Executive/Council Salary Ratio:** Section 320.10 of the Charter provides that the Executive shall receive compensation of at least one and one-half times the compensation paid to Councilmembers. Section 960 of the Charter provides that after the first term of office, the Council shall set salaries for the Executive, Council, Assessor and Prosecutor by ordinance. The salaries for the Executive and Council must follow the ratio set by the Charter. The Assessor and Prosecutor salaries are established at 78.5 percent and 86.2 percent respectively of the Council's salary.

In 1986, the County Council put a Charter amendment on the ballot which would have established the Executive's salary as 125 percent of the Council's salary. This proposal was defeated at the ballot, in part, due to the fact that the second issue, rate of salary increases, was not addressed by the proposal.

- B. **Salary Increase Provisions:** This issue concerns the method by which salary adjustments are made. The salary increases are set by ordinance. Recent increases in Council salaries (and therefore the salaries of the Executive, Prosecutor and Assessor) are based on a 1978 ordinance which sets the annual increases at a rate of six percent. This rate had brought the salaries to a level which attracted public attention and some criticism. In 1978, the six percent rate was below the rate of inflation. In recent years, however, the six percent rate has been well above the rate of inflation. A recent ordinance revised the annual increase to a rate of three percent beginning 1990.

There are two factors which complicate the salary increase issue. First, Article XI, Section 8 of the State Constitution provides that salaries of elected officials cannot be increased or decreased during their term of office. This creates a problem of salary catch-up when County Councilmembers (or the Executive, Assessor or Prosecutor) must wait until the end of their terms to benefit from a salary increase or lagging impact when salaries or the rate of increase cannot be adjusted downward until the end of an elected official's term. Thus, although the recent ordinance sets the salary adjustment at three percent per year, it cannot take effect until 1990 at which time all those presently in office and who participated in this decision will be in new terms of office. Second, the County

Prosecuting Attorney has determined that the annual Consumer Price Index (CPI) or other variable indices cannot be used because that rate is uncertain and creates uncertainties in other matters. For example, filing fees for elected office are based on a percentage of the salary for that office. If the salary is uncertain from year to year, then the filing fee cannot be set.

ALTERNATIVES:

(A) Council/Executive Salary Ratio:

1. No change.
2. Amend Section 320.10 to a different fixed ratio.
3. Amend Section 320.10 to allow an independent salary commission to set the ratio.

(B) Salary Adjustments For Elected Officials:

1. No change.
2. Specify rate in Charter.
3. Establish an independent salary commission to periodically review and establish salaries for the County Council, Executive, Assessor and Prosecutor.

SUMMARY OF ARGUMENTS FOR AND AGAINST CHARTER REVISION:

(A) Council/Executive Salary Ratio:

For:

- o The 150 percent of Council salaries makes the Executive's salary too high. The Councilmembers are also full time and their salary should not be so different from the Executive's.
- o The Charter should not include a fixed ratio for the Council and Executive salaries because it can lead to unexpected consequences (such as excessively high Executive salary) which cannot be adjusted.

Against:

- o The voters have already rejected an effort in 1986 to reduce this ratio.
- o The Freeholders wrote the fixed ratio into the Charter to prevent the Council from taking hostile actions against the Executive's salary.
- o The Freeholders established the 150 percent ratio to reflect the balance of power between the Executive and Council and to establish a salary level commensurate with the responsibilities of the position.

(B) **Salary/Adjustments For Elected Officials (Create an independent salary commission):**

For:

- o An independent salary commission would take the often awkward issue of salaries out of the Council's authority and provide more objective consideration of the issue.
- o An independent salary commission would ensure that salary adjustments are periodic. Salary levels would be more responsive to taxpayers.

Against:

- o An independent salary commission can set salaries which do not reflect the financial condition of the County or which are not appropriate.
- o Elected officials should be directly accountable for the salaries which they receive. An independent salary commission would not be accountable to voters in the event that the public felt that the salaries were inappropriate.

RECOMMENDATION:

The Technical Committee found that:

- o There does not appear to be a compelling reason to change the minimum ratio between the Executive's and Councilmembers' salaries.
- o The Councilmembers should take responsibility for adjusting their own salaries and not defer this decision to a salary commission and that this decision should be made in an open process.
- o The present method of automatic salary increases does not permit public review of this decision and can result in problems (of under or over adjustment) which cannot be remedied in a timely manner.

The Technical Committee's preliminary recommendations are that:

- o No action be taken on the Executive/Council salary ratio issue.
- o The Councilmembers determine by ordinance an appropriate annual adjustment in their salaries excluding an automatic percentage increase, at the same time the County staff salaries are adjusted with the annual adjustment accumulated and applied to the Councilmember's salary at the beginning of a new term in office.

This issue was considered by the Commission on May 19 and 24 and failed to receive the necessary two-thirds majority approval on two separate votes.

REFERENCE MATERIALS:

(1) Seattle League of Women Voters Fact Sheet on County Executive Compensation (October 1986); (2) Memo from Tim Gojio, Staff Assistant, to Rollin Fatland, Deputy County Executive dated October 7, 1986 on Executive Compensation--Council Salary 1978 to 1992.

DG:ew15.1

1987 CHARTER REVIEW ISSUE SUMMARY

ISSUE SUBJECT: Limit Terms of Office For Elected Positions.

ISSUE RAISED BY: Limitation of elected positions to a maximum of three terms was raised by Lois North, Audrey Gruger, and Virginia Gunby.

DESCRIPTION OF ISSUE:

Presently there is no limitation as to the number of terms an elected County official can serve.

ALTERNATIVES:

(1) No change--leave it to the voters to decide how many terms an elected official should serve in a position, and (2) amend the Charter to specify a limit on the number of terms a County elected official may hold office.

PROPOSED CHARTER REVISION:

Section 220.10: Composition and Terms of Office.

The County Council shall consist of nine members. The County shall be divided into nine districts, and one councilmember shall be nominated and elected by the voters of each district. The term of office of each council~~((man))~~member shall be four years and until his successor is elected and qualified. No councilmember shall serve for more than three consecutive four-year terms.

Section 320.10: Election, Term of Office and Composition.

The County Executive shall be nominated and elected by the voters of the County, and his term of office shall be four years and until his successor is elected and qualified. No County Executive shall serve for more than three consecutive four-year terms. The County Executive shall receive compensation at least one and one-half times the compensation paid to a councilmember.

Section 350.20.10: Department of Assessments.

The Department of Assessments shall be administered by the County Assessor who shall perform the duties specified by general law. The County Assessor shall be elected by the voters of the County unless general law shall provide otherwise, and his term of office shall be four years. No assessor shall serve for more than three consecutive four-year terms. The Department of Assessments shall be an Executive Department subject to the personnel system and shall utilize the services of the Administrative offices and the Executive Departments, but it shall not be abolished or combined with any other executive department or administrative office and shall not have its duties decreased by the County Council.

SUMMARY OR ARGUMENTS FOR AND AGAINST PROPOSED CHARTER REVISION:

For:

- o There is the perception that elected officials may have a tendency to become complacent if they are in office too long.
- o Limitation of office terms would guarantee new people with fresh ideas.

Against:

- o Historically, the average elected official serves less than eight years. Limiting the term of office would reduce experience and deny competent elected officials the opportunity to serve longer.

RECOMMENDATION:

The Technical Committee found that:

- o There has been a rate of turnover in the County Council such that most members have not served for more than three terms. The same is true of the Executive and Assessor positions.
- o Washington State Legislators do not have a limit on terms in office, but the U. S. President and Vice-President do.
- o While there is value to having elected officials with a history of experience in an elected position, longevity in office can also lead to entrenched views or other attitudes and actions which do not serve the voters well.

The Technical Committee recommended that the Charter be amended to limit the terms in office for the Assessor, Council and Executive to no more than three consecutive terms (Sections 220.10, 320.10 and 350.20.10).

The Commission considered this issue on March 29, 1988. The Commission failed to approve the Technical Committee's recommendation.

REFERENCE MATERIALS:

1987 King County Charter Review Minutes.

DG:ew16.1

1987 CHARTER REVIEW ISSUE SUMMARY

ISSUE SUMMARY: Transfer the Department of Judicial Administration

ISSUE RAISED BY: King County Superior Court Judges, Seattle King County Bar Association.

ISSUE DESCRIPTION:

The Charter written by the Freeholders and voted into effect in May 1967, placed the Department of Judicial Administration (also known as the Office of the Superior Court Clerk) and its administrator (the Superior Court Clerk) under the authority of the Executive as an Executive Department. It also provided that the Superior Court Clerk who would administer the department, be appointed by the County Executive from a list of three or more nominees submitted by the majority of the Superior Court judges. Present Charter provisions are:

Section 350.20 Executive Departments

The executive departments shall consist of the departments of assessments, the department of judicial administration and those agencies of the executive branch which are primarily engaged in the execution and enforcement of ordinances and statutes concerning the public peace, health and safety and which furnish provide governmental services directly to or for the residents of the county; and,

Section 350.20.20 Department of Judicial Administration

The department of judicial administration shall be administered by the superior court clerk who shall be appointed by the county executive from a list of three or more nominees submitted by a majority of the superior court judges in the county. The department of judicial administration shall maintain the official court files, records and indexes necessary for the efficient administration of justice and the court system and shall perform such other duties assigned to it by a majority of the superior court judges in the county.

The department of judicial administration shall be an executive department subject to the personnel system and shall utilize the services of the administrative offices and the executive departments, but it shall not be abolished by the county council.

The issue is whether a Charter amendment should be proposed which, upon voter approval, would transfer the Department of Judicial Administration from the Executive branch of government to the Judicial branch of government? This transfer would place the Department of Judicial Administration and all of its employees under the authority of the King County Superior Courts.

Freeholders drafted the provisions concerning the control the Department of Judicial Administration after discussion on the issue. The emphasis was on the creation of a strong Executive who had the authority, accountability, and managerial competence to oversee administrative functions. The Freeholders

also saw the department as a check and balance on the Superior Court. (See Attachment 6, Virginia Gunby letter.) Moreover, at the time some of the judges apparently did not want to assume the burden of administering a significant office with its sizeable budget. The issue was raised again in the 1974 study by management consultant, Booz, Allen, and Hamilton, Inc., which conducted a management review of King County Superior Courts at their request. The result recommended the Superior Court assume administrative responsibility for the Judicial Administration by consolidating the Department of Judicial Administration with the administrative functions of the Superior Court under the administrative control of the Superior Court Administrator. The study pointed out as of 1974, the administrative separation of the Department of Judicial Administration and Superior Court had caused no major problems to date, but suggested continued separation had the potential to hamper the court in the future. However, many of the functional reasons for this recommendation may no longer be a factor.

The issue resurfaced publicly in the Spring of 1983 when the Director of the Department of Judicial Administration, Kenneth S. Helm, instituted a more restrictive policy for access to the Clerk files in order to achieve budget savings. The Seattle King County Bar Association (SKCBA) vigorously opposed the policy and determined to undertake an examination of the long-term relationship between the Department of Judicial Administration as an Executive Department and King County Superior Court. In May of 1983 Revelle fired Helm and later that same month, King County Superior Court judges approved in concept the Department of Judicial Administration being placed under the management of the Superior Court. The Court requested SKCBA to study the concept. A task force on King County Judicial Administration was formed and decided to support the proposed transfer in a report on August 12, 1983. A copy of the report is available (see Attachment 1). On August 23, 1983, Presiding Judge Shellan submitted a request for an ordinance for submission of the Charter amendment to the voters. The Revelle administration vigorously opposed the change and the council did not enact the ordinance. In 1985 and again in 1986, at the request of the presiding judge, ordinances were introduced to place the proposed Charter amendment on the ballot. In 1986, the new Executive, Tim Hill, stated his support for the Judges' request for the transfer. To date the Council has not supported the change. In this rather lengthy debate of the issue, arguments pro and con have been rather extensive. There are two other related issues which would need to be addressed if the Department of Judicial Administration is transferred to the Superior Court.

1. Would State enabling legislation be necessary to authorize and clarify the transfer of personnel from the Executive Department's career service to the Superior Court? The Superior Courts are not covered by career service as provided in Section 550 of the Charter. The Prosecutor's Office has previously advised such enabling legislation would be necessary.
2. What auditing would be available of the performance of the Department of Judicial Administration under the Superior Courts?

ALTERNATIVES:

1. Transfer the Department of Judicial Administration to Superior Court.

2. No change.

NOTE: It should be noted that several alternatives to the outright transfer have been raised. One would be to avoid the personnel issue by merely amending the Charter to remove the Superior Court Clerk (the Judicial Administration Department Director) from the Executive branch and giving full appointment and oversight of that position to the Superior Court with the department staff remaining under the Career Service System (and in the Executive branch). Another possibility is dividing the department between those parts providing the direct court staff support be transferred to the Court and those dealing with fiscal activities and other kinds of record keeping would be transferred to relevant Executive departments. For purposes of this issue paper, only Alternative 1 (transfer of the Department of Judicial Administration to Superior Court) will be further examined.

SUMMARY OF ARGUMENTS FOR AND AGAINST RECOMMENDED CHARTER REVISION:

For:

- o The purpose of the Department of Judicial Administration is primarily to provide administrative support for the operation of the Superior Courts. At present, the Court exercises control over the Department only indirectly. The Court needs direct control over the agency upon which it is dependent in order to operate most efficiently.
- o Better information systems could be developed with the merger because the judges would have full authority over the records management system.
- o A courtroom clerk, who is assigned to each department of the Superior Court, is not currently an employee of the Court but rather an employee of the Executive Branch.
- o Certain economies and efficiencies of operation could be realized by eliminating and combining operational aspects of the two organizations, such as --calendar control and personal scheduling functions, and better flexibility and distribution of the responsibilities within the courtroom between bailiffs and the clerks.
- o Centralized administration of Superior Court is a national trend.
- o It would remove the appearance of politics from the administration of the Department of Judicial Administration by eliminating the County Executive's role.
- o The King County Superior Courts are better organized and managed now, than at the time of the Charter.

(See Attachment 1 for further detail on the reasons for the change on page 15 of the August 12, 1983, memorandum from the SKCBA Task Force on King County Judicial Administration; and Attachment 4, page 3 through 8 of the June 14, 1985 memorandum of Judge Quinn.)

Against:

- o There is no significant or concrete problem with the present working arrangements.
- o The transfer would make a large government department insulated from accountability for its management performance since the Superior Courts have refused to have themselves or their employees subject to management and performance audits instituted by either the Executive or Legislative branch.
- o The judiciary is trained to adjudicate and interpret the law. Their training and the organization of the Superior Court does not provide them special skills for management, budgetary, or other related fiscal issues.
- o There is a potential revenue loss. The Judiciary has had a poor record in County revenue issues, failing at times to collect reimbursements and little or no incentive to increase fees.
- o There are potential increased expenditures, because Superior Court salaries presently exceed comparable classified jobs in the Department of Judicial Administration by an estimated 10-15% merging personnel systems, equalizing the salaries. It was estimated by the Revelle administration that to end this disparity would cost more than \$200,000. A more recent examination of this issue indicates a salary disparity may be approximately \$60,000.
- o There are other personnel issues which would be complicated to work out. What would happen to career service rights of the employees transferred? There are significant union and legal issues. The King County Prosecutor has advised that such changes would require enabling state legislation.
- o The 1984 Steinmann, Grayson, and Smylie study King County Superior Court Space/Use Management Study alluded to the need to have the Department of Judicial Administration and the Superior Court work closely together but in a follow up letter stressed that other operational and organizational issues were more important.

REFERENCE MATERIALS:

Copies of the 1987 Budget and Employees Position of D.J.A. and the 1986 Outline of Judicial Administrative Functions are attached.

Rather than report at length the arguments, analysis and debate, copies of the following reports are also available:

TITLE

August 12, 1983 - SKCBA Task Force Report

August 11, 1983 - Letter from Harry Thomas

August 23, 1983 - Cover letter from Presiding
Judge Gerard Shellan

June 14, 1985 - Transmittal letter and
accompanying memorandum from Presiding Judge
Norman W. Quinn

June 13, 1985 - Memorandum from Harry Thomas to
King County Councilmembers

June 18, 1985 - Memorandum from Virginia Gunby

1986 - Letter from Ron Sims

DG:ew17.1

1987 CHARTER REVIEW ISSUE SUMMARY

ISSUE SUBJECT: Should King County Charter Section 680.10 be amended to provide for interim succession in the event of a vacancy in the office of county executive?

ISSUE RAISED BY: Gary Grant, Councilmember (meeting #3, minutes at 2); Audrey Gruger, Councilmember (meeting #5, at 2); Virginia Gunby (meeting #4, at 9); Executive Hill (meeting #4, at 1); Norm Maleng, Prosecutor (meeting #3, at 5-6); and Bill Reams, Councilmember (meeting #5, at 8).

DESCRIPTION OF ISSUE:

The King County Charter fails to adequately address a situation that might occur where the office of the County Executive has become suddenly vacant due to the incumbent Executive's death or resignation.

King County Charter Section 680 provides, in relevant part, as follows:

"An elective county office shall become vacant upon the incumbent's death; [or] resignation. . ."

Vacancies in County elective offices, such as in the Office of the County Executive, are to be filled at the next-occurring general election. (King County Charter Section 680.10). In the interim between the creation of a vacancy and the next general election a "majority of the county council may temporarily fill a vacancy by appointment...." (Id.).

The Washington State Constitution sets forth precisely the manner in which vacancies in partisan county elective offices must be filled by appointment:

Such vacancies as may occur. . . in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: Provided, That the person appointed to fill the vacancy must be from the same . . . county . . . and the same political party as the partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same . . . county . . . and of the same political party as the . . . partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified.

Wash. Const. art. II, Section 15 [Amendment 52].

Thus, in the event of a vacancy in the partisan county elective office of executive (and prior to the election of a successor at the next general election), the county council would have up to 60 days to agree on an appointment to

temporarily fill the vacancy. A portion of those 60 days, obviously, would be taken up while the county central committee of the incumbent executive's political party decides upon a list of persons to be submitted to the council.

If, following the expiration of 60 days from the creation of the vacancy, the council cannot agree on an appointment, the governor would have up to an additional 30 days to fill the vacancy by appointment (from the same list of nominees).

Where a vacancy in the office of executive occurs suddenly or unexpectedly, King County could, under charter Section 680.10 as presently drafted, find itself without an executive for up to 90 days.

One state statute (RCW 36.16.115) attempts to address the problems presented by this period between vacancy and appointment; unfortunately, the statute may be inconsistent with the charter, in which case the statute would expressly be inapplicable. RCW 36.16.115 provides:

Where a vacancy occurs in any partisan county elective office, other than a member of the county legislative authority, the county legislative authority may appoint an employee that was serving as a deputy or assistant in such office at the time the vacancy occurred as an acting official to perform all necessary duties to continue normal office operations. The acting official will serve until a successor is either elected or appointed as required by law. This section does not apply to any vacancy occurring in a charter county which has charter provisions inconsistent with this section.

This statute (which allows an employee to "perform all necessary duties" until a successor is either elected or appointed) may well be inconsistent with Charter Section 850 (which states the executive veto power cannot be delegated). In addition, the fact the statute states it is inapplicable if inconsistent with charter provisions invites the argument that it is. Because of this ambiguity, the prudent course is to amend the charter rather than to rely on a state statute that may be held inapplicable.

ALTERNATIVES:

- (1) Leave existing charter provision intact and rely on RCW 36.16.115 to cover any gap between an executive vacancy and a subsequent appointment or election.
- (2) Amend the charter to provide specific direction for an acting county executive.
 - (a) Council chair.
 - (b) Council designated acting executive.
 - (c) Council designated acting executive from same party as the executive.
 - (d) Deputy county executive.

PROPOSED CHARTER REVISION:

Alternative 1: Council Chair as Acting County Executive

680.10 Election or Appointment to Fill Vacancy.

A vacancy in an elective county office shall be filled at the next primary and general elections which occur in the county; provided that an election to fill the vacancy shall not be held if the successor to the vacated office will be elected at the next general election as provided in Sections 620 and 630. The term of office of an officer who has been elected to fill a vacancy shall only be for the unexpired portion of the term of the officer whose office has become vacant and shall commence as soon as he is elected and qualified.

A majority of the county council may temporarily fill a vacancy by appointment until the vacancy has been filled by election or the successor to the office has been elected and qualified.

Notwithstanding any other provision of this charter, in the event the office of county executive becomes vacant, the chairman of the county council shall serve as acting county executive and in such capacity shall exercise all the powers and duties of the county executive, until a successor is either elected or appointed in the manner provided by law. During this period as acting county executive, the chairman of the county council shall not exercise any of the powers or perform any of the duties of a councilman, but no vacancy in the office of councilman shall be deemed to have occurred solely on that account.

Summary of arguments for and against Alternative 1.

For:

- o There would be an accountable, elected County official temporarily performing the executive's duties.
- o An official intimately familiar with County government would be temporarily performing the executive's duties.
- o A vacancy would not be created on the County Council.
- o An officer, rather than an employee, is acting County Executive.
- o Prosecutor's Office recommends this alternative.

Against:

- o A member of the legislative body would be temporarily performing executive functions (separation of powers issue).

- o The Chairman of the County Council may not be from the same political party as the executive he is temporarily replacing.
- o The County Council would be temporarily deprived of one of its members.

Alternative 2. Council designated Acting County Executive--Any Party

Add to Section 680.10 Election or Appointment to Fill Vacancy.

Section 810.10 notwithstanding in the event that the office of county executive becomes vacant, the county council shall at its first regularly scheduled meeting following the vacancy, designate one of its members to serve as acting county executive until such time as that office is filled by appointment. The acting county executive shall have all powers of the county executive except the power to veto ordinances and the power to remove or appoint officers.

Summary of arguments for and against Alternative 2.

For: See also Alternative 1.

- o This process would be subject to public review with greater consideration given to the qualification for acting county executive whereas the selection of the Council Chair is largely an internal council process hidden from public view.

Against:

- o This process requires the Council to go through a selection process from among its numbers which would create more uncertainty, controversy, and disruption than the chair automatically being the acting county executive.

Alternative 3. Council designated Acting County Executive--Same Party.

Add to Section 680.10 Election or Appointment to Fill Vacancy.

Section 810.10 notwithstanding, in the event that the county executive office becomes vacant, at its first regularly scheduled meeting following the vacancy, the county council shall designate one of its members to serve as acting county executive until such time as that office is filled by appointment. The member so designated shall be of the same political party as was the executive before the office was vacated unless there is no such member among the council. The acting county executive shall have all powers of the county executive except the power to veto ordinances and the power to remove or appoint officers.

Summary of arguments for and against Alternative 3. (See also arguments for and against Alternative 1 and 2.

For:

- o This alternative would allow the Council to choose someone other than the Chair and minimize the disruption to the Council at a time when strong council oversight would be crucial to County government.
- o This would eliminate the problem of having a Councilmember from a different party than the elected Executive filling the Acting County Executive. This is consistent with the state law requirements for appointing someone from the same party.

Against:

- o There are potential difficulties if the Councilmember (Chair or otherwise) is not of the same party as the elected Executive was and presumably the executive's immediate staff including the Deputy Executive. This could create a disruptive situation which would add to an already difficult time for county government.

Alternative 4. Deputy County Executive is Acting County Executive.

Add to Section 680.10 election or Appointment to Fill Vacancy.

Notwithstanding any other provision of this charter, in the event the office of County Executive becomes vacant, the Deputy County Executive shall serve as Acting County Executive and in such capacity shall exercise all the powers and duties of the County Executive, until a successor is either elected or appointed in the manner provided by law.

Summary of arguments for and against Alternative 4.

For:

- o The Deputy Executive is an employee of the County, not an elected official and therefore is not accountable to the voters.
- o A vacancy in the Executive office for whatever reason is likely to be disruptive to County government. At such a time, it is important to have someone who is knowledgeable of government operations to immediately step in for the Executive and it is important not to reduce the ability of the Council to provide management oversight by removing its chair or reducing its number.

Against:

- o In the temporary absence of the Executive, the Deputy Executive is for the Executive delegated allowable Executive powers. (See attached Executive Order.)

RECOMMENDATION:

The Structural Committee found that:

- (a) There is a need to ensure continuity of management in the event that the position of County Executive is vacated until such time that the County Council appoints a successor.
- (b) It is preferable that interim succession be accomplished by automatic procedures in order to avoid problems arising from failure to take deliberative action to select a successor.
- (c) The Legislative and Executive branches should be kept separate. The Council should not be disrupted by having one of its members move into the vacancy.
- (d) It is anticipated that the appointment process should take less than the full 90 days allowed by statute to the Council, therefore, the term of Acting Executive should be less than 90 days.

The Structural Committee recommended that the Charter (Section 680) be amended to provide that the Deputy County Executive be the interim successor in the event that the position of County Executive is vacated.

Minority Opinion: There was a dissenting opinion that the Executive's Interim successor be an elected official, specifically the Chair of the Council, in order to provide accountability to the voters.

The Commission considered this issue on March 29 and May 24, 1988. The Commission gave final approval to the Structural Committee's recommendation.

DG:ew18.1

1987 CHARTER REVIEW ISSUE SUMMARY

ISSUE SUBJECT: Establish and Define Position of Deputy County Executive

ISSUE RAISED BY: Doreen Marchione, Suburban Cities Association, Lois North, County Councilmember, and Bob Bruce, Council Staff.

DESCRIPTION OF ISSUE:

Shall Section 330 of the Charter be amended to substitute the position of Deputy County Executive for County Administrative Office and amend the functions of the position to be more representative of a county manager?

The Charter presently calls for the appointment of a "county administrative officer who, under the general supervision of the county executive shall assist him, shall supervise the administrative offices and shall perform such other duties as are delegated to him by the county executive." (SECTION 330).

As stated by Councilmember Lois North, who was also a Charter Freeholder, the Freeholders felt that the citizen's needed an elected executive to serve as the rallying point to focus their concerns about County government. At the same time, the Freeholders recognized the need for a non-elected professional county manager to assist the elected executive. They accommodated this need by the Charter requirement for the County Administrative Officer (CAO).

Since the adoption of the Charter, however, the functions of the Charter-designated CAO have effectively been divided between two positions. As a result of the Executive branch reorganization of 1972 (Ordinance 1438, Section 3), a Department of Executive Administration was established comprising most of the agencies meeting the Charter definition of "administrative offices". The department director was titled, "County Administrative Officer". While the CAO in fact remained the County's Administrative Officer in charge of the "administrative offices" which now became divisions or sections within the divisions, the position lost some of the general overall management responsibility envisioned by the Freeholders but not clearly expressed in the Charter.

This general management function, as delegated by the County Executive, was gradually absorbed by one of the Executive's principal assistants who were categorized as "Executive Administrative Assistants." As that shift in responsibility was generally recognized and accepted, the position became known informally as the "Deputy County Executive" until formally established by Ordinance 6066, Section 25 in 1982. At the same time, the organizational title of "County Administrative Officer" was deleted, and the position designated "Director, Department of Executive Administration" to be consistent with the titles of other chief officers of Executive departments.

K.C.C. 2.16.030 adopted in 1982, describes the position of the Deputy County Executive as the person, who "at the discretion of the County Executive, (shall) assist the Executive in the management of all County agencies except as otherwise provided..." The code also assigns the Deputy the responsibility for managing the "offices" of the Budget, Program Development and Finance. K.C.C. 2.1

6.020 further states that the Deputy County Executive "...shall be that officer fulfilling the duties and responsibilities of the position indentified in the Charter as County Administrative Officer."

ALTERNATIVES

1. No change. The Charter CAO will in effect continue to be the Deputy County Executive as provided in K.C.C. 2.16.020. Administrative offices, other than those specifically assigned to the Deputy County Executive by ordinance (K.C.C. 2.16.030), will continue to be supervised by the Director, Department of Executive Administration (DEA) as provided in K.C.C. 2.16.090.
2. Amend the Charter to substitute the Deputy County Executive for County Administrative Officer, where appearing, and redefine the functions of the position in Section 330 to more closely represent that of a professional managerial assistant to the Executive.
3. Do not amend the Charter. Recommend to the Executive and the Council to change the title of the Deputy County Executive to County Administrative Officer, with responsibilities as defined in K.C.C. 2.16.030.

NOTE: An additional alternative may be necessary if the issue of changing the County Executive from an elected to an appointed position is chosen.

PROPOSED CHARTER REVISION:

Section 310. Executive Branch - Composition and Powers.

The executive branch shall be composed of the county executive, ~~((the county administrative officer))~~ the deputy county executive, the county assessor, the officers and employees of administrative offices and executive departments and their respective divisions established by this charter or created by the county council by ordinance, and the members of the boards and commissions except the board of appeals and the personnel board. The executive branch shall have all executive powers of the county under this charter.

Section 330. ~~((County Administrative Officer))~~ Deputy County Executive

The county executive shall appoint ~~((the county administrative officer))~~ a deputy county executive who, under the general supervision of the county executive shall assist him/her in the management of all county agencies except as otherwise provided in this charter, shall ~~((supervise the administrative offices))~~ be responsible for coordinating the general administrative support for the executive branch,* and shall perform such other duties as are delegated ~~((to him))~~ by the county executive.

Minority Opinion

Minority request inclusion of the following: shall serve as the acting county executive during the temporary absence of the county executive to be inserted after * in the wording above.

Section 550. Career Service Positions.

All county employees and officers shall be members of the career service except those in the following positions; all elected officers; the county auditor, the clerk and all other employees of the county council; ~~((the county administrative officer))~~ the deputy county executive; the chief officer of each executive department and administrative office; the chief officer of each division within an executive department or administrative office; the members of all boards and commissions; administrative assistants for the county executive and one administrative assistant each for the ~~((county administrative officer))~~ deputy county executive, the county auditor, the county assessor, the chief officer of each executive department and administrative office and designated divisions therein, and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the county executive, the chief officer of each executive department and administrative office and designated divisions therein, and for each administrative assistant specified herein....

Substitute wording will also be required in the following section where the term "county administrative officer" appears:

340, 340.20, 340.40, 340.50, and 520

SUMMARY OF ARGUMENTS FOR AND AGAINST RECOMMENDED CHARTER REVISION:

For:

- o The charter is presently inconsistent with the actual organizational structure of the executive staff except to the extent that it is "bridged" by ordinance.
- o Whether titled CAO or DCE, the functions of the position, as presently described in the Charter, more closely resemble that of an administrative assistant rather than an assistant county manager.
- o The title "Administrative Officer" implies a functional limitation to only administrative matters rather than administering the operations of the organization.
- o A "Deputy", by definition, inherently has more delegated authority to act in behalf of the Executive in matters so delegated, or in the Executive's temporary absence.

Against:

- o The term "administrative officer" is a commonly accepted term used in local governments to mean a professional chief administrator assigned to manage the administrative operations of the organization in support of an elected chief executive (See EXHIBIT A).
- o The position of CAO was designed to work closely with the executive in a similar capacity to that of a consultant, providing professional expertise but without the authority to act independently.

- o The term "deputy" implies an authority "to act in behalf or in place of" the county executive without the connotation of professional management, which is not consistent with the original intent of the Charter.
- o A CAO and Director of Executive Administration can co-exist provided the distinction in duties is clearly stated in the organization ordinance.

RECOMMENDATION:

The Structural Committee found that:

- o There is no longer a position titled County Administrative Officer.
- o The duties of that position have effectively been divided between two existing positions:
 - o The Deputy County Executive established by ordinance but not recognized by the Charter, and
 - o The Director of the Department of Executive Administration who supervises most of what were previously "administrative officer" functions.
- o There is no need to amplify the duties of the Deputy in the Charter. The Executive should have the flexibility to decide what he/she wants the Deputy to do (Majority Report).
- o Since the role of the Deputy County Executive is to take the place of the County Executive during brief absences, the Deputy County Executive's role in the Charter should be expanded to permit the assumption of the Executive's duties (Minority Report).

The Structural Committee recommended that the Charter be amended to establish the position of Deputy County Executive and to specify duties of this position.

The Commission considered this issue on March 22 and May 24, 1988. It gave final approval to the Structural Committee's recommendation.

REFERENCE MATERIALS:

Duncombe, H.S., Modern County Government, Wash. D.C.: NACO 1977, pages 47-52.

Minutes of the 1987 Charter Review Commission, June 30, 1987, page 3.

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1987 CHARTER REVIEW ISSUE SUMMARY

ISSUE SUBJECT: Make the County Executive position a professional county manager/administrator position.

ISSUE RAISED BY: Suburban Cities Association (SCA) (through Redmond Mayor Doreen Marchione, President, SCA).

DESCRIPTION OF ISSUE:

Currently, King County government is organized under the council-elected executive form of government whereby the County Executive is the chief executive officer for King County government. The County Executive is responsible for the overall administration of County government and, as chief peace officer of the County, is responsible for executing and enforcing all ordinances and State statutes within the County. Some feel it may be difficult to find an elected executive who is both a skillful political leader and an expert administrator. They argue that the County should adopt the council-administrator form of County government where the elected council selects and appoints a professional manager or administrator to be responsible for carrying out executive functions. Although there are no specific provisions in the Charter or in County ordinances for a professional county manager/administrator position, the Executive could hire such a person on his Executive office staff or (with Council confirmation) to head an agency/department.

The Charter Freeholders, according to past Freeholder and current County Councilmember Lois North, felt strongly that there should be an elected executive position to provide a focus for citizen concerns about County government. The Freeholders did provide for a "county administrative officer" who was envisioned to be an appointed professional manager who would assist the elected executive in "administering" the operations of County government. (See Section 330.) This provision was modeled somewhat on the organization of Baltimore County, Maryland (see attachment). However, King County's functional description of the position was kept deliberately vague allowing the County Executive to fill and use the position to suit his or her own style (NOTE: This position is now called, by ordinance, "Deputy County Executive").

Of the five home rule counties in Washington State, only Clallam County, which retained the commissioner form of government, has an Administrative Coordinator position similar to a county administrator (see attachment).

ALTERNATIVES:

1. Change the form of King County government to the council-appointed administrator form and delete reference to an "elected" county executive in the Charter (Sections 320.10 and 640). Substitute new provisions for the existing Executive selection and qualifying process.
2. Establish a new county manager/administrator position within the Executive's Office to assume many administrative responsibilities now performed by the

Executive. This can be done by Charter or ordinance. The appointment could be made by the Executive only or by Executive nomination/Council confirmation consistent with current procedures for appointing department heads.

3. Require (by ordinance or Charter amendment) that the Deputy County Executive (a position currently established by ordinance) be a professional county manager/administrator to assume many administrative responsibilities now performed by the Executive. The appointment could be made by the Executive only or by Executive nomination/Council confirmation consistent with current procedures (this alternative was originally proposed by County Councilmember Audrey Gruger as a separate issue).
4. Do not change the current status. Let the Executive select the Deputy County Executive and other agency/department heads for confirmation by the Council as consistent with current procedures.

PROPOSED CHARTER REVISION:

Specific language is not provided. Extensive amendments would be required to Article 3, The Executive Branch, and many sections throughout the Charter. Specifically, under powers and duties, some attention must be given to the question of the role of the Executive as Chief Peace Officer. The sheriff is currently an appointed position under the Charter. In non-charter counties, this position is elected.

SUMMARY OF ARGUMENTS FOR AND AGAINST RECOMMENDED CHARTER REVISION:

For:

- o Provides professionalism in the administration of County government.
- o Provides greater accountability to Council for implementation of policies.
- o Provides checks and balances through accountability to the Council.
- o Professional training promotes economy and efficiency in government.
- o Separates politics and policy-making from the administration of County government.
- o Provides central focus for citizen concerns about County services.
- o An appointed manager can be dismissed immediately if the duties of the position are not fulfilled.

Against:

- o Executive/Council structure is intended to separate policymaking (Council role) from administration (Executive role).

- o Separating policymaking and politics from administration blurs in actual practice under manager/administrator arrangements.
- o An administrator may find it difficult to act effectively if the Council is not united.
- o Does away with checks and balances provided by separate Executive/Legislative branches.
- o Makes it more difficult for citizens to identify a single leader on which to focus their concerns.
- o An administrator cannot provide the same central leadership role an Executive can, especially in regional issues.
- o Can promote economy and efficiency in government through appointment of quality agency/department heads and hiring high quality staff.

RECOMMENDATION:

The Structural Committee found that:

- o An appointed county manager has been proven to be an effective way of managing small county governments, however, King County government is of a size and complexity that requires more accountability of the county executive to the electorate.
- o An administrator cannot provide the same central leadership role an Executive can, especially in regional issues.

The Structural Committee recommended that no action be proposed to change the elected county executive position to an appointed county manager.

The Commission considered this issue on February 9, 1988. Since this issue failed to receive two-thirds majority approval on two separate votes, the issue will receive no further action.

REFERENCE MATERIAL:

(1) Letter from Redmond Mayor Doreen Marchione as Suburban Cities Association President to Charter Review Commission Chair David Boerner dated June 25, 1987; (2) Comments by King County Councilmember Lois North, and Redmond Mayor Doreen Marchione as Suburban Cities Association President, to the Charter Review Commission on June 30, 1987; (3) Dr. B. J. D. Rowe, "Theory and Myth vs. Practice," Public Management, February 1987; (4) Renton Form of Government Task Force, Report to the Mayor, February 1986; and (5) Letter from Redmond Mayor's Assistant Gary Lawrence to Executive Staff Assistant Donna Gordon dated July 31, 1987.

- Attachments:
1. Baltimore County Organization Chart
 2. Forms of County Government Chart
 3. Letter from Renton Form of Government Task Force to Renton Mayor Barbara Shinpoch dated February 12, 1987
 4. Letter from Gary Lawrence to Donna Gordon dated July 31, 1987

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