

D R A F T - August 5, 1977

KING COUNTY CHARTER REVIEW COMMITTEE

REPORT #1

Proposed Charter Amendments For The
November, 1977 General Election

August 10, 1977

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NOTE: Virginia Gunby elected
permanent Committee Chairperson
at JUL 8 77 Meeting

INTRODUCTION

Background

Under Article VIII Section 800, the King County Charter states:

"At least every ten years after the adoption of this charter, the county executive shall review, or shall cause to be reviewed, the charter and shall present, or cause to be presented, to the county council a written report recommending those amendments, if any, which should be made to the charter.

The county council may propose amendments to this charter by enacting an ordinance to submit a proposed amendment to the voters of the county at the next general election occurring more than forty-five days after the enactment of the ordinance. An ordinance proposing an amendment to the charter shall not be subject to the veto power of the county executive. Publication of a proposed amendment and notice of its submission to the voters of the county shall be made in accordance with the state constitution and general law. If the proposed amendment is approved by a majority of the voters voting on the issue, it shall become effective ten days after the results of the election are certified unless a later date is specified in the amendment"

In November of 1976, King County Executive John Spellman appointed a twenty member Charter Review Committee pursuant to Section 800 of the charter for the purpose of recommending to the county executive and county council those amendments, if any, which should be made to the charter to improve the operation of county government.

The committee spent the first three months establishing a framework for the study of the charter and identifying the issues to be considered. During this time, officials from the county, metro and local governments provided the committee with their own perspectives of charter-related problems and issues facing the county now and in the future.

Following input from governmental officials, the committee formulated a work plan and spent the next three months deliberating on changes in the charter relating to a variety of issues. In late February, the county council passed a motion supporting the merger of King County and Metro and requesting the Charter Review Committee to consider, as part of its work effort, the structure of the legislative body for a merged county/metro government:

"BE IT FURTHER MOVED by the Council of King County:

Recognizing that the successful merger of the Municipality of Metropolitan Seattle with King County may require an expanded County legislative body to replace the Metro and King County Councils thereby ensuring direct and equal representation of all the citizens of the County, the Charter Review Committee is hereby requested to consider, as a part of its work effort, the structure of the legislative body for a merged County/Metro government and submit the necessary Charter amendments to accomplish said structure to the Council in time to be included in the public vote on the merger. The Chairman of the County Council is requested to work with the Charter Review Committee, the County Executive, and the other entities of local government to develop a program by which the entire community will participate in the development of the merger."

This motion added an important dimension to the work of the committee.

By the end of May, a total of 32 issues had been considered, with 17 tentative recommendations for changes in the charter. An interim report of the committees' tentative recommendations was published and distributed to the county council, county executive, local government officials, the media and interested groups and individuals.

B. PUBLIC MEETINGS

Seven public meetings were scheduled in June to thoroughly review and discuss the tentative recommendations. The meeting dates, locations and times were set to give as many citizens as possible the opportunity to participate (See appendix for meeting schedule and attendance).

Several issues surfaced repeatedly at the meetings:

- Should the assessor be elected or appointed?
- Should county elections be partisan or nonpartisan?
- Should Metro merge with King County?
- Are primary services adequately delivered to the unincorporated areas?

Although there was no consensus on any of these issues, a slight preference was expressed for maintaining an elected assessor and partisan county elections. Some citizens felt that a merger of Metro with King County would increase the size and costs of government without much direct benefit. Others felt a merger would provide more accountability if some members of the new council were directly elected. It was evident from these discussions that a thorough public discussion should occur before the public votes on the merger.

Residents from the unincorporated areas expressed a general feeling of remoteness from county government. They perceived the county council as being preoccupied with city problems with little

time left over to deal effectively with the problems related to service delivery in the unincorporated areas.

These were by no means all the issues discussed. At the conclusion of the seven meetings, input was received on almost all of the committee's tentative recommendations. The public meetings provided valuable input at an important stage in the deliberation process.*

C. FINAL DELIBERATIONS

After studying the input received at the public meetings, the committee reconsidered each recommendation. The final deliberations of the committee were governed by the following special rules:

"The adoption of the charter amendments for submission to the county council shall be at two successive meetings after signed notice in writing is given by the chairperson mailed at least five days prior to the meetings. The meetings shall be at least one week apart. At the first meeting, the amendments are to be voted on and are subject to revision. At the second meeting, no further revisions can be made. The vote is either for acceptance or rejection of the charter amendment."

During the final deliberation process, it became apparent that the committee needed additional time to reach consensus on recommendations concerning the reorganization of county government in the event of a merger of Metro and King county. Therefore, the committee agreed to submit its recommendations to the county executive and the county council in two separate reports:

- Report #1, to include charter amendments proposed for the 1977 ballot and general noncharter recommendations.
- Report #2, to include charter amendments and/or non charter recommendations concerning reorganization of county government in the event of a merger of Metro and King County and a recommendation for the next steps to be taken in the study of the merger. (Report #2 will be completed by the end of September)

At the 34th meeting of the Charter Review Committee, Report #1, which consists of twelve proposed charter amendments and two noncharter recommendations, was adopted. The following issues were thoroughly debated but did not result in any proposed charter amendments or charter recommendations:

*Summary reports of the public meetings are on file in the Charter Review Office.

- Broadening the county's home rule powers
- Requiring the council to prescribe by separate ordinance the organization or reorganization of the executive branch
- Allowing the county executive to introduce ordinances
- Increasing the number of signatures required to validate an initiative
- Increasing the scope of responsibilities for the office of citizen complaints
- Establishing a provision for a formalized citizen participation process
- Requiring the county council to publish an annual report enumerating their major accomplishments for the year
- Requiring department heads to regularly appear before the county council to report on the operation of their respective departments
- Deleting the County Administrative Officer from the charter
- ✓--Appointing the county assessor
- Establishing a sunset provision
- Allowing the county council to initiate appropriation ordinances
- Substituting a new appeals process for the present Board of Appeals
- Allowing the public to amend the charter by initiative
- Changing the minimum amount necessary for contracts and competitive bidding for county road construction
- Updating the anti-discrimination provision
- Limiting terms of office

The following report contains an executive summary of the charter amendments and non charter recommendations, a description and explanation of each proposed amendment and specific charter language.

EXECUTIVE SUMMARY

Report #1 is the first of two reports to be submitted to the county executive and county council. Included in this report are the proposed charter amendments for the November 1977 general election and general noncharter recommendations. Report #2 will include proposed charter amendments and/or noncharter recommendations related to the proposed merger of Metro with King County.

Summary of Proposed Charter Amendments

- ① Amend Section 320.20 to give the executive the power to organize or reorganize executive departments.
2. Amend Section 320.20 to require the county executive to appear before the council to report on issues related to operation of county government.
3. Amend Section 340.40 setting a time limit of 60 days for the county council to confirm or reject appointments.
4. Amend Section 460 to prohibit the use of motions as a condition to expenditure.
5. Amend Section 540 to allow for an appeal to the Personnel Board from any suspension of 15 days or more.
6. Amend Section 560 making it consistent with state law concerning political activities of county employees.
7. Amend Section 610 to provide for nonpartisan election of county officials.
8. Amend Section 630 to lower the minimum age for holding elective office to 18 years of age, making it consistent with state law.
9. Amend Section 720 to delete the Board of Appeals' responsibility for hearing and deciding appeals from the granting or rejecting of variances and conditional use permits.
- ⑩ Amend Section 800 to provide for a Gateway amendment procedure
11. Add a new section to Article VIII to provide for an appeals process from the granting or rejecting of an application for zoning variances and conditional use permits.
12. Amend Sections 230.10, 230.20, 250, 460, 540, 650.30.30, 680, 680.10, and 710 eliminating a reference to a specific number of council members (5) and substituting majority of the full council.

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Summary of Proposed NonCharter Recommendations

1. In lieu of establishing a formal sunset law, the committee recommends that the county executive and the county council establish regular procedures for the review of all agencies of county government.
 2. The committee recommends that the personnel administrative procedures currently being drafted by the department of personnel be adopted by the county council. The committee also recommends a set of merit principles to be included in the administrative personnel procedures.
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I. CHARTER AMENDMENTS

The Charter Review Committee recommends a total of 12 amendments to the King County Charter for placement on the November 1977 ballot. The amendments are presented as follows:

- Statement of Intent
- Brief Explanation
- Specific Charter Language

1. The committee recommends that Section 320.20 Powers and Duties be amended to give the executive the power to organize or reorganize executive departments by submitting reorganization plans to the county council subject to modification or rejection by the council within 90 days. If no council action within the 90 day time period, the plan becomes effective.

Explanation: Under Section 220.20 of the charter, the county council is granted authority to establish and reorganize executive departments. The committee believes the county executive should share the power to reorganize executive departments as the charter holds the county executive responsible for implementing and administering county policies and programs.

2. The committee recommends that Section 320.20 Powers and Duties be amended to require that not less than quarterly, the county executive shall appear before the county council to discuss issues related to the operation of government.

Explanation: The committee feels there is a need to increase communication between elected officials and the public on important policy issues. A public discussion

of issues by the county's elected officials will encourage a full airing of the issues that otherwise might not see the light of day. This proposal would also allow an exchange of information between the executive and the county council.

Specific Language: Section 320.20

The county executive shall be the chief executive officer of the county and shall have all the executive powers of the county which are not expressly vested in other specific elective offices by this charter; shall have the power to organize or reorganize the executive departments of the county, except that no executive department shall be created or abolished and no functions shall be transferred to a different department unless a reorganization plan has first been presented to the council. Any plan which has not been modified or rejected by a majority vote of the full council within ninety days after presentation shall become effective; shall supervise all administrative offices and executive departments established by this charter or created by the county council; shall be the chief peace officer of the county and shall execute and enforce all ordinances and state statutes within the county; shall serve on all boards and commissions on which a county commissioner was required to serve prior to the adoption of this charter, but if more than one county commissioner was required to serve, the county council shall appoint a councilman or councilmen to serve on the board or commission with him; shall present to the county council an annual statement of the financial and governmental affairs of the county and any other report which he may deem necessary; shall prepare and present to the county council budgets and a budget message setting forth the programs which he proposed for the county during the next fiscal year; shall prepare and present to the county council comprehensive plans including capital improvement plans for the present and future development of the county; shall have the power to veto any ordinance adopted by the county council except as otherwise provided in this charter; shall appear before the County Council not less than quarterly to discuss issues and questions related to the administration and operation of county government which shall be submitted in writing by the County Council not less than 15 days before the Executive's appearance; shall

have the power to assign duties to administrative offices and executive departments which are not specifically assigned by this charter or by ordinance; and shall sign, or cause to be signed on behalf of the county all deeds, contracts and other instruments. The specific statement of particular executive powers shall not be construed as limiting the executive powers of the county executive.

3. The committee recommends that Section 340.40 Confirmation be amended to state that any confirmation not rejected by the county council within sixty days becomes effective.

Explanation: In some instances, confirmations have been delayed and appointees have remained in an "acting" capacity pending confirmation. The committee feels the 60 day time limit gives the council sufficient time to deliberate on the appointment.

Specific Language: Section 340.40

The appointments by the county executive shall be subject to confirmation by a majority of the full county council. ~~The appointments by the county administrative officer shall be subject to approval by the county executive.~~ Such appointments shall be deemed confirmed if not rejected within sixty days.

4. The committee recommends that Section 460 Consideration and Adoption of Appropriation Ordinances be amended to prohibit the use of motions as a condition to expenditure.

Explanation: The county council, on occasion, has attached provisions to the budget ordinances requiring that certain expenditures be subject to subsequent motion by the council. These motions are not subject to public hearings and often leave the affected program and staff in limbo for an indefinite period of time.

Specific Language: Section 460

Prior to the adoption of any appropriation ordinances for the next fiscal year, the county council shall hold a public hearing to consider the budget presented by the county executive and shall hold any other public hearing on the budget or any part thereof that it deems advisable. The county council in considering the appropriations ordinances proposed by the county executive may delete or add items, may reduce or increase the proposed appropriations and may add provisions restricting the expenditures of certain appropriations except that such restrictions shall not restrict/prevent the expenditure of funds by requiring subsequent Council approval by motion and it shall not change the form of the proposed appropriation ordinances submitted by the county executive.

5. The committee recommends that Section 540 The Personnel Board be amended to allow for an appeal to the Personnel Board from any suspension of 15 days or more.

Explanation: The present 60 day suspension period is considered tantamount to dismissal.

Specific Language: Section 540

The personnel board shall report at least once a year to the county executive concerning the operation of the personnel system with any recommendations it may have for its improvement.

Any member of the career service may appeal to the personnel board: from any action pertaining to the methods of examination, appointment or promotion: from any suspension for more than sixty fifteen days, reduction in rank or pay, or removal; and from any classification or reclassification of positions. The personnel board shall hold a public hearing to consider an appeal and shall issue such orders as it deems proper including but not limited to the restoration of rank or pay, with or without loss of benefits and pay, and the allocation and reallocation of positions. The decision of the personnel board shall be final unless reviewed by a court of competent jurisdiction.

6. The committee recommends that Section 560 Political Activities be amended to make it consistent with state law concerning political activities of county employees. The committee also recommends deletion of the clause which allows county employees who are elected to office to return to their jobs after the completion of the term of office.

Explanation: The proposed amendment brings the county into compliance with state law concerning political activities of employees. The committee believes that an employee should be granted a leave of absence to run for office but should not be allowed to continue that leave while holding elective office.

Specific Language: Section 560

~~The county administrative officers, the chief officer of each administrative office and executive department except the department of assessments, the officers and employees of each administrative office and executive department except the department of assessments who are not members of the career service and all members of the career service shall not engage in any political activity on behalf of, and shall not pay or be asked to pay any assessment or contribution which will benefit directly or indirectly anyone occupying or seeking appointment, nomination or election to any county office.~~

The political activities of county employees and offices shall be governed by the applicable provisions of state law. A member of the career service may file for a compensated elective office but he shall take and be granted leave of absence until the date of the election. and until his term of office expires if he is elected.

7. The committee recommends that Section 610 Election Procedures be amended to provide for nonpartisan election of county officials.

Explanation: The issue of partisan versus nonpartisan election of county officials received a great deal of attention at the public meetings, with public opinion weighted slightly in favor of maintaining partisan county elections. However, the committee agreed that the arguments for nonpartisan elections have sufficient merit to warrant placing this issue on the ballot for the public to decide.

Specific Language: Section 610

Except as provided in this Article and commencing with the primary and general elections of 1979, the nominating primaries and elections shall be conducted in accordance with general law governing the election of partisan nonpartisan offices of first class cities with a mayor/council form of government. The county executive department responsible for conducting elections shall be utilized instead of the city clerk specified by general law.

Section 620

~~On or before the last day for filing a declaration of candidacy as a candidate in a major political party primary, anyone qualified to assume office if elected may file a declaration of candidacy as an "independent."~~

~~Any candidate who files a declaration of candidacy as an independent shall be placed on the primary ballots under the title "independent", and, if the total number of votes cast for independent candidates for an office is equal to at least twenty percent of the total number of votes cast for that office in the primary, then the candidate who receives a plurality of the votes cast for independent candidates for that office shall be the independent nominee for that office and shall be placed on the general election ballots under the title "independent."~~

~~Anyone who files a declaration of candidacy as an independent shall not be a candidate for any political party in that primary or in the succeeding general election and shall pay the filing fee required for a declaration of candidacy for a major political party primary.~~

8. The committee recommends that Section 630 Qualifications be amended to lower the minimum age for holding elective office to eighteen years of age.

Explanation: State law provides that the age for holding office should correspond to the legal age for voting, which is eighteen. This amendment brings the charter into compliance with state law.

Specific Language: Section 630

Each county officer holding an elective office shall be, at the time of his appointment or election and at all times while he holds office, at least twenty-one eighteen years of age, a citizen of the United States and a resident and registered voter of King County; and each councilman shall be a resident of the district which he represents. Any change in the boundaries of a councilman's district which shall cause him to be no longer a resident of the district which he represents shall not disqualify him from holding office during the remainder of the term for which he was elected or appointed.

9. The committee recommends that Section 720 Powers be amended to delete the Board of Appeals' responsibility for hearing and deciding appeals from the granting or rejecting of variances and conditional use permits.

Explanation: The proposed amendment will allow the county council flexibility to establish procedures by ordinance for the most appropriate method to handle appeals from the granting or rejecting of variances and conditional use permits.

Specific Language: Section 720

The board of appeals shall hear and decide all appeals from the granting or rejecting of an application for a zoning variance or conditional use permit by the executive branch and from any valuation by the department of assessments. The county council may by ordinance provide for an appeal to the board of appeals from any other order by an executive department or administrative office. The decision of the board of appeals shall be final unless reviewed by a state agency as provided by general law or appealed to a court of competent jurisdiction within the time limits established by ordinance or general law.

10. The committee recommends that Section 800 Charter Review and Amendments be amended to provide a Gateway amendment procedure.

Explanation: A Gateway provision would allow an amendment which addresses a single subject to be submitted as a single proposition even though it is composed of changes to different sections of one or more articles. A Gateway amendment would greatly facilitate the charter review process.

Specific Language: Section 800

At least every ten years after the adoption of this charter, the county executive shall review, or shall cause to be reviewed, the charter and shall present, or cause to be presented, to the county council a written report recommending those amendments, if any, which should be made to the Charter. An amendment which addresses a single subject may be submitted as a single proposition even though it be composed of changes to different sections of one or more articles.

The county council may propose amendments to this charter by enacting an ordinance to submit a proposed amendment to the voters of the county at the next general election occurring more than forty-five days after the enactment of the ordinance. An

ordinance proposing an amendment to the charter shall not be subject to the veto power of the county executive. Publication of a proposed amendment and notice of its submission to the voters of the county shall be made in accordance with the state constitution and general law. If the proposed amendment is approved by a majority of the voters voting on the issue, it shall become effective ten days after the results of the election are certified unless a later date is specified in the amendment.

11. The committee recommends that a new section be added to Article VIII General Provisions to provide for an appeals process from the granting or rejecting of an application for variances and conditional use permits.

Explanation: The committee is proposing deletion of the Board of Appeals responsibility for hearing and deciding appeals from the granting or rejecting of variances and conditional use permits. This amendment will insure that an appeals process be provided for variance and conditional use permit decisions.

Specific Language: New Section 896 Appeals Process

The county council shall by ordinance provide the opportunity for an administrative appeal to a hearing examiner or other body for appeals from the granting or rejecting of an application for zoning variance or conditional use permit.

12. The committee recommends that Sections 230.10, 230.20, 250, 460, 540, 650.30.30, 680, 680.10 and 710 be amended to read an affirmative vote by a majority of the full council shall be required to adopt an ordinance.

Explanation: Eliminating reference to a specific number provides greater flexibility in the charter in the event the

number of council members change.

Specific Language:

S 230.10 Introduction and Adoption.

Except as otherwise provided in this charter, ~~a minimum of five affirmative votes~~ a majority of the full council voting affirmatively shall....

S 230.20 Executive Veto

...the county council may override the veto or partial veto by enacting the ordinance by a minimum of six affirmative votes two-thirds of the full council voting affirmatively.

S 230.30 Emergency Ordinances

A minimum of ~~seven affirmative votes~~ three-fourth of the council voting affirmatively....

S 250. County Auditor

...shall be appointed by a majority of the full county council.

S 340.40 Confirmation

...by a majority of the full county council....

S 460. Appropriation Ordinances

...estimating the amount by motion passed by a minimum of ~~six affirmative votes~~ two-thirds of the full council voting affirmatively....

S 540. Personnel Board

First paragraph: A majority of the full county council....

S 650.30.30 Districting Committee

...committee of at least five members subject to confirmation by a majority of the full county council....

S 680. Vacancies

; absence from the county for a period of more than thirty days without permission of a majority of the full county council.

S 680.10 Election or Appointment to Fill Vacancy

Paragraph 2: A majority of the full county council.

S 710. Composition Appointment, Removal

Line 3: ...of the full county council

Line 6: A majority of the full county council

7. NON CHARTER RECOMMENDATIONS

Not all problems can be answered by amendments to the charter. In reviewing the operation of county government, the committee identified several areas where an ordinance or recommendation for change in procedure could address the problem. The committee adopted a motion which states: "The Charter Review Committee is essentially charged with making recommendations for amendments to the existing charter but will not feel constrained making recommendations to the executive and county council regarding other matters relevant to county government." The committee adopted two noncharter recommendations:

1. In lieu of establishing a formal sunset law, the committee recommends that the county executive and especially the county council establish regular procedures for the review of all agencies of county government.

Explanation: At the public meetings, citizens expressed a great deal of interest in a sunset provision. However the committee does not feel that a formal sunset provision is needed. It should be the responsibility of the elected officials who develop and execute public policy to establish regular review procedures.

2. The Personnel Department is currently working on a proposed ordinance establishing personnel administrative procedures for the county's personnel system to be submitted to the county council by late summer. The committee recommends that the county council adopt, by ordinance, the personnel administrative procedures. The following merit principles should be included:

- Adoption of a policy to affirmatively assure that employment is based on the principle of equal opportunity in all county personnel related actions including, but not limited to, recruitment, hiring, promotion, and transfer of persons in all job classifications. King County shall be an equal opportunity employer and shall prohibit discrimination in employment on the basis of race, color, creed religion, national origin, sex, age (except by minimum age and retirement provision), marital status or the presence of sensory or physical handicap not constituting a bona fide occupational qualification.
- Creation of opportunities for entry into the system at all levels.
- Training of employees to assure high quality performance and to encourage advancement.
- Retention of employees on basis of adequacy of their performance, correction of inadequate performance and separation of employees where inadequate performance cannot be corrected.
- Assurance of fair treatment of applicants and employees with proper regard for their privacy and constitutional rights as a citizen.

- Assurance that employee rights be fully protected and outlined in the grievance procedures.
- Inclusion of a penalty provision for employees not complying with Section 560 on Political Activities
- Notification to department heads that the Personnel Board has a right to issue subpoenas
- Assurance that precise personnel records and reports will be required to maintain a merit based personnel system.