

Part I

Sec 3

pp 374-500

KING COUNTY FREEMANSHIP COMMISSION

MAILING LIST

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Woodrow L. Taylor	404 Union Street	Seattle 1, Washington
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Stinson Bullitt	1411 4th Ave. Building	Seattle 1, Washington
David Dering	1234 Shenandoah Drive	Seattle, Washington
John L. Fournier	Box 432	Kent, Washington
David J. Williams	725 Central Building	Seattle, Washington
Lyle F. Wilson	2255 Westmont Way	Seattle, Washington
G. H. Thompson	1739 W. 100th St.	Seattle 77, Washington
Mrs. Carl L. Cooper	2321 N. 53rd St.	Seattle 3, Washington
Pearl D. Pontius	2424 41st No.	Seattle 2, Washington
Donald J. Stocking	501 W. Comstock	Seattle 99, Washington
Victor Zadnick	Elk's Club 4th and Spring	Seattle, Washington
Margaret E. Bard	-----	Vashon, Washington
C. A. Crosser	316 Marion Building	Seattle 4, Washington

KING COUNTY FREEHOLDER COMMISSION

EXECUTIVE COMMITTEE REPORT ON PROCEDURAL RULES

The Executive Committee of the Freeholder Commission respectfully reports to the Commission, and recommends that the Commission approve the following rules of organization and procedure:

1. OFFICERS: The officers of the Commission shall be a chairman, a vice-chairman, and a secretary, who shall be elected by the Commission. The Chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Commission, and shall appoint committees and perform such other functions as the Commission, from time to time, may authorize. The chairman, or in his absence, the vice-chairman, is authorized to call meetings of the Commission when in his opinion it is necessary.

2. EXECUTIVE COMMITTEE: The Chairman of the Commission shall appoint an Executive Committee of five (5) members, which shall be authorized to carry on the functions and plan the work of the Commission between meetings of the Commission, and to perform such other duties as shall be authorized by the Commission. The Executive Committee shall not bind the Commission to any determination of policy and shall make no public statements other than announcements of meetings or other purely factual matters. The chairman and the vice-chairman of the Commission shall be ex-officio members of the Executive Committee.

3. COMMITTEES: Committees of the Commission shall be appointed by, and shall perform such duties as may be determined by the chairman, subject to the approval of the Commission, but the Executive Committee may authorize the appointment of committees should the necessity arise between meetings of the Commission.

4. MEETINGS: The Freeholder Commission shall meet twice a month until it determines that its work is completed. The regular meetings will be held in the County Commissioners' Assembly Room, County-City Building, Seattle, at 7:30 p.m. on the second and fourth Monday of every month, beginning January 8, 1951. Special meetings of the Commission may be called by the chairman, or in the event of his absence from the city, by the vice-chairman. All meetings of the Commission shall be open to the public, but there shall be no public participation in any meeting, unless the meeting has been designated by the Commission, or by the committee holding it, as a public hearing, and reasonable public notice of such hearing has been given.

5. PUBLICITY: No member of the Commission shall make public statements purporting to speak for the Commission without previous authority specifically given, and no report or statement of policy shall be issued purporting to be a report or statement by the Commission, unless the same shall have been approved by majority vote of the Commission. The Executive Committee may make public announcements of meetings or public hearings, or may authorize the issuance of factual statements relating to the Commission's work, as it deems necessary or desirable.

6. LEGAL ADVISER: The Prosecuting Attorney of King County, or his designated assistant, shall be the legal adviser of the Commission.

7. DISBURSEMENTS: Should the Board of County Commissioners of King County appropriate funds for the use of the Commission, such funds shall be disbursed under the supervision of the Executive Committee.

8. QUORUM: Nine (9) of the total membership shall constitute a quorum for the transaction of any business at any meeting of the Commission.

9. RULES OF ORDER: Procedure at meetings of the Commission shall be governed by Robert's Rules of Parliamentary Procedure.

KING COUNTY FREEHOLDER COMMISSION

Executive Committee - Minutes of the Meeting, Dec. 18, 1950

The Executive Committee of the King County Freeholder Commission was summoned to its first meeting on December 18, 1950 by Victor Zednick, chairman. Present were Sampson, Stocking, King, Bard, Wilson and Zednick. Lubersky was excused.

Commission Chairman, Zednick, appointed Sampson chairman of the Executive Committee, and Bard, secretary.

Sampson presiding:

✓ SUBJECT: Shall the point of departure be decisions on major policy issues, or should the Commission begin its task de novo?

MOTION: That the following major policy issues be presented for a preliminary ballot at the next regular meeting of the Commission (Jan. 8):

- a. Whether there shall be nine commissioners, and whether these shall be elected at large or by district.
- b. Whether the administrator shall be appointed or elected.
- c. Whether other officials shall be appointed or elected.
- d. Whether elections shall be non-partisan or partisan.
- e. Whether there shall be included a merit system.

Motion by King, seconded by Stocking, carried.

✓ SUBJECT: Procedural laws to be recommended to the Commission.

MOTION: That the procedural laws of the Advisory Commission, as revised and attached hereto, be submitted to the Commission for approval.

Motion by King, seconded by Stocking, carried. *Adopted*

✓ SUBJECT: Shall an appropriation be requested of the King County Commissioners?

MOTION: That action on appropriation be delayed, and that Bard be instructed to contact the County Commissioners, in order to ascertain what help may be obtained from county personnel.

Motion by Zednick, seconded by King, carried.

✓ SUBJECT: Preliminary approach to writing of charter.

MOTION: That there be scheduled for the second regular January meeting of the Commission (Jan. 22) a widely publicized public hearing in the County Commissioners' Assembly Room, 402 L County-City Building, before any definite steps be taken by the Commission.

Motion by Zednick, seconded by King, carried. *Carried*

Officers - February - Post schedule officers & advise
SUBJECT: Committees to be appointed.

MOTION: That the Chairman of the Commission be authorized to make, and that he shall announce, after acceptance by the Commission of the recommended procedural rules, appointments to the following committees:

- a. Committee on District Boundaries and Election Procedures. *Mr. King*
- b. Committee on County Finance and Budget Procedures. *Mr. King*
- c. Committee on Merit System Details. *Mr. King*
- d. Committee on Departments, Boards and Commissions (from an organizational and functional standpoint). *Mr. King*

Motion by Stocking, seconded by Sampson, carried.

2 Legal f. Exec.
The meeting was then adjourned.

Respectfully Submitted

EXECUTIVE COMMITTEE

Members: Sampson, Stocking,
King, Lubersky, Bard.

Donald C. Sampson, Chairman
Margaret E. Bard, Sec.

Ex-officio members, Wilson,
Zednick.

KING COUNTY METROPOLITAN COMMISSION

Regular Meeting, Jan. 8, 1951
County-City Building, Seattle, Wash.

Victor Zednick, chairman, presiding.

All Commission members present.

SUBJECT: As requested by the chairman, Sampson, chairman of the Executive Committee presented the minutes and report of the Executive Committee to the Commission.

MOTION: That the Procedural Rules recommended by the Executive Committee be adopted. Motion by Lubersky, seconded by Taylor, carried.

SUBJECT: Assistance to be obtained from County Commissioners.

REPORT by Board: James A. Gibbs, chairman of the Board of King County Commissioners, assures typing and mailing services from county, but advises against an appropriation request at this time.

MOTION: That the secretary of the Commission order a room of stationery and envelopes, and present the bill for same to the King County Commissioners, and in the event payment is refused, that the Commission members will then personally donate funds to pay same. Motion by Dening, seconded by Sampson, carried.

SUBJECT: Public hearing.

MOTION: That the public hearing, as recommended by the Executive Committee, be scheduled for January 22, 1951, and be approved. Motion by Lubersky, seconded by Pontius, carried.

SUBJECT: Whether the present county officials shall be given an invitation to express their opinions to the Commission.

MOTION: That elective officials and other county department heads shall be given written invitation to express their views on the suggested county governmental revision as proposed by the Advisory Charter, a copy of which shall be sent to such officials; and that such invitation be for the February 12th meeting of the Commission; and that Sampson, Executive Committee chairman, shall schedule the order of appearance before the Commission of such officials as are willing to participate. Motion by King, seconded by Thompson, carried.

SUBJECT: Recommendation as to sub-committees.

MOTION: That the Executive Committee recommendation relative to the appointment of four committees be adopted. Motion by Stocking, seconded by Pontius, carried.

Four Committees recommended as above were then appointed by Chairman Zednick, as follows (revised list according to individuals' choices):

- a. COMMITTEE ON DISTRICT BOUNDARIES AND ELECTION PROCEDURES:
John Fournier, chairman; Pearl E. Pontius, Margaret Bard.
- b. COMMITTEE ON COUNTY FINANCE AND BUDGET PROC. SURVEY:
G. H. Thompson, chairman; David Dening, Ronald Stocking.
- c. COMMITTEE ON JURY SYSTEM DETAILS:
Mrs. Carl L. Cooper, chairman; Stinson Bullitt, Wm. Lubersky.
- d. COMMITTEE ON DEPARTMENTS, BOARDS AND COMMISSIONS from an organizational and functional standpoint:
David J. Williams, chairman; Woodrow L. Taylor, Albert A. King.

KING COUNTY PRESIDENTIAL COMMISSION
Minutes, Jan. 8, 1951 meeting

Page 2

MOYON: That the above committee appointments be approved by the Commission.
Motion by Lohrsky, seconded by Sampson, carried.

Acting upon a suggestion offered by King that material relative to the writing of a charter be assembled in one place, and that the place be if possible the Municipal Library, Chairman Zednick appointed Bullitt the Commission Librarian with the duties of ascertaining whether the co-operation of the Municipal Library may be secured, and, if so, to so assemble material.

INSTRUCTIONS:

The secretary shall send out notices in advance of each Commission meeting to all Commission members.

The secretary shall get word relative to the public hearing scheduled for January 22nd, 1951, to all county newspapers, in order that the voters shall have an opportunity to express their views on county governmental revision to the Commission.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Sec.

Jan. 10, 1951

SEATTLE CITY CLERK, JAMES POLKIN
100 N. County City Building
Seattle, Washington

MINUTES OF THE MEETING, January 22, 1941

Victor Schmidt, chairman, presiding. Minutes of the previous meeting were approved as corrected by the secretary. The chairman then declared the meeting as being in session, and requested suggestions with regard to a new King County charter from those members of the public in attendance (approximately 30).

GENERAL DISCUSSION

BY THE CHAIRMAN:

C. H. Knight, chairman of the Governmental Research Committee of the Seattle Municipal League, stated that only a comprehensive approach could achieve good Government. He repeated the 1932 recommendations of the League, which included a nine man Board of County Officers, and appointed County administrator, civil service, and the non-partisan ballot.

ADMINISTRATIVE:

Chas. Doyle, Sec. of the Central Labor Council, stated that he was not in accord with the appointive administrator provision of the advisory charter; that he favored an elective administrator. In answer to Doyle's question, Doyle stated that he was speaking for himself, and not for his organization. In answer to Schmidt's question, Doyle said that he possibly approved the remaining provisions of the advisory charter.

BOARD OF COMMISSIONERS:

Roy Knapp, North District budget officer, stated that the nine man board as set up by the advisory charter is not representative on the basis of population; that the City of Seattle should have a larger majority of commissioners, as it has the greatest percentage of the County population. In answer to Schmidt's question regarding the amount of services rendered to the City as compared to those rendered to the rural areas, Knapp stated that the County discharged as many if not more services to the city. Schmidt then referred to the services of the Sheriff's Department, the judicial districts, the Post Department, and the Road Districts. Knapp replied that these were only a small part of County Government under the provisions of the County Commissioners. He added that the City contributed 15 mills to County Government, and that the rural areas contributed 10 mills and the entire service millage. Knapp inquired if any other basis than population had been utilized in apportioning Commissioners. In answer, Knapp stated that City residents have their own Government, while the people of rural areas have no other local Government but that of the County. Knapp stated that reorganization should ignore City limit lines and be a pro-rata division of the County on a strict population basis. Taylor replied that this would insure no true rural representation, but would mean City control of County Government. James Polkin insisted that all possibility of City control of County Government should be removed.

LECTION BY DISTRICT OR AT LARGE:

Knapp stated that election by district was reminiscent of the old ward system. Schmidt stated that the advisory charter had been accepted only as a committee report; that the work of the Reorganizing Commission was beginning to move. James Polkin stated that the Commissioners should be elected by district to insure rural representation.

LECTION OF APPOINTIVE OFFICIALS:

Mrs. A. Nelson stated that the County areas had not improved so had City areas during the past 15 years; that elected officials were all right; that times were high enough and services poor. James Polkin stated his belief that the appointive and elective should be appointed as they should be technically qualified men.

PARTISAN OR NON-PARTISAN POLITICS:

James Polkin declared himself in favor of partisan politics, as in his opinion partisan colors still shined through the City's non-partisan shade. He added that partisan politics stimulate citizen interest, and non-partisan Government was still subject to pressure groups.

KEND COUNTY FLOODING COMMISSION

Page 2

REPORT OF MR. PAUL

H. P. Robertson stated that he approved the incorporation of a merit system in County Government as it would help exclude patronage. Chas. Doyle stated he favored a merit system if educational standards were not set too high.

COMMENTS:

Miss Fullerton, City of Seattle Flooding Commission, reported the population ratio between urban and rural areas to be 4.1 to 3 at present; that if annexation to the North were approved, the ratio would then be 5 to 2.7. She said she believed the city was fully aware of rural problems, and suggested that a separate body of rural road commissioners be elected.

Chairman Schrick then read a list of items from the Park Board stating their recommendations to the Commission, and asked that the same be referred to the proper committee for consideration. Library, chairman of the Local Committee, reported work in preparation.

RESOLUTION:

That the next regular meeting of the Commission be set over from February 12th, which is a County Holiday, to February 26th. Motion by Library, seconded by Wilson, passed.

Absent: C. H. Thompson.

Meeting adjourned.

Respectfully submitted,

KEND COUNTY FLOODING COMMISSION

VICTOR SCHRICK, CHAIRMAN

Margaret E. Bard, Secretary

KING COUNTY FREEHOLDER COMMISSION

County-City Building
Seattle 4, Washington

MINUTES OF THE MEETING, February 26, 1951

In the excused absence of Chairman Victor Zednick, Vice-Chairman Lyle Wilson presided.

Vice-Chairman Wilson opened the meeting with an announcement that same had been set aside as a special meeting so that elective and appointive county department heads might present their views on county governmental revision, with special attention to, and comments arising out of the relative provisions of the advisory charter prepared by the previous Advisory Commission, which had been accepted by the Freeholder Commission as a committee report.

County officers present: Charles Carroll, James Gibbs, Robert Morris, A. A. Tremper, Norman Riddell, Harlan S. Callahan, John Brill Jr., Lee St. John, D. L. Evans, John Nordmark, Roy Knapp, and Dick Gallant.

SUMMARY OF COMMENTS:

Charles Carroll, Prosecuting Attorney: Prosecuting attorney should have right to appoint deputies; will assist Legal Committee in soliciting opinion of Attorney General; approves inspection by administrator of managerial records of office, but believes confidential records should remain so; can see no need whatsoever for special prosecutor's fund; approves merit system for office personnel; disapproves abolition of coroner's office, and transfer of legal functions of same to prosecutor's office; sees no need on part of commissioners for outside legal services, but advises consult them.

Robert Morris, Auditor: Auditor should not carry qualifications as no need for same and would be too limiting; functions of office should not be separated as would be too expensive; could not use personnel of other departments as work too specialized; no post auditing performed as state audit continuous and efficient, although it does not cover a great percentage of entries; questions use of legislature to counties if Home Rule is put in.

A. A. Tremper, Treasurer: Duties of treasurer should be fully defined in charter; reports no duplication auditor-treasurer offices, but some in assessor-treasurer offices; could use personnel of other departments during overload periods; special district services required are increasing; central mechanical department be of great assistance; would welcome merit system.

Norman Riddell, Clerk: Centralized recording-bookkeeping set-up possible help; keep clerk elective as need qualified man; approves a flexible merit system which would allow control of personnel by department head; believes every county department could stand improvement, but thinks legislature can do this.

Harlan S. Callahan, Sheriff: Keep office elective as a check and balance; need qualified (within reason) man in office; could dispense with constables; does not want investigatory function of coroner's office.

John Brill Jr., Coroner: Keep office as check and balance between sheriff's department, state patrol, and prosecuting attorney; keep office elective and thus directly responsible to people; some state laws re procedure of office antique, need changing; merit system good; now use city laboratory, but need own laboratory.

Minutes of the Meeting, February 26, 1951, cont'd.

Lee St. John, Deputy Assessor: Keep assessor's office elective and thus free from pressure groups; could be closer co-operation between assessor and treasurer, where now some duplication; should be provision in charter for mandatory re-assessment; need increased staff; at present, reappraisement only every 3 or 4 years as are understaffed; merit system good, except for 'grandfather' clause, as present staff is efficient and should be blanketed in.

D. L. Evans, County Engineer: Not sufficient attention paid to office of county engineer in charter; office should be appointive, with removal for cause; should be given definite tenure because of long range projects; road districts should be consolidated; all public works construction, but not management of same, should be function of office.

John Nordmark, Planning Commission: Charter should be definitive re the functions of planning commission (planning, administration of planning laws, judicial function); should include as function the review of public works and capital outlay budget; term of members should be 6 years, overlapping 4 year terms of officials; with regard to general law carry over provision, should state in charter that archaic and confusing amendments to zoning laws shall be replaced; staff relationships between budget director and commission on public works review should be specified in charter; referred favorably to National Municipal League charter provisions re this commission; will submit recommendations in writing.

Roy Knapp, North District Budget Officer: Need pre-audit, a pre-analysis of all expenditures; need special budget officer; could improve present post audit, should not combine budget officer and comptroller--this would control purchasing, but believe it should not be done; need check for requisitions; need post audit as that of state examiners is not enough.

Dick Gallant, South District Budget Officer: Strengthen Board of Commissioners; give them control of county funds and business; improve relationship between assessor and treasurer, set up controls over account receivable--then no need for administrator. Simply amend present state laws. Uniformity needed, Pierce County system good. Appointing officers might work, but would not be economical. Weakness of elected officers is that they cannot now be forced to carry out functions prescribed by law.

6

In closing, the Vice-Chairman tendered a vote of thanks to attending county officials for their co-operation, and requested that further pertinent suggestions, which would at all times be solicited and appreciated, be submitted in writing to the Commission for consideration. He stated that no doubt further investigation into the actual functioning of various county departments, as suggested by department heads present, would be pursued by sub-committees of the Commission in the future.

Absent: David J. Williams.

Respectfully submitted,

LYLE F. WILSON, Vice-Chairman

Margaret E. Bard, Secretary

March 1, 1951
Vashon, Washington

KING COUNTY FREEHOLDER COMMISSION
County City Building
Seattle, Washington

MINUTES OF THE MEETING - March 26th, 1951

Victor Zednick, chairman of the Commission, presiding.

Cooper, chairman, reported for the Committee on Merit System Details that county employees had been consulted re provisions of the Advisory Charter relative to the merit system, and that three issues were brought up, as follows: 1. The appointment of a merit system commission, which met with approval. 2. The 'open back door' provision, which was disapproved. 3. The 'blanketing in' section, for which modification was suggested.

Discussion resulted in a conclusion by the Commission that deputy prosecutors concerned with criminal matters should be excluded from any merit system. Williams recommended that civil deputy prosecutors be included in a merit system and given trial duties; King suggested the possibility of separating legal functions from the prosecuting attorney's office; Bullitt suggested that outside legal advisors be made available to county officers. It was concluded that bailiffs were not officers of the county, and were thus excluded from a merit system. Zednick pointed out that the merit system was not to be considered merely a device to protect employees, but that it should be set up to protect also the system of government, the officials who would carry the responsibility, and the voting public who want economy and efficiency. It was concluded that the words 'open back door' could be removed from the text, and the intent of same expressed therein instead, and that the word 'non-competitive' be inserted into the section regarding qualifying tests for incumbent employees. Further study of the committee will be given to the merit system now operating in Honolulu, which is reputedly a model system.

Williams, chairman, gave a progress report for the Committee on Departments, Boards and Commissions. Discussion followed his inquiry as to the extent of the work to be covered by his Committee, and resulted in a conclusion that the Committee should concern itself with the statutory and advisory Boards of the county, and with an organizational approach to departmentalization of county functions and offices; but that the organization of the functions of the auditor, treasurer, and assessor be left to the Budget and Finance Committee.

Chairman Zednick, at the request of the Commission and the Legal Committee, appointed Taylor co-chairman of the Legal Committee. The secretary was instructed to inform Taylor of this action, and to request of him and of Lubersky that the Legal Committee meet immediately in order that the Commission may resolve as far as possible for itself certain legal problems arising out of the formation of a new charter.

Sampson read a letter from Albert A. Noonan, Executive Director of the National Association of Assessors, stating that the association had adopted a report favoring appointive assessors in county government. The letter was referred to the Budget and Finance Committee.

King brought up the matter of a completion date for the task ahead. Bullitt declared the election at which the charter should be submitted should be a special election in order that it not be submerged or confused by other matters. Sampson suggested this fall as a date for such a special election, so that officers under the charter could be elected in the spring elections. It was generally agreed that the Commission move as rapidly as possible. To set up a program for this purpose, and to formulate an appropriation request, Chairman Zednick instructed Sampson to call a meeting of the Executive Committee, which was immediately done.

The meeting then adjourned.

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - March 12, 1951

Vice-Chairman Wilson, presiding in the absence from the city of Chairman Zednick, opened the meeting by stating that an Executive Committee meeting had been called for the purpose of setting up a directional plan of action upon which the Commission could proceed. Sampson, Executive Committee chairman, was called upon to submit a report of the Executive Committee meeting of March 5.

MOTION: That part 2 of Motion 1 (March 5th Executive Committee report) be amended to read: 'Shall there be an enlarged Board of Commissioners?' Motion by Thompson, seconded by Williams, carried.

MOTION: That the March 5th Executive Committee report be accepted and approved. Motion by Sampson, seconded by Bard, carried.

Vice-chairman Wilson reiterated that discussion on the issues under the motion was not precluded, but was in fact invited.

ACTION ON Executive Committee Report of March 5th.

PART 1. Discussion resulted in general agreement that Part 1 of the motion would, in effect, if approved, approve an appointive administrator.

RESULT OF BALLOT: For the incorporation of a county manager plan: Yes, 12; no, none. One not voting.

PART 2. MOTION: That rules be suspended to permit an oral vote on Part 2 of the motion. Motion by Lubersky, seconded by Stocking, carried.

RESULT OF BALLOT: Unanimous in favor of enlarged Board.

PART 3. MOTION: That rules be suspended to permit an oral vote on part 3 of the motion. Motion by King, seconded by Sampson, carried.

RESULT OF BALLOT: Unanimous in favor of a merit system.

PART 4. Shall elections be non-partisan or partisan?

RESULT OF BALLOT: For non-partisan, 12; partisan, 1.

PART 5. Shall county officers be appointive or elective? MOTION: That consideration of the positions of assessor, auditor, and treasurer be set aside until the Committee on Budget and Finance shall have reported. Motion by Deming, seconded by Sampson, carried.

MOTION: That discussion be held on two points, as follows: (1) Abolition of the office of coroner; (2) Abolition of the office of constable.

Motion by Williams, seconded by Bard, carried.

MOTION: That the office of coroner be abolished, and that a committee be appointed to study proper reassignment of the functions of the office. Motion by King, seconded by Stocking, carried.

MOTION: That the office of constable be abolished. Motion by King, seconded by Sampson, carried.

OFFICE OF CLERK: RESULT OF BALLOT: Unanimous that Clerk be appointive. 13 voting.

OFFICE OF SHERIFF: RESULT OF BALLOT: Unanimous that sheriff be appointive. 13 voting.

It was generally agreed that the matter of who shall make the appointments be left in all cases for future discussion.

Acting upon Motion 2 of the Executive Committee report, the Vice-chairman requested that the following committees present preliminary reports at the March 26th meeting of the Commission: Committee on Merit System Details; Committee on Dept., Boards, and Commissions; Legal Committee.

James Ellis, attorney, was importuned to give his opinion with regard to possible conflicts between general state law and the provisions of a charter drawn under the Home Rule legislation. He stated that he believed such a charter would supersede general law relating to the mechanics of county government; but that it might or might not supersede general law relative to powers and duties of county officers, with a great possibility that the general law relating to the duties and functions of officers precluded by Home Rule legislation (Pros. att'y, sup't. of schools, judges) could not be changed.

Discussion followed relative to the advisability of the re-submission of legal questions to the Attorney General.

Letters were read from the League of Women Voters, The King County Commissioners, and the Vashon Island Chamber of Commerce.

King and Bullitt were appointed to investigate the proper reassignment of the functions of the office of coroner.

Absent: Taylor; excused: Zednick.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN
LYLE WILSON, VICE CHAIRMAN

Margaret E. Bard, Sec.

KING COUNTY FREEHOLDER COMMISSION

EXECUTIVE COMMITTEE - Meeting March 5, 1951
Minutes of the Meeting

The Executive Committee was summoned to meet by Donald Sampson, chairman, in order to provide a plan of action for the Commission, as allowed by the Procedural Rules of the Commission.

Present: Wilson, King, Stocking, Bard, Sampson. Absent, Lubersky.
Zednick, excused.

MOTION: THAT as the first order of business at the next regularly scheduled meeting of the Commission (March 12) a ballot shall be taken on the following major policy points, in order:

1. Shall a county manager plan be incorporated into the charter?
2. Shall there be an enlarged Board of Commissioners who shall be nominated and elected at large in the city district, and nominated and elected by district in the districts outside the city?
3. Shall there be included a merit system?
4. Shall elections be partisan, or non-partisan?
5. Shall county department heads and officials be appointed or elected (ballot by members for each office).

Motion by Bard, seconded by King, carried.

Relative to the above motion, discussion was not precluded before the ballot.

By general consent, the Committee recommends that an appropriation request be further delayed until it can be better estimated what service and therefore what funds, will be needed.

MOTION: THAT as a plan of action the following committees shall present preliminary reports at the second regularly scheduled meeting of the Commission from the above date (March 26):

1. Committee on Merit System Details - Cooper, chairman.
2. Committee on Boards, Depts. and Commissions - Williams, chairman.
3. Legal Committee - Lubersky, chairman.

AND, that the Committee on Finance, and the Committee on District Boundaries shall be prepared to present preliminary reports at the April regularly scheduled meetings. Motion by Stocking, second by King, carried.

Discussion resulted in a recommendation that the Commission consider a completion date for the charter, and the possibility of a date to be specified in the charter for a special election at which the charter shall be submitted to the voters, and a second date to be specified in the charter for a special election of officials under the charter if it be approved.

The secretary was instructed to obtain 15 copies of the auditor's report for 1951.

Meeting then adjourned.

Respectfully submitted,

EXECUTIVE COMMITTEE

Donald C. Sampson, Chairman

Margaret E. Bard, Secretary

KING COUNTY FREEHOLDER COMMISSION

402-B COUNTY CITY BUILDING
SEATTLE 4, WASHINGTON

EXECUTIVE COMMITTEE

Minutes of the Meeting--APRIL 9, 1951

Wilson presiding in the absence of Sampson, chairman of the Executive Committee.

Present: Lubersky, King, Wilson, Stocking, Bard. Excused: Zednick, Sampson.

Discussion was confined to consideration of a budget covering expenses and costs of services necessary to the proper discharge of the task of the Commission.

NOTION: That a total budget in the amount of \$4800 be adopted, which shall cover the cost of consultants and advisers in the amount of \$3000, and the cost of printing, mimeographing, stenographic services, postage, stationery and incidentals in the amount of \$1800.

Motion by King, seconded by Lubersky, carried.

Meeting adjourned.

Respectfully submitted,

EXECUTIVE COMMITTEE

Lyle Wilson, Chairman pro tem

Margaret E. Bard, Secretary

April 11, 1951

DISTRICT NO. 1
STIMSON RULLITT
DAVID DEMING
PEARLE E. PONTIUS
DONALD J. STOCKING
VICTOR ZEDNICK

DISTRICT NO. 2
MARGARET E. BARD
JOHN L. FOURNIER
WOODROW L. TAYLOR
DONALD C. SAMPSON
DAVID J. WILLIAMS

DISTRICT NO. 3
MRS. CARL L. COOPER
ALBERT A. KING
WM. F. LUBERSKY
G. H. THOMPSON
LYLE F. WILSON

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - April 23, 1951

Victor Zednick, Chairman, presiding.

Chairman Zednick reported on the budget hearing with the King County Commissioners at which the Commissioners stated that the budget submitted would necessitate an emergency appropriation, and would have to be broken down further. The secretary reported the re-submission of a complete breakdown totalling \$3809.24, which Budget Officer Dick Gallant said he believed could be accommodated out of available funds, thus obviating an emergency appropriation. Mr. Gallant stated further that he would have to consult the prosecuting attorney's office on the legality of that part of the requested appropriation pertaining to the hiring of outside legal advisers before further action could be taken by the Commissioners on the Freeholder budget.

The Commission then discussed the matter of bonding of county officials and employees, after having heard a letter received by Sampson from Gerald E. Perry, secretary-treasurer of the Surety Underwriters Association of Seattle. A conclusion was concurred in that a primary faithful performance bond with an excess coverage blanket honesty bond would be advantageous. This question was referred to the Legal Committee: Can the charter provisions supersede statutory bonding provisions, specifically re the office of county clerk, who must now be named in the bond?

Zednick reminded the Commission that the matter of a special election on the charter must be kept in mind. Sampson called attention to the fact that provisions of the Home Rule amendment make necessary one special election, either for the submission of the charter, or the election of officials under it. Wilson stated his belief that the Commission should pursue its task as though it would be able to schedule a special election on the charter this fall, which statement was generally concurred in.

The secretary was instructed to inform by letter the chairman of the Committee on Boards, Departments, and Commissions that a final preliminary report is expected of the Committee on May 28th.

Such a report was also scheduled for May 28th from the Budget and Finance Committee.

The Committee on Merit System details, Cooper, chairman, was scheduled to submit a final preliminary report on May 14th.

Bullitt announced that the Seattle Municipal League would like the Commission to formally request, if it so desires, the League Committee findings on legal or other relative matters, and Chairman Zednick stated that the Legal Committee should do this, since the co-operation of the League and of all civic organizations was desirable and of aid to the Commission.

Absent, Williams; excused, Lubersky.

Meeting adjourned.

Respectfully Submitted,

KING COUNTY FREEHOLDER COMMISSION

Victor Zednick, Chairman

Margaret E. Bard, Sec.

April 23, 1951

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - April 9, 1951

Vice-Chairman Wilson presiding.

Motion of the Executive Committee (April 9th) relative to the adoption of a budget was submitted to the Commission. Discussion revealed that 2500 copies of the City of Seattle Charter had been printed; that members of the Commission held it advisable to have preliminary copies of the Freeholder charter mimeographed for study; that it would be better to avoid any necessity for a deficiency appropriation request. A substitute budget motion was offered, as follows:

MOTION: That the Freeholder Commission adopt a budget in the amount of \$6000 to be submitted to the King County Commissioners as an appropriation request, such budget to cover the following items:

For consultant and advisory services.....	\$3000.00
For administrative expense (printing, mimeographing, stenographic services, stationery, postage and incidentals).....	3000.00
Total	\$6000.00

Motion by Zednick, seconded by Thompson, carried unanimously; Cooper not voting.

The secretary was instructed to prepare copies of the National Municipal League letter regarding the advisory charter for distribution.

Chairman Zednick presiding.

COMMITTEE REPORTS:

Committee on County Finance and Budget Procedures, Thompson, chairman.

1. Committee recommends that the office of auditor be abolished as it now is; that it be recreated as the office of auditor with the single function of post audit, and that it be made appointive by the Board of Commissioners. (Thompson)

2. Committee recommends that the office of assessor be made appointive by the County Administrator. (Deming)

3. Committee recommends that the office of treasurer be made appointive by the County Administrator with confirmation by the Board, and that the duties and functions of the office be clearly delineated in the charter.

1. MOTION: That recommendation 1 above re appointive auditor be accepted by the Commission. Motion by Bullit, seconded by Stocking.

2. MOTION: That recommendation 2 above re appointive assessor be accepted by the Commission. Motion by Deming, seconded by Stocking.

3. MOTION: That recommendation 3 above re appointive treasurer be accepted by the Commission. Motion by Deming, seconded by Stocking.

4. MOTION: That each above motion, recommendation, and office be voted on in turn by the Commission. Motion by Deming, seconded by Stocking, carried.

ACTION: 1. For appointive auditor: 11; against, 1.

2. For appointive assessor: Unanimous

MOTION: That recommendation 3 in Motion 3 above have deleted from it the words, 'with confirmation by the Board', and that vote then be taken on the amended motion. Motion by Deming, seconded by Thompson. Carried.

3. For appointive treasurer: Unanimous

Committee on District Boundaries and Election Procedures.

Attached reports were submitted. No action taken by Commission

bsent, Williams; excused, Sampson.

Meeting adjourned.

Respectfully submitted,

KING COUNTY FREEHOLDER COMMISSION
402 B County City Building
Seattle 4, Washington

Minutes of the Meeting - May 28, 1951

Chairman Zednick presiding.

A communication from Ray Moore, chairman, Republican Central Committee, asking that the Commission grant a hearing to the Committee was read. The Commission agreed to set a date at which both the Republican and Democratic Central Committees may be heard.

Cooper called attention to the omission in the May 14th minutes of the addition to Section 6 of the Civil Service report of the following paragraph: "It is the intent of this section to preserve incumbency of present employees consistent with contemplated reorganization of county government and qualifying test provided for herein."

Sampson asked for an interpretation of the addition (as per motion, minutes of May 14 meeting) to Section 5 of the Civil Service report. Discussion of the rule of three, and of the confusion arising out of the addition as above, resulted in the following motion:

MOTION: That the addition to Section 5 be amended to read, "There shall be three names certified for the first vacancy, and at least one additional name certified for each additional vacancy, or more if the Commission deems advisable the certification of more than one additional name for each additional vacancy." Motion by Sampson, second by King. Carried.

Discussion as to how detailed the charter should be made led to general agreement that the charter should state basic policy, but that it should remain flexible, and that administrative details should be left to the Board of Commissioners to delineate in the Administrative Code.

Cooper, chairman, Merit System Details Committee, then continued the report of that committee, beginning with Section 7.

MOTION: That Section 7 be approved with the amendment that for the first two paragraphs of the Section there be substituted the following: "Any employee who is dismissed after completing his probationary period of service may, within 30 days after such dismissal, appeal to the Commission for review thereof. If the Commission finds that the action complained of was taken by the appointing authority for any political, religious, or racial reason, the employee shall be reinstated to his former position of like pay and status, without loss of pay for the period of his suspension. In all other cases the finding and recommendation of the Commission shall be submitted to and considered by the appointing authority, who may, not later than 30 days after receipt of such findings and recommendations, reinstate the employee with or without pay for the period of suspension, or otherwise modify his original decision of discharge. When any employee is dismissed and not reinstated after such appeal, the Commission in its discretion may direct that his name be placed on an appropriate re-employment list, which direction shall be enforced by the Personnel Officer." Motion by Taylor, second by Sampson. Carried: 8 for, 5 against.

page 2

MOTION: That Section 8 be approved as drafted. Motion by Taylor, second by Sampson. Carried.

MOTION: That Section 9 be approved as amended in the reading by Cooper. (Section to read: "No question under the authority of this article or the personnel rules shall, except as hereinafter provided, relate to the political, racial, or religious opinions or affiliations of any person. No person shall be appointed to, or denied an appointment to a position in the ~~unclassified~~ classified service hereunder, nor shall have his status as an employee or his pay changed, nor shall in any other way be favored or discriminated against in any matter within the purview of this article or the personnel rules, because of his race, his political or religious opinions or affiliations.") Motion by Taylor, second by Bullitt. Carried.

MOTION: That section 10 be adopted after elimination of the phrase "or who is not a citizen of the United States". Motion by King, second by Deming. Carried. Zednick, Bard, among those dissenting.

A motion by Taylor to substitute a portion of Browning's report for Section 11 was lost for want of a second.

Bullitt suggested that the phrase 'in the classified service' be deleted from paragraph 4, line 1, Section 11, and that the section should clearly prohibit county employees from soliciting monies or other thing of value for use by or in the campaigns of individuals running for offices of the county, and that like soliciting for such cause be excluded in any office or room occupied by persons in the employ of the county. Cooper in reading the Section substituted 'reduce in' for 'degrade', paragraph of the section. (2)

MOTION: That Section 11 be referred to the Committee on Merit System Details for rewriting (the sense and meaning of those inclusions and exclusions as suggested by Bullitt above be incorporated into the rewritten section.) Motion by Fournier, second by Wilson. Carried.

MOTION: That Section 12 be approved as drafted. Motion by Williams, second by Bullitt, Carried.

A motion by Bullitt that a provision setting up collecting bargaining privileges for the settlement of disputes and disagreements be added to the charter was lost for want of a second.

A communication from the medical officers of Firlands Tuberculosis Sanitarium asking that this department be excluded from the provisions of the Civil Service article of the charter was referred to committee with a recommendation that the unprofessional personnel be contacted and their viewpoints ascertained.

Thompson expressed the desire that his Committee on Budget and Finance be scheduled as the first order of business at the June 11 meeting.

Absent: Lubarsky; excused, Pontius

page 3

Meeting then adjourned.

Respectfully submitted,

KING COUNTY FREEHOLDER COMMISSION

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

May 30, 1951

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - May 14, 1951

Victor Zednick, chairman, presiding.

COMMUNICATIONS: From the Democratic Central Committee, Michael J. Gallagher, chairman, expressing disapproval of any special election on charter, and doubt of Commission's knowledge of county government in view of the short time it has been at work; from J. L. Jacobs & Co., Chicago, and Louis J. Kroeger & Associates, Los Angeles, both technical consultants, offering services.

Agenda: Report of Committee on Merit System Details, Cooper, chairman, with commentaries by Henry Elliot, City Civil Service commissioner, and F. H. Browning, assistant to Mr. Palm, City Personnel Director.

SECTION 1: CIVIL SERVICE COMMISSION:

MOTION: That Section 1 be amended to provide for the appointment of a Civil Service Commission by the administrator, with removal for cause by a majority of the Board. Motion by King, second by Thompson, lost.

MOTION: That Section 1 be amended to read that any civil service commissioner subject to removal for cause may request a public hearing, and that (line 5) " they shall be subject to removal for cause by a two thirds majority of the Board. Motion by Stocking, seconded by Wilson.

The motion was divided with the consent of the mover. Part 1 of the motion carried; part two of the motion was lost.

MOTION: That Section 1 as amended be approved. Motion by King, second by Wilson, carried.

SECTION 2: PERSONNEL OFFICER:

MOTION: That Section 2 be approved as drafted. Motion by Thompson, second by Wilson, carried.

SECTION 3: PERSONS UNDER CIVIL SERVICE:

By agreement the last four words of Sub-section 3 were deleted. Crosser Municipal League, advised that employees of Firlands will express a desire to be excluded from civil service. Bullitt stated arguments against inclusion of all hospital employees. Browning suggested that librarians be excluded, as all professional and specialized help should be. Commission debated the general exemptions, and concurred that Section 3 should be postponed for decision until further progress relative to the setting up of departments had been made, and departments consulted.

MOTION: That Section 3 be amended by the addition of a Sub-section 6, which shall state that there shall be exempted from civil service the professional employees of the prosecuting Attorney's office, and the bailiffs under the county clerk. Motion by Taylor, second by King, carried.

SECTION 4: DUTIES OF COMMISSION:

MOTION: That Section 4 as drafted be approved. Motion by King, second by Williams, carried.

SECTION 5: COMMISSION SHALL PREPARE RULES:

MOTION: That Section 5 be approved. Motion by King, second, Fournier.

MOTION: That Section 5 be amended by the addition of the following sub-section to be inserted between sub-sections 4 and 5: "The certification of three available candidates standing highest on the list for a single vacancy, at least three names where more than one appointment is to be made, but not exceeding fifty % more where a larger number are to be selected." Motion by King, second by Bard, carried.

The original motion then carried.

SECTION 6: EFFECT ON INCIDENT COUNTY EMPLOYEES:

page 2

MOTION: That the words 'shall be permitted to', line 3, be stricken. Motion by King, second by Bard, carried.

MOTION: That the words 'shall be eligible to' be substituted in place of the words stricken. Motion by Stocking, second by Williams, carried.

MOTION: That Section 6 be adopted as amended. Motion by King, second by Fournier, carried.

SECTION 7: RIGHT OF APPEAL:

MOTION: That the 2nd and 3rd paragraphs of Section 7 be modified and restated as follows: "If the commission shall find that the dismissal, demotion or suspension by the appointing officer was not justified, the latter shall forthwith reinstate the employee with pay for the period of separation, in accordance with the findings by the commission. Nothing in this article shall limit the power of any officer to suspend a subordinate without pay for a period not exceeding thirty days for any single offense." Motion by King, second by Wilson. (no action)

Discussion followed to the effect that Section 7 sets up a tight employee civil service advantage and destroys the 'open back door policy' in the advisory charter, which had been included as highly desirable for the protection of the voters against a civil service bureaucracy. It was decided to study the issue further before any action.

The gratitude of the Freeholder Commission was tendered to Elliot and Browning for their interest and attention.

Absent, Lubersky; excused, Sampson.

Meeting adjourned.

Respectfully submitted,

KING COUNTY FREEHOLDER COMMISSION

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

May 16, 1951

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - June 25, 1951

Lyle Wilson, Vice-Chairman, presiding.

REPORT of Committee on Budget and Finance:

Section COUNTY TREASURER

MOTION: That the section be approved as amended (the insertion of a comma after 'paid' in sub-section (g)). Motion by Stocking, seconded by Deming. Carried.

Section WORK PROGRAMS; ALLOTMENTS

MOTION: That the section be approved as amended in the reading (insertion of 'appropriations' before 'work programs', line 4). Motion by Stocking, seconded by Deming. Carried.

After discussion concerning the purpose and intent of sub-section (a) of the section above, and a suggestion by Deming that this sub-section be amended by the following, 'in addition the work program shall outline details of public services to be furnished,' Thompson requested that the sub-section be referred to committee for re-drafting.

Section COUNTY ASSESSOR

MOTION: That the section be approved as drafted. Motion by Deming, seconded by Stocking. Carried.

A motion by Williams to substitute 'County Board' for 'Administrator' was lost for want of a second.

REPORT of Committee on Merit System Details:

Section 11 CERTAIN POLITICAL ACTIVITIES PROHIBITED

MOTION: That the section be approved as re-drafted. Motion by Deming, seconded by Thompson. Carried.

Cooper called attention to corrections to Sections 5, 7, and 9 of the Civil Service Article. The omission of any provision for veterans' preference was discussed, and the secretary was instructed to inform Fred Fuecker, Dept. Adjutant, American Legion, that in the opinion of the commission, general law, which fully defines and delineates veterans' preference procedure, would apply, making any specific provision in the charter unnecessary.

The office of auditor was added to sub-section (2) of Section 3.

MOTION: That the regular meeting scheduled for July 9th be declared an open meeting, and that the King County Democratic Central Committee, the King County Republican Central Committee, and the Washington State Nurses Association be invited thereto. Motion by Zednick, second, Sampson. Carried.

MOTION: That the deletion from Section 10 of the Civil Service Article of the phrase 'or who is not a citizen of the United States' be reconsidered. Motion by Thompson, seconded by Pontius. Carried.

The secretary was requested to make a summary of work done so far.

Absent, Lubersky; excused, Taylor, Fournier.

Meeting adjourned.

Respectfully submitted

KING COUNTY FREEHOLDER COMMISSION

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - June 11, 1951

Chairman Victor Zednick presiding.

COMMUNICATIONS:

Mrs. M. L. Young, Associate Executive Secretary of the Washington State Nurses Association, requests in a letter that the Commission postpone action to exclude Finland personnel from civil service provisions until we receive further communication from the Association. F. H. Feucker, American Legion, protests in a letter the omission of the veterans' preference section from the civil service article. (Sampson reminded the Commission that the state law re veterans' preference would apply in any case.) A communication from the King County Planning Commission was referred to the proper sub-committee.

ASSIGNMENT:

By agreement, the task of delineating the powers and duties of the County Administrator, and the budgetary powers and duties of the Board of Commissioners was assigned to the Committee on Budget and Finance.

REPORT of the Committee on Budget and Finance (The mimeographed report submitted was corrected during the reading, and will be re-mimeographed as approved, and redistributed.

RE: Budget Director and Comptroller

MOTION: That this section of the report be approved as amended. Motion by Deming, seconded by Thompson. Carried.

RE: Purchasing agent

MOTION: That this section of the report be approved as amended. Motion by Deming, seconded by Thompson. Carried.

RE: County Treasurer

Discussion: Sampson and Taylor called attention to the fact that this section was incomplete, since it contains no reference to the duties of the Treasurer relative to special district collections, the collection of taxes, and the keeping of title records. Thompson thereupon requested that the section be passed for redrafting and later consideration.

RE: Preparation of the Budget

MOTION: That this section be approved. Motion by Deming, seconded by Pontius. Carried.

RE: Contents of Budget

MOTION: That this section be approved. Motion by Deming, seconded by Pontius. Carried.

RE: Adoption by County Board

MOTION: That this section be approved. Motion by Deming, seconded by Bard. Carried.

page 2

RE: Work Programs and Allotments

Discussion: Taylor suggested that this section be amended to include the following: "Whenever it is deemed necessary, the budget director and comptroller may recommend transfer of available appropriations for allotment from one department to another." The section was passed at Thompson's request for redrafting and later consideration.

RE: Application to All Departments

MOTION: That this section be approved. Motion by Deming, seconded by Stocking. Carried. Taylor then suggested that the phrase "when not inconsistent with general law" be added to the section. Discussion ended in confirmation of the motion to approve as drafted.

RE: County Assessor

A motion to approve this section was lost. Discussion was concerned with the advisability of a civil service examination for the assessor. Sampson referred to the Iowa procedure, wherein the State Tax Commission certified a list of qualified candidates for assessor. Consensus was that the assessor be appointed by the County Administrator with approval by the Board, and that the office have qualifications. The section was passed for redrafting and later consideration.

RE: County Auditor

MOTION: That the section be approved. Motion by Deming, seconded by Stocking. Carried.

The Commission tendered a vote of appreciation to Thompson and his committee for the excellence of the report.

Scheduled for June 25:

Balance of report from Committee on Merit System Details
Balance of report from Committee on Budget and Finance

Absent: Williams, Lubersky; **excused:** Cooper, Fournier, King, Wilson.

Respectfully Submitted,

KING COUNTY FREEHOLDER COMMISSION

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Sec.

June 14, 1951

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - July 9, 1951

Chairman Victor Zednick presiding.

Taylor, chairman of the Legal Committee, reported that Attorney General Smith Troy when contacted was receptive to the needs of the Commission re need for legal advice. Prosecuting Attorney Carrol stated that after receipt of a formal request for such legal help, he will ask the attorney general for a special deputy to discharge the function. The Commission approved such a formal request in the form of a letter prepared by Taylor.

Two communications, from the Library Board, and from the library personnel, requesting exclusion of librarians from civil service were referred to the Committee on Merit System Details.

Chairman Zednick then declared the meeting open, and gave the floor to Henry Cramer, Charles Riddell, and Ray Moore, who spoke for the King County Republican Central Committee and offered the following constructive criticisms and objections re the advisory charter:

APPROVE civil service, pre and post audit; not apposed to an appointive county administrator; propose that:

- Sec. 4, Art. 2, re nonpartisan ballot, be deleted;
- Sec. 5, Art. 3 re interference by Board in administrator's appointments be changed, giving Board power of investigation into such;
- Sec. 3, Art. 4 be changed to make sheriff and assessor elective; clerk appointive from a list of three submitted by Judges of Superior Court;
- Sec. 6, Art. 4 specify a limit of 3;
- Sec. 4, Art. 6, set a ceiling on the administrator's salary, as well as a minimum;
- Sec. 5, Art. 6, delete provisions that 3 month's salary be paid the administrator in case of his dismissal;
- Art. 8, provide for a non-communist oath (has been done);
- Merit System provisions be changed to provide racial protection;
- Sec. 2, Art. 10, be changed to provide for fall elections;
- Sub-section A, Sec. 3, Art. 10, be changed to provide for an increased length of time between primary and final elections;
- All administrator appointments require approval of Board;
- Number of Commissioners be restricted to 3, to be elected at large.

COMMENTS from other organizations:

The President of Pro-America recommended that the charter require all county employees to be citizens.

Mrs. Young, Executive-secretary of the Washington State Nurses Association, stated that the professional personnel of Firlands and King County Hospital wished in the majority to be included in the civil service, but recommended that age limits be made flexible, and that provisions be made to allow hiring of non-citizen nurses in time of need. Sampson suggested that age brackets could be made adjustable and citizenship requirement put on a preferential basis only. King requested further information re percentage of nurses approving inclusion, which Mrs. Young promised to obtain.

page 2

MOTION: That those members of organizations in attendance be offered a vote of thanks for their interest, study, and constructive criticism. Motion by Williams, seconded by Thompson, carried.

MOTION: That the following revision of Sec. 4 (Work Programs; Allotments) Art. 6 (The Budget), as submitted by the Committee on Budget and Finance, be approved:

"Following the adoption of the final budget and prior to the beginning of the fiscal year, the head of each department, office and agency shall submit to the Budget Director and Comptroller a work program for the year, a statement showing all appropriations for its operation, maintenance and purchase of equipment, and a statement showing the requested allotments of said appropriations for such department, office or agency, by quarterly periods, for the entire fiscal year."

Motion by Stocking, seconded by Thompson, carried.

Chairman Zednick scheduled the report of the Committee on Depts., Boards and Commissions for July 23. In answer to William's statement that he wished to resign as chairman of this committee because he could reach no point of agreement with other members of the committee, Zednick requested that in such a case both a majority and a minority report be submitted for consideration. Deming moved that a vote of confidence be tendered the committee, which motion Zednick declared should be regarded as having carried.

Absent, Lubersky; excused, Wilson.

Meeting adjourned.

Respectfully submitted,

KING COUNTY FREERHOLDER COMMISSION

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

July 12, 1951

KING COUNTY PRESIDENTIAL COMMISSION

Minutes of the Meeting - July 23, 1951

CHAIRMAN VICTOR KEDRICK PRESIDING

REPORT - Committee on Repts., Boards and Commissions; Williams, Chairman.

Williams reported that the committee was unable to formulate a majority report. He then submitted an individual report which provided that: All appointments be made by a 5 man Board; that the administrator be merely the administrative officer of the Board; that the auditor be given the functions of post audit and budget director; that there be a registrar of titles, instead of a recorder; that a county council be made available to the Board.

King then presented his individual report, which set up an organizational structure for county offices, and which provided that all Boards and Commissions be advisory only.

DISCUSSION: Sampson questioned the advisability of setting up arbitrary classifications re rank of officers and department heads as in King report. Board suggested that Col. B. King report, designating certain officers as department heads, be changed to name of departments only to avoid this. The function and scope of the Committee was again reviewed, and agreement reached that some departmentalization should be in charter; and that the functions of all important offices should be delineated therein, either in detail, or by inclusion of the phrase, 'as provided by general law.' It was generally agreed that the Committee should not attempt to supersede major decisions of the Commission. Doring suggested that the Budget and Finance Committee members sit in with the Committee to expedite the work. Desirable basic policy under which the Committee should work was discussed, and with no definite agreement being reached as to whether Boards should be purely judicial or partly administrative in function.

MOTION: That the Boards of Equalization, Election and River Improvement be set up as they now are, and have same functions as they now have under general law. (The motion to hold implicit the fact that any adjustment necessitated by later changes in charter may then be properly made.) Motion by Sampson, seconded by King. Carried.

MOTION: That there be combined with the membership of the Committee on Repts., Boards and Commissions the membership of the Committee on Budget and Finance, in order that the duties of the former committee be expedited. Motion by Sampson, seconded by Doring. Carried.

ASSIGNMENT: The Committee on Budget and Finance shall report on the powers and duties of the administrator at the August 13th meeting.

Absent: Stoddard, Thompson, Taylor, Lukensky. Excused, Wilson, Cooper.

Meeting adjourned.

Respectfully submitted,

KING COUNTY PRESIDENTIAL COMMISSION

VICTOR KEDRICK, CHAIRMAN

Margaret E. Eard, Secretary

August 2, 1951

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KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - August 13, 1951

VICTOR ZEDNICK, Chairman, presiding.

REPORT OF COMMITTEE ON BUDGET & FINANCE, Thompson, Chairman. Deming reporting:

Discussion resulted in a conclusion that the substance of Article 1 submitted by the above committee should be left to the Committee on District Boundaries etc., Fournier, Chairman.

ARTICLE 5 - EXECUTIVE DEPARTMENT

MOTION: That Section 1, Art. 5, be approved as drafted. Motion by Thompson, seconded by Deming. Carried.

MOTION: That Section 2 be approved as drafted. Motion by Thompson, seconded by Bullitt. Carried.

MOTION: That the County Administrator shall designate a qualified person who shall perform the duties of the Administrator during his temporary absence or illness. Motion by Fournier, seconded by Pontius. Carried.

Section 3 was referred to committee for redrafting after passage of the above motion, at the request of Thompson.

MOTION: That Section 4 be approved as amended in the reading. Motion by Thompson, seconded by Bullitt. Carried.

MOTION: That Section 5 be approved as amended in the reading. Motion by Thompson, Wilson seconded. Carried.

ARTICLE 3 - POWERS OF THE BOARD

MOTION: That Section 1, Art. 3, be approved as amended in the reading (except that the phrase 'except the compensation of the County Board' be by agreement stricken from sub-section 3). Motion by Thompson, seconded by Pontius. Carried.

MOTION: That Section 2 be approved as drafted. Motion by Thompson, seconded by Deming. Carried.

MOTION: That Section 3 be approved as amended by agreement (line 2, licensed for certified; line 3, auditing for accounting; paragraph 2, line 2, advisable and for necessary or). Motion by Thompson, seconded by Cooper. Carried.

MOTION: That Section 4 be approved as amended by agreement (strike last five words; add 'subject to the provisions of Article ____, CIVIL SERVICE'). Motion by Thompson, seconded by Pontius. Carried.

Chairman Zednick requested Wilson to act as chairman and to call a meeting of the Executive Committee for the purpose of discussing remaining tasks and assigning them. (See Report of Progress, June 26th.)

The Committee on District Boundaries etc., was requested to report at the next regular meeting, August 27th. The new Committee on Depts., Boards and Commissions was requested to report then also, if possible.

Absent: Lubersky, Stocking, Taylor; excused: Sampson, King.

Meeting adjourned.

Respectfully submitted,

KING COUNTY FREEHOLDER COMMISSION

VICTOR ZEDNICK, CHAIRMAN

August 15th, 1951

Margaret E. Bard, Secretary

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KING COUNTY FREEMANHOOD COMMISSION

Report of the Meeting - August 27, 1951

Present: Cooper, Williams, Fournier, Denning, Stocking, Thompson, Bard,
Dullitt.
Excused: Zadnick, Sampson, Wilson, Lubersky.
Absent: Taylor, King, Pontius.

No business was transacted, there being not enough members present to constitute a quorum.

The Committee on District Boundaries, Fournier, chairman, submitted a report for discussion. General agreement was reached on most portions of the report. Proper remuneration for commissioners was found to be a highly controversial subject. These questions were noted as requiring further consideration: can the charter legally delegate power to fill a vacancy in the County Board to the governor; can the right to vacate a commissioner's office because of four consecutive absences be given to the remaining commissioners - or must this right be left to the people at elections; why was the charter of the City of Seattle so set up as to delay the taking of office until June 1st.

Bard was assigned the task of adjusting the suggested district boundaries to include unbroken school district boundaries; and, if possible, the task of constructing a new redistrictization on a basis of four districts and seven rather than nine commissioners.

Meeting adjourned.

Respectfully submitted,

Margaret E. Bard, Sec. and
Chairman pro tem

Aug. 30, 1951

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - Sept. 10, 1951

Victor Zednick, chairman, presiding.

REPORT: Committee on Budget & Finance, Thompson, chairman.

Re: Redrafting of Section 3, Article 5, Executive Department.

MOTION: That Section 3 as redrafted be approved. Motion by Thompson, seconded by Deming, carried.

REPORT: Committee on Dist. Boundaries & Election Procedures, Fournier, chairman.

Re: Preamble, Powers of the County, Board of Commissioners.

Motion: That the Preamble be approved as drafted. Motion by Bard, seconded by Fournier, carried.

Motion: That Section 1, Article 1 be approved as drafted. Motion by Fournier, seconded by King, carried.

Motion: That action be postponed until redistrictization plan is adopted and number of commissioners decided upon. Carried by general agreement.

Motion: That Section 3, Article 2 be approved as amended in the reading (number of commissioners left blank; 'at large' be inserted before 'from the first district'.) Motion by Fournier, seconded by Pontius, carried. Bullitt dissenting.

Motion: That Section 4, Article 2 be approved as drafted. Motion by King, seconded by Pontius, carried.

Motion: That Section 5, Article 2 be approved as drafted. Motion by Fournier, seconded by Thompson, carried. Zednick dissenting.

Motion: That Section 6, Article 2 be approved as drafted. Motion by Thompson, seconded by Pontius, carried.

Motion: That action on Section 7, Article 2 be postponed until full reports being gathered by the Municipal League from county-manager counties are in and checked. Motion by Thompson, seconded by Deming, carried.

Motion: That Section 8, Article 2 be approved as amended in the reading (Begin section with 'At the first regular meeting in May'.) Motion by Thompson, seconded by Wilson, carried.

Motion: That Section 9, Article 2 be approved as drafted. Motion by King, seconded by Fournier, carried.

Section 10 passed for later report.

Motion: That Section 11, Article 2 be approved as drafted. Motion by Deming, seconded by Sampson, carried.

Motion: That Section __, Article __, TRANSITORY PROVISIONS, be approved as drafted. Motion by Fournier, seconded by Thompson, carried.

Motion: That redistrictization plans be presented for consideration by the Commission. Motion by Fournier, seconded by King, carried.

Motion: That the redistrictization plan dividing the county into four districts along school district boundary lines as near as may be, as follows: Metropolitan District, with four commissioners; South Rural District, with one commissioner; Central Rural District, with one Commissioner; North Rural District, with one commissioner; be approved. Motion by Thompson, seconded by Bullitt.

Motion to amend main motion: That School District 410 be added to

the Central Rural District, and same be subtracted from the North Rural District for topographical reasons. Motion to amend by Fournier, seconded by Wilson, carried. Main motion then carried.

By general agreement, the secretary was instructed to redraft Sections 1, 2, and 3 of Article 2 to conform to the above main motion and amendment.

Chairman Zednick announced that Smithmore P. Meyers has been appointed as legal adviser to the Commission by Attorney-General Smith Troy.

Re: Article____, Election Procedures: (The Commission agreed that all provisions of this article were to be approved subject to changes indicated as necessary or desirable by legal counsel.)

Motion: That Section 1 of the above article be approved as amended in the reading. Motion by Fournier, seconded by Sampson, carried.

Motion: That Section 2 of the above article be amended as follows: that 'each' be substituted for 'any', line 2, sub-section (b); that 'alphabetically' be stricken from sub-section (c), line 3; that 'otherwise' be inserted in paragraph 3 of sub-section (c), so that the paragraph shall read, 'All ballots shall otherwise be as provided by general law'; that 'or under general law' be added at the end of line 4, sub-section (d). Motion by King, seconded by Fournier, carried.

C. A. Crosser announced at the request of Chairman Zednick that one of the commissioners of Montgomery County, a county-manager county which recently received a good government award, would be in Seattle from Sept. 17th to Sept. 20th, and that a meeting would be arranged at which members of the Freeholder Commission could question him regarding various aspects of the county-manager type government, if the Freeholders so desired. Unanimous consent of the Commission was given Mr. Crosser's suggestion.

The remainder of the report on Election Procedures, and the report of the combined Committee on Depts., Boards, and Commissioners was scheduled for Sept. 24th.

Absent, Lubersky.

Excused, Williams, ~~Winters~~ Stocking.

Respectfully submitted,

KING COUNTY FREEHOLDER COMMISSION

VICTOR ZEDNICK, Chairman

Margaret E. Bard, Secretary

Sept. 13, 1951

KING COUNTY FREEMOLDER COMMISSION

Minutes of the Meeting - Sept. 24, 1951

Victor Zednick, chairman, presiding.

REPORT of the Committee on Districts & Election Procedures; Fournier chairman, Bard, Pontius.

RE: ARTICLE . ELECTION RULES.

Sub-section (e), Section 2. Amended in the reading. (Strike the last word, substitute 'charter' for same.)

Sub-section (f). MOTION: That same be amended as follows: strike last two lines, and substitute for same 'at least three days before the election once in the official newspaper of the county, and once in another newspaper of general circulation in the county.' Motion by Bard, seconded by Sampson, carried.

Sub-section (g). MOTION: That same have the last four and one half lines stricken, and that there be substituted therefor the following: 'and in all cases of contested election for any office, the County Board of Elections shall decide the contest according to the laws of the State of Washington.' Motion by Taylor, seconded by Fournier, carried.

Section 3. Amended in the reading. (Strike 'for thirty days,' line 9, substitute therefor 'at least once a week for three consecutive weeks, commencing not less than 30 days next preceding'.)

Section 4. MOTION: That whenever 'recorder' appears in the text of the above article, 'superintendent of elections' be substituted therefor. Motion by Stocking, seconded by King, carried.

MOTION: That Section 4 be approved as amended. Motion by Taylor, seconded by Bard.

Motion to amend: That a minimum of \$25 be substituted for \$100. Motion by Wilson, seconded by Bullitt, carried.

Motion to amend: That 'for the term for which he ran' be added to the final paragraph of Section 4. Motion by Bullitt, seconded by Cooper, carried.

Motion to amend: That 'wilful' be inserted before 'violation', line one last paragraph. Motion by Stocking, second by Fournier, carried 6 to 1.

Motion to amend: That 'shall constitute a misdemeanor' be inserted after 'hereof', line one, last paragraph. Motion by King, seconded by Pontius, defeated.

THE MAIN MOTION THEN CARRIED.

MOTION: That Sections 2 and 3 be approved. Motion by King, seconded by Fournier, carried.

RE: ARTICLE 2, Section 2.

MOTION: That the above be approved as read. Motion by Bard, seconded by Pontius, carried.

Discussion followed regarding the necessity for copies of a preliminary charter for final checking; of the task this will be without paid help; and of the need for financial assistance. It was decided to call on the County Commissioners for an informal budget hearing, with the intent to discuss the possibility of drawing now against the previously requested budget appropriation for 1952 in order to facilitate and expedite the work of the Commission.

Chairman Zednick appointed a Committee on Initiative, Referendum, and Recall, naming Lyle Wilson chairman, with Pontius and Sampson.

A report from the combined Committee on Dept., Boards, and Commissions was scheduled for the Oct. 8th meeting.

Absent: Lubersky, Williams.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Sec.

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - Oct. 8, 1951

Victor Zednick, chairman, presiding.

REPORT of Committee on Depts., Boards, and Commissions - Deming reporting for Thompson, chairman.

Suggestion was made that Sections 2 (Clerk of County Board, 3 (County Auditor), and 4 (Subordinate Officers), be removed from Article 3 (Powers and Duties of the County Board, and be made a part of a separate article.

To be included in the new Article would be the following (as set up in a chart submitted by the committee):

Section 1. Elective Officers - covering the Prosecuting Attorney, the Superintendent of Schools, Judges, and Justices of the Peace.

Section 2. Officers Appointed by the County Board - covering the Clerk of the County Board, the County Administrator, and the Auditor.

Section 3. Officers Appointed by the County Administrator - covering the Budget Director and Comptroller, Assessor, Supt. of Elections, Purchasing Agent, Treasurer, Property Agent, Airport Manager, Building Supt., County Clerk, County Engineer, Director of Veterans' Relief, Health Officer, ex-officio Medical Examiner, Director of Licenses, Recorder, Agricultural Agent, Horticultural Inspector, Supt. of Parks and Playgrounds, Welfare Administrator.

Section 4. Boards and Commissions Appointed by County Board - Board of Health, Board of Equalization, Civil Service Commission, Inter-River Improvement Board, Planning Commission, Election Board, T. E. Hospital Board, Hospital Trustees, Housing Authority, Library Board.

Section 5. Officer Appointed by County Administrator with Confirmation by County Board - Sheriff.

MOTION: That the sheriff be appointed by the County Administrator with confirmation by the County Board. Motion by Bard, seconded by Pontius, carried.

MOTION: That the assessor be appointed by the County Administrator (no confirmation necessary). Motion by Stocking, second by King, carried.

MOTION: That chart (as outlined in Sections above) be approved as submitted. Motion by Stocking, seconded by Deming, carried.

The above outlined article will include coverage of tenure, and powers and duties of offices where necessary and advisable.

A finished report from the committee was scheduled for Nov. 12.

A report from the Committee on Initiative, Referendum, and Recall was scheduled for October 22.

Absent: Lubersky, Williams, Taylor; excused, Sampson, Thompson, Fournier.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Sec.

N O T I C E

November meetings of the Freeholder Commission have been scheduled for the THIRD and Fourth Mondays, Nov. 19, and Nov. 26. The regular meeting on the second Monday has been cancelled because of Armistice Day.

KING COUNTY FREEHOLDER COMMISSION M. Bard, Sec.

Victor Zednick, chairman, presiding.

Oct-22, 1951

REPORT: Committee on Initiative, Referendum, Recall, and Charter Amendments, Wilson, chairman.

MOTION: That Section 1, paragraph one, line 3, be amended to read "number of registered voters in each county commissioner district equal to not less than 5% of the total number of votes cast in such county commissioner district at the last preceding general election for the office of Governor, and provided that the total number of signatures on such petitions shall equal not less than 10% of the total number of votes cast in the entire county for the office of Governor at the last preceding general election. Each petition..." Motion by Sampson, seconded by Fournier, carried.

MOTION: That percentages in Section 1, paragraph one, be approved. Motion by Wilson, seconded by Deming, carried.

MOTION: That the following be added to line 10, Section 1, "...King County, and a ballot title of not to exceed 75 words which shall be prepared by the Prosecuting Attorney." Motion by Sampson, seconded by Stocking, carried.

MOTION: That "three times", Section 1, paragraph two, line 8, be stricken, and that "once each week for three consecutive weeks" be substituted therefor. Motion by Bard, seconded by Deming, carried.

MOTION: That Section 1, paragraph 3, line 4, be amended to read as follows: "Which shall be made within ten days after official canvass of the election." Motion by Sampson, seconded by Deming, carried.

By authority of general agreement, the above revisions of Section 1 shall be applied where indicated throughout the report.

MOTION: That the second sentence of Section 2, (1) be stricken. Motion by Sampson, seconded by Thompson, carried.

MOTION: That the third sentence be amended to read "within thirty days from." Motion by Sampson, seconded by Deming, carried.

MOTION: That Sections 1, 2, 3, and 4 be approved as amended. Motion by Wilson, seconded by Sampson, carried.

It was agreed that in Section 3 "two-thirds majority" shall be changed to "five sevenths majority."

MOTION: That Section 5 as amended (by agreement) be approved. Motion by Wilson, seconded by Thompson, carried.

REPORT: RE: Section 10, Article 2.

The Section was amended by agreement to read "only one subject, except that appropriation and revenue therefor may be combined and considered as one subject."

MOTION: That Section 10 be approved as amended. Motion by Fournier, seconded by Thompson, carried.

MOTION: That the last six lines of Section 11, Art. 2, be stricken. Motion by Bard, seconded by Fournier, carried.

MOTION: That Section 11 as amended be approved. Motion by Sampson, seconded by Deming, carried.

MOTION: That the November meetings shall be held on Monday, November 19, and on Monday, Nov. 26. Motion by Stocking, seconded by Bard, carried.

Absent: Lubersky, Williams, Taylor, King.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Sec.

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - Nov. 19, 1950-

Chairman Victor Zednick presiding.

COMMUNICATIONS: From member David J. Williams expressing his regret that he will probably be unable to attend further meetings, thanking members for their participation, enclosing check for \$25 as a contribution to expense incurred.

MOTION: That the Board of Commissioners be again billed for the expense incurred on behalf of the Commission's work by the secretary; and that an emergency appropriation be requested of the Board to cover same. Motion by Wilson, seconded by Thompson, carried.

MOTION: That the check be returned to Williams with the gratitude of the Commission, with the proviso that he be allowed to bear a proper prorated share of the expense if it becomes necessary at a later date. Motion by Deming, seconded by Wilson, carried.

COMMUNICATION: From Mrs. Van G. Kirk, 1st Vice-president, King County Unit, Pro-America, Securities Building, Seattle 1, stating organization's stand against non-partisan elections.

MOTION: That above communication be referred to proper committee and an answer prepared which shall be sent to Pro-America over the signature of the Commission chairman. Motion by Deming, seconded by Thompson, carried.

COMMUNICATION: From Matilda L. Young, R. N., Associate Executive Secretary, Washington State Nurses Association, Inc., requesting that the staff nurses at Firlands be included in the civil service in the proposed charter.

This matter was opened to discussion, Mrs. Young standing for such inclusion, and Dr. Davies, Mr. Fells, business manager, and Hospital Board members Clise and Mifflin protesting such inclusion of professional personnel. Mifflin stated that civil service would impair efficiency of personnel, that benefits would be limited and penalties substantial. Dr. Davies recounted previous experience with civil service at a Duluth sanatorium, protesting that same made it difficult to get rid of unsatisfactory personnel, and difficult to recruit efficient nurses. He insisted no political involvement existed, and therefore, civil service was not needed. Mrs. Young stated that while at present the organization was non-political and functioning well, there existed no guarantee that this desirable condition would maintain, and that civil service was such a guarantee; that civil service would set up a satisfactory criteria for the selection of proper personnel, and would alleviate the constant turnover so disrupting to the service. She pointed out that City of Seattle nurses enjoy the advantages of civil service, and partial benefits accrue to County Health Dept. personnel under a state plan, and that such an inconsistent program was not integrated and was disturbing to the retention of a staff. It was pointed out by Sampson that civil service article in proposed charter allows for simple method of discharging unsatisfactory personnel.

Chairman Zednick thanked the above group for helpful information and for their interest and attendance. Action was post-poned to make way for:

REPORT: Committee on Dept. Boards and Commissions, Thompson, chairman:

The committee submitted a tentative article re Elected and Appointed Officers, Boards, and Commissions.

MOTION: That the appointment of the Sheriff shall not require confirmation by the County Board. Motion by King, seconded by Deming, carried.

Section 4 was passed for redrafting by committee.

MOTION: That the committee attach qualifications to the office of sheriff and to the office of County Health officer. Motion by Bard, seconded by Sampson, carried.

Discussion was entered into re the recommendation of the Commission that the proposed charter be submitted to King County voters at the spring election. The secretary was instructed to again inform the Board of

Commissioners of this recommendation, and request action by them on the recommendation.

The secretary was requested to send a copy of the proposed charter as completed to date to Dr. Ernest Campbell, Bureau of Governmental Research, University of Washington.

Absent: Williams, Lubersky, Taylor; excused: Pontius, Fournier.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDRICK, CHAIRMAN

Margaret E. Bard, Sec.

NOTICE

File Chart

There is a meeting of the Commission Monday night, Dec. 10th:

KING COUNTY FERNHOLMER COMMISSION

Special meeting - Dec. 3, 1951

Victor Zednick, chairman, presiding.

This special meeting was called by the secretary at the request of Chairman Zednick. Those in attendance were: Fournier, Cooper, Bullitt, Stocking, Thompson, Wilson, Pentius, Dering, Bard, Zednick. Absent: King, Lubersky, Sampson, Williams; excused, Taylor.

Discussion resulted in the following motions:

MOTION: That the letter submitted to the Commission by the Chairman, relative to an emergency appropriation request in the amount of \$7500 for the purpose of giving expert legal counsel, be approved as amended, and that same be forwarded immediately to the County Commissioners. Motion by Dering, seconded by Thompson, carried.

MOTION: That if and/or when the emergency request for \$7500 be refused and rejected by the County Commissioners, they immediately be informed that the proposed charter cannot be readied for submission at the March 11, 1952 election. Motion by Thompson, seconded by Dering, carried.

A communication from the T. B. Hospital Board, giving written restatement of the Board's position against the inclusion of nurses in the civil service, was referred to the Committee on Civil Service.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

NOTICE

Monday night, Dec. 17th, County Commissioner's assembly room, will be the final meeting night of 1951 for the Freeholder Commission. Bring your Civil Service Article.

minutes of the Meeting - Dec. 3, 1951

Victor Zednick, chairman, presiding.

The chairman introduced Smithmore P. Meyers, assistant attorney general assigned to the Commission by Attorney General Troy. Meyers reported that he was resigning because he had insufficient time to do the necessary research work for the Commission, and because he agreed that the Commission needed specialized assistance. He stated that he had completed some work which he would be glad to turn over to any legal assistant. He also said that Troy had informed him that some \$1800 remained in the attorney general's budget which he would be glad to use for legal help of the Commission's choice, if the Commission wished to avail themselves of this money. Chairman Zednick offered Meyers and Troy the gratitude of the Commission.

Chairman Zednick then asked Wilson to report on their Nov. 29th meeting with the County Commissioners. Wilson stated that legal help must come through the prosecuting attorney's office, by means of the Appointment of a full time deputy to be assigned to the Commission; that an emergency appropriation to the Commission for legal help was out of the question, but that the County Commissioners would appropriate money up to \$5000 for the hiring of a deputy by the prosecutor. This deputy, Wilson said, reporting on a later interview held with the prosecutor, could be an attorney recommended by the Commission. James Ellis, of the firm of Preston, Thorgrimson & Horowitz, when contacted by Wilson, said that he would do the legal work for \$600 per month, with a six months maximum time limit.

MOTION: That Chairman Zednick and Wilson proceed on the line outlined above, to the end of securing Ellis as a deputy prosecutor to discharge the legal work of the Commission. Motion by Denning, seconded by Bullitt, carried.

Sampson informed the Commission that he believed that Dr. Campbell of the University of Washington Bureau of Governmental Research would be willing to make, as a departmental project, a full review of the proposed charter.

MOTION: That the Commission accept Dr. Campbell's offer with gratitude, and that Sampson so inform him. Motion by Bullitt, seconded by Wilson, carried.

It was generally agreed that an invitation to Dr. Campbell to make such a review be made in writing; and that such services as will be expected of Ellis in the event that his assistance becomes available be defined in writing.

The report of the Committee on Depts., Boards and Commissions was then submitted by Thompson, chairman.

MOTION: That such report be accepted, subject to legal review. Motion by Sampson, seconded by Fournier, carried.

By agreement the Commission scheduled a meeting for Monday night, Dec. 17th. At this meeting the Committee on Depts., Boards, and Commissions will report on the officer of Coroner, and the Committee on Civil Service will complete its report. Members are requested to bring their previously distributed Civil Service articles.

Absent: Lubersky, Williams, Stocking.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

KING COUNTY FREELANDER COMMISSION

Minutes of the Meeting - Dec. 17, 1951.

Victor Zednick, chairman, presiding.

Chairman Zednick called on Wilson to report on their second meeting with the county commissioners and the prosecuting attorney. Wilson stated that Ellis would accept conditions (that he devote full time to the job, and that his salary be less than that of the pros. atty.) of an appointment as deputy prosecutor to be assigned to the Freeland Commission. The county commissioners agreed to an emergency appropriation in the amount of \$6500 to the prosecutor for the purpose of supplying legal counsel for the Commission. Chairman Zednick added that the county commissioners asked that the language in the approved Freeland budget appropriation be changed in order that the \$1500 item for charter consultant hire may be utilized for stenographic services needed by Ellis. Ellis, present, told the Commission that he will need six months or less for his review of the proposed charter; that he will study actions in other states which have adopted home rule; and that he will answer questions submitted by the Legal Committee.

Taylor suggested that we hear from Dr. Ernest Campbell in January as to what service his department will offer.

REPORT of Committee on Depts., Boards, and Commissions; King reporting, and submitting a sub-section to article on County Offices, this sub-section dealing with the duties and functions of the coroner.
MOTION: That the above sub-section be approved. Motion by Stocking, seconded by Bullitt, carried.

Chairman Zednick read a letter from the King County Employees Association relating to Sections 6 and 7 of the Civil Service article.

REPORT of the Committee on Civil Service, Cooper, chairman, reporting and recommending an introductory section to the article delineating policy and intent, and a more general definition of exclusions from civil service instead of a listing of specific positions to be exempted.
MOTION: That sub-section 4 of section 3 be stricken, and that for same there be substituted the following: 'physicians, surgeons, dentists and interns employed by the TB hospital and King County General Hospital and in the health department of the county'. Motion by Cooper, seconded by Sampson, carried.

MOTION: That sub-section 2 of section 3 be stricken and that for same there be substituted the following: 'the heads of departments and not to exceed one private secretary and one administrative assistant to any department head, except as otherwise provided in this charter.' Motion by Sampson, seconded by Deming, carried.

MOTION: That section 6 as submitted by the King County Employees Association be accepted and that it replace section 6 as previously approved. Motion by Cooper, seconded by Stocking, carried.

Discussion followed on Section 7 as approved, and as suggested by the King County Employees Association. The Association protested the 'middle road' section as approved, and offered a full 'closed back door' policy as substitute. Defense was offered of the middle road policy in that it expedited discharge of impossible personnel while giving full protection and benefits to competent personnel. No action taken.

The next regular meeting, by agreement, was scheduled for January 14th, with completion of the civil service article on the agenda together with odds and ends suggested by the secretary.

Absent: Lubersky, Williams; excused, Fournier, Pontius.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret B. Bard, Secretary

KING COUNTY FREEHOLDER COM. ME.

Minutes of the Meeting - Jan. 14, 1952

Victor Zednick, chairman, presiding.

Present: Zednick, Cooper, Bullitt, Stocking, Thompson, Pentino, Doming; excused: Bard, Fournier; absent: Lubarsky, Williams, King, Carson, Wilson, Taylor.

Two communications from the King County Commissioners were read; one relative to a requested revision in the 1952 Freeholder budget; one dealing with the hearing scheduled for Mon. Jan. 21, on the emergency appropriation request made by the prosecuting attorney's office for the purpose of hiring legal counsel for the Commission.

In the absence of a quorum, no business was transacted.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

NOTICE

This is your notification of the regular meeting of the Freeholder Commission on Monday night, Jan. 28th, in room 314, County City Bldg. Please notify either Mr. Zednick at El 0092, or myself at Vashon 2251 if you will be unable to attend. We must have a quorum.

E. Bard, Secretary

July

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - Jan. 28, 1952.

Victor Zednick, chairman, presiding.

Chairman Zednick reported on a communication from Morris, county auditor, to the effect that requisitions and vouchers against the Freeholder regular appropriation would not be honored by his office. The chairman stated that he believed this matter would not require court action, but that the auditor would reverse his decision if the Superior Court found in order the prosecuting attorney's emergency appropriation for legal counsel for the Commission, which has been attacked by a taxpayer suit. He stated that meanwhile Ellis has been appointed as such legal counsel, subject to the hearing which should produce a decision within three weeks. Cooper suggested that a record be kept of events along the Freeholder 'obstacle race'.

REPORT: Committee on Civil Service, Cooper, chairman.

RE: Section 7. Right of Appeal.

MOTION: That the Commission reconsider Section 7 of the Civil Service Article. Motion by Cooper, seconded by Bullitt, carried.

MOTION: That the Commission adopt a new wording of the section which would substitute a 'closed back door policy' for the 'open back door policy'.

(Motion by Cooper, seconded by Bullitt. Motion lost by 7 to 2 vote.

Discussion: The Committee on Civil Service strongly recommended adoption of the 'closed back door policy'. Bard stated a belief that this would be bowing to expediency and to special group pressure, and would not be in the best interests of the 750,000 residents of the county for whom the charter was being written. Sampson stated that Section 7 as previously approved did guarantee county employees full but not absolute protection and benefits in their jobs, but that a compromise might be made by setting up a 'closed back door' for the first year of governmental operation under the charter, with a date specified in the section for a shift to the 'open back door' at the end of the first year of operation. He suggested that Mr. Steen and county employees present, who announced that their group could not possibly approve of a charter containing an 'open back door', take this compromise to the county employees association for consideration. Mr. Steen agreed, and suggested that the matter be considered later only by a full board of Freeholders. Disposition of Section 7 is therefore still pending.

RE: Library employees. It was agreed that all regularly employed librarians were to be included in the civil service.

(REPORT: Redistrictization Map. Bard, reporting.

Bard stated that consultation with Logan, Supt. of Elections, and Hartinger, cartographer in the auditor's office, had elicited the following: that natural geographical factors made advisable a reconsideration of the previously drawn commissioner districts; that school districts are autonomous and can and do change boundaries at will; that school districts ignore precinct boundary lines; and that precinct boundary lines are the legal tool for any redistrictization. She then submitted a redistrictization plan retaining previously approved population proportions, but based on precinct boundary lines with respect given to natural geographical factors.

(MOTION: That the above redistrictization map be approved. Motion by Bard, seconded by King, carried.

MOTION: That a voucher in the amount of \$20.00 be drawn to the secretary each month for secretarial services. Motion by Sampson, seconded by King, carried.

MOTION: That the secretary be authorized to sign vouchers and requisitions against the regular Freeholder appropriation. Motion by Sampson, seconded by Pontius, carried.

Chairman Zednick announced that the active working membership of the Com-

KING COUNTY FREEDHOLDER COMMISSION

Minutes of the Meeting - Jan 28, 1952.

Page 2

mission now numbered thirteen, since Lubersky had moved permanently to Oregon and Williams had declared his inability to attend further meetings of the Commission.

MOTION: That eight members shall henceforth constitute a quorum. Motion by King, seconded by Pontius, carried.

Absent: Lubersky, Williams; excused: Wilson, Deming.

The next regular meeting was scheduled for Feb. 11th, Thompson's committee to report.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

216

KING COUNTY FREEMANHOLDER COMMISSION

Minutes of the Meeting - Feb. 11, 1952

Victor Zednick, chairman, presiding.

REPORT: Committee on General Provisions, Thompson, chairman.

Thompson submitted a report, stating that it was incomplete, with several transitory matters remaining to be dealt with. The report submitted covered bonding provisions, suits and actions, judicial proceedings, rights of action, etc.

MOTION: That the section on bonding be approved as drafted. Motion by Stocking, seconded by Wilson, carried.

MOTION: That the section on suits and actions be approved as drafted. Motion by Thompson, seconded by Sampson, carried.

MOTION: That the section on judicial proceedings and contracts be approved as drafted. Motion by Stocking, seconded by Thompson, carried.

MOTION: That the section on rights of action be approved as drafted. Motion by King, seconded by Bullitt, carried.

After discussion, it was agreed that the sections on evidence and certification of election be held over for consultation with the legal advisor.

MOTION: That the section on additional compensation for county officers be approved as drafted. Motion by Wilson, seconded by Stocking, carried.

MOTION: That the section dealing with possession and transfer of documents be adopted as amended (add 'commissions', last line). Motion by Thompson, seconded by Sampson, carried.

MOTION: That the section on the code as evidence be passed for further consideration. Motion by King, seconded by Sampson, carried.

MOTION: That the saving clause section be adopted as drafted. Motion by King, seconded by Sampson, carried.

King suggested a section defining 'agency' as meaning departments, boards and commissions, which would obviate the constant necessity of repeating the lengthy phrase throughout the charter. This suggestion was referred by the chairman to Thompson's committee, as was the section on personal interest prohibited.

Discussion was again entered into with regard to the Right of Appeal, Civil Service Article. No action taken.

Absent: Taylor, Pontius, Lubersky, Williams.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

NOTICE

There will NOT be a meeting of the Freeholder Commission until March 24th, 1952.

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - Feb. 25, 1952

Victor Zednick, Chairman, presiding.

Chairman Zednick presented Judge Henry Clay Agnew's memorandum decision re the Freeholder appropriations, adding that the decree had yet to be drawn, signed and filed. Ellis stated that this would be done immediately, but added that other delays would be encountered before the matter was settled.

REPORT: Committee on General Provisions, Thompson reporting.

MOTION: That Section 4 of Article 10 be adopted as redrafted. Motion by Fournier, seconded by Deming, carried.

MOTION: That Section 5, Article 10 be adopted as redrafted, Motion by King, seconded by Wilson, carried.

MOTION: That the prohibition of financial interest section be referred again to committee for reconsideration. Motion by Thompson, seconded by Stocking, carried.

Thompson informed the Commission that the general provisions of the new Vancouver charter were being provided by Sampson to the committee which would report on same at the next regular meeting.

Ellis suggested that sub-committees be on call if necessity for discussion with legal counsel arises. He stated he would be devoting full time to legal review of the charter as of March 1, 1952, even though final legality of the appropriations was not yet established.

MOTION: That Chairman Zednick be authorized to call sub-committee and Commission meetings upon advice of counsel. Motion by King, seconded by Thompson, carried.

MOTION: That the next regular meeting of the Commission be scheduled for March 24, 1952. Motion by Stocking, seconded by Thompson, carried.

King suggested that the interim be spent in a review of other county charters. Those with copies of same were asked to turn them in to the Municipal Library, 3rd floor, County City Building.

Bard and Deming asked for reconsideration of Section re compensation of County Board. No action taken.

Absent: Lubersky, Williams, Taylor; excused, Sampson.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

File
King County

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - March 24, 1952

Victor Zednick, chairman, presiding.

REPORT: Financial Interest Prohibition provision, Thompson reporting.

MOTION: That the above provision be adopted as amended. Motion by Deming, seconded by Bullitt, carried. (Enclosed. Please attach to copy of charter at end of Article 10 as Section 10, same.)

Ellis, legal advisor, reporting.

Ellis advised that he had covered all Washington statutes on city charters, concluding that although no law of new charters shall be changed by new legislation, general law still actually controls; city charters upheld in cases involving basic powers and/or mechanics of government, but duties and functions of officeholders controlled by general law. He discussed the fundamental differences as defined thus far by precedent between cities and counties. The county has been treated as inferior, as a political subdivision of the state wholly subject to state legislative control. ('Created for the convenience of the state, and not for the people in them'...1917.) He compared the city home rule provisions with county home rule provisions, and posed the question: how far will the Courts go to sustain County Home Rule? In states where precedent exists, such would seem to indicate an attitude which will probably hold here: in matters of local or purely county concern, charters will control; in matters of state policy, and the enforcement of the same, general law will govern.

DISCUSSION:

Stocking: Can we as freeholders define misdemeanors?

Ellis: Probably not.

Taylor: Would our disposition of officers' functions supersede present general law?

Ellis: Answer will be forthcoming.

Sampson: We could not create new county official with functions never given previously to the county, but we could reassign granted duties?

Ellis: Yes.

Stocking: How far can legislative body be assigned powers by the freeholders?

Ellis: As far as we have a right to assign powers under the Home Rule Bill.

Taylor: And in so far as we can change, to do so we must spell out such change in the charter?

Ellis: Yes. Omissions would be governed by general law.

Zednick: Are the prosecuting, superintendent of schools, judges and justices excluded in all respects --or merely in regard to the fact that their offices must remain elective?

Ellis: Answer forthcoming.

MOTION: That the next regular meeting of the Commission be held on Monday, April 28. Motion by Wilson, seconded by Deming, carried.

Absent: Lubersky, Williams; excused: King.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

KING COUNTY FREEMANHOOD COMMISSION

Minutes of the Meeting - April 28th, 1952.

Victor Zednick, chairman, presiding.

Absent: Lubensky, Taylor; excused: Thompson, Sampson.

Ellis announced that he planned to submit the following briefs to the Commission: one on general rules, one on charter disposition of the elective offices, one on the charter system of budget control, one on charter election procedures, one on charter civil service provisions, and one on charter amendment provisions.

REPORT: Committee on Offices, Boards and Commissions. Stocking reporting: The committee recommended that the sentence beginning (In addition to his other duties', Article 5, Section 1, A be deleted; that other provisions relating to office of coroner be stricken; and that a new subsection dealing with the office of coroner be added to Article 5, Section 2, C. (See attached sheet.)

MOTION: That the above recommendations be approved. Motion by Deming seconded by Stocking, carried.

Deming reporting. The Committee recommended that the charter be changed to provide that the appointment of the sheriff must be approved by the County Board.

MOTION: That recommendations relating to the office of sheriff be approved. Motion by Stocking, seconded by Deming, carried. (See attached sheet.)

Stocking reporting. The committee recommended that the office of assessor be appointed by the County Board; that the County Board may remove same, and fill vacancy created; that the assessor be given tenure. MOTION: That above recommendations be accepted. A division of the question was then called for.

MOTION: That above recommendations be accepted, except that regarding tenure. Motion by Stocking, seconded by Deming, carried.

MOTION: That the assessor be given a four year term. Motion by Stocking, seconded by Deming. Motion lost. (See attached sheet.)

MOTION: That recommendations regarding the removal of the County administrator be approved as suggested. Motion by Deming, seconded by Wilson, carried. (See attached sheet.)

Fournier suggested that subcommittee recommendations be supplied to all Commission members beforehand, or that such be presented at one meeting and no vote taken until the next following meeting. Bard and King concurred.

The next regular meeting was scheduled for May 12, 1952.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

Changes in charter draft adopted at the April 23, 1952, meeting.

RE: Coroner.

Directions: Article 5, Section 1, A, delete all of the sentence beginning 'In addition to his other duties....' Article 5, Section 2, C-2, delete entire subsection 2, (County Assessor); renumber 3, 4, and 5 to read 2, 3, and 4, and then add a complete new subsection numbered 5, to read as follows:

5. COUNTY CORONER. The County Administrator shall appoint a County Coroner, who shall keep the county morgue, perform all the duties required of his office by general law and perform such other duties as may be assigned to him by the County Administrator.

RE: Assessor

Directions: Article 5, Section 2, B, renumber subsection 3 to read 4, and insert the following new subsection 3:

3. COUNTY ASSESSOR: The County Board shall appoint the County Assessor who shall have had substantial experience in and knowledge of the appraisal and valuation of both real and personal property. The appointment shall be made from the three highest ranking candidates in a competitive examination conducted by the Civil Service Commission. The County Assessor may be removed from office at any time by the County Board. The County Board may fill a vacancy in the office of Assessor by temporary appointment. Notwithstanding such temporary appointment within ninety days from the occurrence of such vacancy a new examination shall be conducted and a new appointment made in the manner provided herein.

The County Assessor shall perform the duties required of his office by general law and shall perform such other duties as shall be assigned to him by the County Board.

Changes in the charter draft adopted at the meeting April 28th, 1952.

RE: County Administrator.

Directions: For Article 4, Section 2, substitute the following:

Section 2. REMOVAL OF COUNTY ADMINISTRATOR. The County Administrator may be removed at any time by a majority vote of the members of the County Board in accordance with the following provisions:

The resolution removing him shall state the reason for his removal and a copy of same shall be given him. If he requests it, the County Board shall hold a public hearing on such removal.

RE: Sheriff.

Directions: For Article 5, Section 2, C-12, substitute the following:

12. SHERIFF. The County Administrator shall appoint a Sheriff who shall be the chief law enforcement officer of the county and keeper of the county jail. The appointment shall be made from the three highest ranking candidates in a competitive examination conducted by the Civil Service Commission and shall be subject to confirmation by the County Board. The examination shall adequately test the qualifications of all candidates for sheriff and all records of such examinations shall be filed in the County Administrator's office at least seven days prior to the appointment. The Sheriff may be removed from office at any time by the County Administrator. The County Administrator may fill a vacancy in the office of sheriff by temporary appointment. Notwithstanding such temporary appointment, within ninety days from the occurrence of such vacancy a new examination shall be conducted and a new appointment made in the manner provided herein.

The sheriff shall perform the duties as required of his office by general law and such other duties as may be assigned to him by the County Administrator.

7/11

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - May 12, 1952

Victor Zednick, chairman, presiding.

Ellis submitted and reviewed a brief answering questions of the Legal Committee and covering the charter disposition of certain county officers.

REPORT: Committee on Officers, Boards, and Commissions, Thompson reporting. The committee submitted the following draft (as finally amended and presented) re the office of Coroner:

Article 5, Sec. C. COUNTY CORONER. The County Administrator shall appoint a county Coroner, who shall keep the county morgue, perform all the duties required of his office by general law and perform such other duties as may be assigned to him by the County Administrator. The appointment shall be made from the three highest ranking candidates in a competitive examination conducted by the Civil Service Commission. No person may take such examination for the office of coroner unless he is a qualified physician with at least two years training or experience in pathology.

MOTION: That the section re office of coroner be adopted as re-drafted (above). Motion by King, seconded by Wilson, carried with one dissenting vote.

A motion by Williams to amend the above motion was lost for want of a second.

MOTION: That the next meeting of the Commission be scheduled for Monday, June 9; and that meetings be held each Monday thereafter until completion of the legal review and redrafting of the proposed charter. Motion by Wilson, seconded by Stocking, carried.

Absent: Lubersky, Fournier.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

Substitute for Subsection 5, Section C, Article 5:

5. COUNTY CORONER. The County Administrator shall appoint a county Coroner, who shall keep the county morgue, perform all the duties required of his office by general law and perform such other duties as may be assigned to him by the County Administrator. The appointment shall be made from the three highest ranking candidates in a competitive examination conducted by the Civil Service Commission. No person may take such examination for the office of Coroner unless he is a qualified physician with at least two years training or experience in pathology.

42

KING COUNTY FREEMOLDER COMMISSION

Minutes of the Meeting - June 9, 1952

Victor Zednick, chairman, presiding.

Ellis reviewed the conclusions expressed in his Opinions of May 19 and May 29. (See individual mimeographed copies.) He suggested that in view of the fact that outside counsel for the county commissioners would be of doubtful legality, such counsel might perhaps be assigned to the county administrator. He pointed out that only the election of the county commissioners could be affected by charter provisions. The Commission by agreement thereupon re-affirmed a previously approved charter provision setting the election of the commissioners in the spring.

MOTION: That Ellis be authorized to prepare a re-mimeographed draft of the charter, revised in the light of legal Opinions rendered, for the consideration of the Commission at the June 23rd meeting; and that the chairman be empowered to appoint a committee of three who shall meet with Ellis June 24, 25, and 26 to discuss revised draft and check same for further revision or for approval at the June 30th meeting. Motion by King, seconded by Stocking, carried.

Chairman Zednick then appointed Thompson, Bullitt, and Deming as the committee of three for the purpose of the above motion.

MOTION: That a special meeting of the Commission be held Monday night, June 16, for the purpose of discussing Section 7 (Right of Appeal) of the Civil Service Article. Motion by Deming, seconded by Thompson, carried.

Absent: Taylor, Lubersky; excused, Sampson.

Meeting Adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Secretary

June 10, 1952

KING COUNTY FREEHOLDER COMMISSION

Minutes of the meeting - June 16, 1952

Victor Zednick, chairman, presiding.

RECONSIDERATION of Sec. 7, Civil Service Article:

MOTION: That for lines 8 to 18 inclusive of Section 7, Civil Service Article, the following be substituted and approved: "If the Commission shall find that the action taken by the appointing authority was unjustified, it shall forthwith order the employee reinstated to his former position or a position of like status and pay, without loss of pay for the period of suspension, demotion, or dismissal, or otherwise modify the original decision of suspension, demotion, or dismissal. Nothing in this Article...etc." Motion by Stocking, seconded by Deming carried.

GENERAL actions and discussion re new charter draft:

MOTION: That the Commission Counsel draft a provision to the effect that emergency appropriations must be approved by a five-sevenths affirmative vote of the County Board. Motion by King, seconded by Pontius, carried.

By agreement the words 'certified public accountant' as applied to the office of auditor were allowed to stand.

Amendment of the charter as in present draft of charter, by petition of the voters, was allowed to stand by general agreement.

The matter of including a provision for the employing of a special counsel or expert advisor to the County Board was offered for consideration of the Commission.

Commission members were also asked to consider the advisability of the thirty day interval between the passage of a resolution and its taking effect.

Ellis announced that the charter redraft of June 19 would utilize rewording and re-organization in the interests of clarity.

Discussion resulted in a request to Ellis that he draft for the Commission's approval a letter of advisement to the county commissioners re a request for submission of the charter to the King County electorate at the November election.

The next regular meeting of the Commission was scheduled for June 23rd at which the redrafted charter will be reviewed.

Absent: Lubersky, Taylor. Excused: Sampson.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Sec.

June 17, 1952

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - June 23, 1952

Victor Zednick, Chairman, presiding.

RE: Sec. 2, A-7, Article 4.

MOTION: That the County Board of Equalization be comprised of three members instead of five as in first draft of charter. Motion by King, seconded by Thompson, carried.

MOTION: That the County Board of Equalization be made up of three members of the Board of County Commissioners to be named by the entire Board. Motion by King, seconded by Fournier, carried.
The above actions were taken upon advice of Counsel to the effect that applicable first draft charter provisions were of doubtful validity.

RE: Sec. 2, B-10, Article 4.

MOTION: That there be inserted in above at line 4, #2, the following: "...provided that nothing herein shall prevent the Board of County Commissioners from exempting purchases of not more than (amount now exempted) from competitive bidding." Motion by King, seconded by Bullitt, carried.

MOTION: That Ellis be requested to incorporate in a redraft of Sec. 4, Article 4, a provision for the consolidation of two or more offices; a provision allowing the county administrator to serve as a department head, or to appoint a single officer to serve as the head of two or more departments. Motion by King, seconded by Taylor, carried.

MOTION: That Ellis be authorized to formulate a provision providing that the county may assume the functions of a municipality. Motion by Thompson seconded by Taylor, carried.

MOTION: That a provision be drafted which provides that the power to appoint shall carry the power to remove, except where otherwise provided in charter. Motion by Taylor, seconded by Bullitt, carried.

By agreement of the Commission Ellis was authorized to draft a provision providing for authority for the execution of contracts.

MOTION: That the appointments of the treasurer, clerk, and coroner require confirmation by the County Board. Motion by Thompson, seconded by Williams. Motion lost. Dissenting, Williams, Thompson, Zednick.

MOTION: That the County Commissioners be placed on a per diem and mileage basis with a limit of \$1800. Motion by Williams, seconded by Thompson. MOTION to Amend: That the per diem limit be set at \$5200. Motion by Fournier, seconded by Thompson. MOTION: That the above be tabled. Motion by Taylor, seconded, carried.

The Commission was asked to consider transitional difficulties, particularly with regard to budgetary problems, and provisions therefore.

By agreement the Special Committee may approve minor changes for the purposes of the third draft of the charter.

Absent: Lubersky; excused: Sampson, Stocking.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

Margaret E. Bard, Sec.

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - June 30, 1952.

Victor Zednick, chairman, presiding.

REPORT of Special Committee and Ellis re recommended changes in second draft of charter. Points for consideration or action:

1. Article 2, Section 4. Commissioners to be elected by district or at large? No Action.
2. Article 2, Section 8. Majority of entire Board now necessary for transaction of routine business.
MOTION: That the section be redrafted to express the intent that a majority of a quorum may transact routine business; that a majority of the entire Board shall be required only for special business as provided elsewhere in charter. Motion by King, seconded by Deming, carried.
3. MOTION: That 'May' be stricken and 'June' be substituted therefor in Article 2, Section 8, line 2, and in Article 2, Section 5, line 4. Motion by King, seconded by Deming, carried.
4. Effective date of resolutions. Any other reason for 30 day delay besides accomodation of referendum petitions? Sampson will check.
MOTION: That decision relative to above be deferred. Motion by Deming, seconded by Fournier. Carried.
5. Article 3, Section 3. It was suggested that after the word 'shall', line 2, there be inserted 'with the approval of the Board of Commissioners', and that beginning with 'when such absence', line 4, to the end of the sentence be stricken. No Action taken. Sampson suggested that the administrator be allowed to appoint his replacement for temporary absence or illness, or until the Board declares the office vacant in cases of prolonged absence.
MOTION: That action on above be deferred. Motion by King, seconded by Deming, carried.
6. Article 3, Section 5, Subsection 6.
MOTION: That the above subsection be approved as redrafted: 'To examine the books and records of any department, office and agency of the county.' Motion by King, seconded by Deming, carried.
7. Article 4, Section 2, B-3. Assessor.
MOTION: That the above provision re the office of assessor remain as is. Motion by Bard, seconded by Fournier, carried.
8. Article 4, Section 2, C-7. Fire Marshall.
MOTION: That in the above provision, line 1, the word 'shall' be stricken, and 'may' substituted therefor. Motion by King, seconded by Deming, carried.
9. Article 4, Section 2, C-10. Purchasing Agent.
MOTION: That purchases and sales of material, supplies, and equipment amounting to less than \$1500 be exempted from required competitive bidding. Motion by King, seconded by Thompson, carried.
MOTION: That paragraph 2 of the above be revised to express allowance for exemption of certain county force account transactions over \$1500. Motion by King, seconded by Deming, carried.
10. Article 4, Section 2, C-12. Sheriff.
MOTION: That the sentence in line 7 beginning with "The examination shall adequately....", be stricken. Motion by King, seconded by Pontius, carried.

11. Article 4, Section 2, C-14. County Treasurer.

MOTION: That the subsections under the above be simplified as suggested by Ellis and the committee. Motion by King, seconded by Wilson, carried.

12. Article 6, Section 1. Civil Service.

MOTION: That the first sentence of the section be redrafted to read as follows: 'The Board of Commissioners shall appoint a Civil Service Commission of three (3) members, none of whom shall hold any other county office.' Motion by King, seconded by Pontius, carried.

13. Article 6, Section 3, Subsection 2. Revision of the above provision was suggested, the commission agreeing that 'department head' should be defined.

MOTION: That otherwise the above subsection should remain as is. Motion by Bard, seconded by Pontius, carried.

14. Article 6, Section 5, Subsections 1 and 2.

MOTION: That the above subsections, since they are provided in Section 4, be here stricken. Motion by King, seconded by Fournier, carried.

15. Article 6, Section 5, Subsections 3 through 7.

MOTION: That subsections 3 and 4 be retained as is, and that a third subsection from the city charter (as read by Ellis) be substituted for the remaining subsections. Motion by Thompson, seconded by King. NO ACTION.

Absent: Lubersky, Taylor, Williams; excused: Bullitt.

The next meeting was scheduled for July 6th, 1952.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDRICK, CHAIRMAN

Margaret E. Bard, Secretary

July 3, 1952

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - July 7, 1952

Lyle Wilson, vice-chairman, presiding.

REPORT of the Special Committee and actions thereon:

Article 4, Sec. 3 - Exemptions from Civil Service.

MOTION: That the revised draft submitted by the committee of the above be approved. Motion by Bard, seconded by Thompson, carried.

MOTION: That Ellis be authorized to draft a sub-section to the above which will be in effect an enabling phrase covering the combined county-city health officer. Motion by Sampson, seconded by Pontius, carried.

Article 4, Sec. 5 - Civil Service Rules:

MOTION: That alternate #2 as proposed by the committee be approved, provided there be added a sentence covering the continuance of the classification plan, and the inclusion of the certification provisions from sub-section 4 of the above in the second charter draft. Motion by Sampson, seconded by King, carried.

Article 2, Sec. 11 - Resolutions:

MOTION: That the above be amended, line 3, to read: 'Shall take effect on the seventh day after the date said resolution is adopted'. Motion by King, seconded by Thompson, carried.

Discussion resulted in agreement that the referendum provisions would now require redrafting to accommodate the result of the above motion.

Article 3, Sec. 3 - Absence or Disability of the County Administrator.

MOTION: That for the above there be substituted the following: 'The County Administrator, with the approval of the Board of County Commissioners, shall designate an officer or employee of the county as Deputy County Administrator to perform the duties of the County Administrator during his temporary absence or disability.' Motion by King, seconded by Thompson, carried 5-4.

Article 4, Sec. 2, A - Boards and Commissions:

MOTION: That the committee redraft of the above with no change in substance but revised for the purposes of clarity and condensation be approved. Motion by King, seconded by Sampson, carried.

Article 2, Sec. 6 - Vacancies:

MOTION: That the above be redrafted to provide that the appointee shall serve only until his successor shall have been elected and qualified at the next general election. Motion by King, seconded by Stocking, carried.

Article 2, Sec. 8 - Majority of Quorum:

MOTION: That the above be amended to provide that action by a majority of a quorum shall be valid except that resolutions dealing with appropriations, tax levies, and the granting of franchises shall require the affirmative vote of not less than four members of the County Board. Motion by Stocking, seconded by King, carried.

Article 4, Sec. 2, C-5 - Coroner:

MOTION: That the provision for qualifications for the office of coroner be approved as in second charter draft. Motion by King, seconded by Thompson, carried.

Article 4, Sec. 2, C -7-9 - Fire Marshall, License Director:

MOTION: That Ellis be authorized to redraft the above to provide that the Fire Marshall and License Director carry out the resolutions and

enactments of the County Board. Motion by King, seconded by Pontius, carried.

Article 2, Sec. 5. - County Commissioners

MOTION: That the above be redrafted to provide for the election, each election, of a majority of the commissioners. Motion by King, seconded by Thompson, carried.

ATTENTION:

FOR CONSIDERATION at the next scheduled meeting on July 14th. Shall the county commissioners be nominated by district and elected at large, or shall there be nominated by district and elected at large one city commissioner with the remaining six to be nominated and elected by district?

Does the Commission wish to require confirmation by the county Commissioners for the appointive offices of treasurer, clerk, and coroner

Absent: Lubersky, Taylor, Williams; excused: Zednick, Doming.

Meeting adjourned.

Respectfully submitted,

LYLE WILSON, VICE-CHAIRMAN

Margaret E. Bard, Secretary

July 10, 1952

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - July 14; 1952

Lyle Wilson, vice-chairman, presiding.

REPORT - Ellis and Special Committee:

Article 3, Section 5. The following will be added:

1. Subsection giving county administrator power to remove those he appoints.
2. Subsection authorizing the county administrator to supervise the conduct of offices, departments, etc., placed in his charge by the charter or by resolution of the Board of Commissioners.
3. Subsection giving the county administrator power to authorize department heads appointed by him to appoint and remove subordinates.
4. Subsection providing for annual and financial and performance report.

Article 3, Section 2.

MOTION: That Ellis be authorized to redraft above section to the effect that the time sequences of removal, public hearing, and appointment of temporary administrator be properly provided for. Motion by Sampson, seconded by King, carried.

Article 4, Section 2. This section was redrafted by Ellis as per motion of July 7.

MOTION: That a sentence be added to the section to provide that reimbursement of expenses incurred in the performance of duty by members of the lay boards and commissions may, if approved before such expenses are incurred, be authorized by the Board of County Commissioners. (Ellis to draft). Motion by King, seconded by Sampson, carried.

Article 4, Section 2, C-10.

Ellis read his prepared draft of the provision requested by motion on June 30 re the exemption of certain county force account transactions.

John Richards, head of the Seattle Public Library system, and two other representatives of the 42 Library employees, requested that they be exempted from charter civil service provisions.

MOTION: That the Commission exempt in the charter the librarians under certification, and other employees of the County Library service from provisions of the civil service. King moved, Cooper seconded, carried.

RE: Board of Commissioners:

MOTION: That the charter be redrafted to provide that one commissioner be nominated and elected at large in the county for a two year term. Motion by King, seconded by Sampson, carried.

MOTION: That the county contain two commissioner districts, each of which shall nominate and elect three commissioners, one district being that area contained within the corporate limits of the City of Seattle, and the other district containing the remaining area of King County. Motion by King, seconded by Sampson, carried.

RE: Blanketing provision for incumbent county employees:

MOTION: That the civil service commission be authorized in lieu of a qualifying examination for incumbent employees to appoint from existing registers of other comparable positions or to give status in the position if the employee has already qualified under civil service examination. Motion by Sampson, seconded by King, carried.

RE: Treasurer, Clerk, and Coroner.

MOTION: That the second charter draft be amended to require confirmation by the Board of Commissioners of the appointments to the offices of Treasurer, Clerk, and Coroner. Motion by King, seconded by Bullitt, carried.

(Minutes of the Meeting - July 14, 1952.

RE: Tenure for Assessor:

MOTION: That the second draft of the charter be amended to provide that the assessor be appointed by the County Board for a four year term, provided that he may be removed for cause at any time. Motion by King, seconded by Sampson, carried.

RE: Planning Commission;

MOTION: That the Board of Commissioners may provide for a Board of Appeals in planning matters. (Sampson to provide wording.) Motion by King, seconded by Sampson, carried.

By agreement Ellis was authorized to include the above provision in the third charter draft.

By agreement the Commission signified that a letter be sent to Ellis thanking him for the excellence of his services, with a copy to be sent to the prosecuting attorney.

(Next scheduled meeting: Monday, July 21st.

(Absent: Lubersky, Taylor, Thompson, Williams; excused, Zednick, Deming.

Respectfully submitted,

LYLE WILSON, VICECHAIRMAN

Margaret E. Bard, Secretary

July 15, 1952

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - July 21, 1952.

Victor Zednick, chairman, presiding.

FINAL REPORT from Ellis, Commission Legal Adviser. Ellis submitted three official copies of the final draft of the proposed King County charter, one for the Chairman of the Commission, one for the Board of County Commissioners, and one for the County Auditor, with appropriate accompanying letters. Ellis suggested that the Commission recommend official publication of the document on the 7th, 14th, 21st, and 28th in both the Seattle Times and Post Intelligencer, this official publication to be the responsibility of the County Auditor, with charter election notices to be published once each day for 10 days. Proper letters of certification are on file with Iva Marshall, public stenographer, and should be sent after appropriate final action on the document has been taken by the Commission. Ellis recommended a period of deliberation on the official final draft of the charter before its approval, and suggested that the publication proofs be checked carefully for errors by a sub-committee of the Commission before publication.

MOTION: That the Commission give Mr. Ellis a unanimous vote of thanks for his excellent work and proficiency as its legal adviser. Motion by Deming, seconded by Bullitt, carried.

Floyd Jennings, planning expert, submitted a suggested section (at the authorized request of Sampson) which would set up and give proper jurisdiction to a Board of Adjustment over review of spot zoning decisions, special property uses, and the granting of variations.

MOTION: That the above suggested section be approved and inserted into the charter. Motion by Wilson, seconded by Fournier, carried.

The next meeting of the Commission was scheduled by agreement for July 28th, at which meeting final action will be taken on the proposed charter.

The chairman assigned to Fournier the task of preparing a summary of charter main points.

Absents: Lubersky, Williams; excused, Stocking.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

July 23, 1952

Margaret E. Bard, Secretary

KING COUNTY FREEHOLDER COMMISSION

Minutes of the Meeting - July 28, 1952.

Victor Zednick, chairman, presiding.

COMMUNICATIONS: From David Williams, stating that he would be absent, and quoting John Reed re charter provisions; from Woodrow L. Taylor, stating that he would be absent, and instructing the secretary to cast his vote of approval for the final charter draft for the record.

ELLIS and SPECIAL COMMITTEE REPORTING: Minor changes in punctuation and rewording for clarity as submitted in insert pages were approved by general agreement and by the following motions:

MOTION: That the amended wording of Section 206 as read by Ellis be approved. Motion by King, seconded by Sampson, carried.

MOTION: That the amended wording of Section 210 as read by Ellis be approved. Motion by King, seconded by Thompson, carried.

MOTION: That interference with appointees of appointees clause as in Section 405 be applied also to auditor and assessor. Motion by King, seconded by Wilson, carried.

MOTION: Section 801, final paragraph, line 8. That after 'succeeding budget' the words 'to be adopted' shall be inserted. Motion by Sampson, seconded by King, carried.

ADOPTION OF CHARTER AND FINAL BUSINESS:

MOTION: That the final draft of the charter as of July 28th, 1952, and as amended above, be approved. Motion by Deming, seconded by Pontius. Those in favor of the motion: Zednick, Pontius, King, Fournier, Deming, Cooper, Bullitt, Bard, and, by vote cast by the secretary as per instructions, Lubersky, Stocking, Taylor, and Wilson, Thompson, Sampson; absent and not voting, Williams.

MOTION: That the present final draft which has been adopted by the Commission shall supersede entirely any inconsistent actions recorded previously in the minutes of the meeting, and shall be prima facie evidence of the intent of the Commission. Motion by Sampson, seconded by King, carried unanimously.

MOTION: That the Chairman of the Commission, Victor Zednick, be accorded the highest praise for his fair and impartial chairmanship. Motion by Wilson, seconded by Sampson, carried unanimously.

MOTION: That the secretary be accorded a vote of thanks for her work as secretary. Motion by Zednick, seconded by all members of the Commission present. Carried.

Ellis reported on his meeting with Logan, Deputy Auditor and Sup't. of Elections, and Chairman Zednick, wherein Logan agreed that publication of the charter and posting in each precinct as specified by the Home Rule Bill was the duty and financial responsibility of the Auditor. Ellis suggested that publication dates be Oct. 2, 9, 16, and 23, and that the Freeholders recommend this and that publication be made not only in the official newspaper of the county, but also in either the Times or the Post Intelligencer.

MOTION: That the chairman appoint a committee to do checking and proof-reading, to see that publication is properly made, and that pamphlets are prepared for public distribution. Motion by Wilson, seconded by King, carried.

For the purposes of the motion, chairman Zednick appointed the following to the Publications Committee: Sampson, Bard, and Fournier, chairman. Fournier was empowered to name additional assistants from the Commission membership when needed.

Fournier reported that the Seattle Times, as a public service, would publish the charter for \$4.06 per column inch, or a total of \$2800; and that

Page 2

KING COUNTY FRESHOLDER COMMISSION

Minutes of the Meeting - July 28, 1952.

the Post Intelligencer would publish the charter for its regular rates of \$6.80 per column inch, or a total of \$4700.00. He read a tentative preamble to be attached to the distribution pamphlet.

The secretary was instructed by Chairman Zednick upon agreement by the Commission to prepare a letter of thanks for the excellent services of Iva Marshall, Public Stenographer.

MOTION: That the Commission adjourn, subject to further meeting at the call of the Chair upon advice of the Executive Committee. Motion by Sampson, seconded by King, carried.

Present: Zednick, Pontius, King, Fournier, Deming, Cooper Bullitt, Wilson Thompson, Sampson, Bard. Present by proxy: Stocking, Taylor, Lubersky. Absent and not voting, Williams.

Meeting adjourned.

Respectfully submitted,

VICTOR ZEDNICK, CHAIRMAN

July 31, 1952

Margaret E. Bard, Secretary

February 16, 1951

Mr. L. M. Dimmitt
Superintendent of Schools
County-City Building
Seattle, Washington

Dear Mr. Dimmitt:

The elected freeholders of King County have voted to hold a meeting on Monday, February 26, at 7:30 p.m., 402 County-City Building. Said meeting to be turned over to present county officials and officers so that the freeholders may have the benefit of any recommendations the county officials may wish to make in regard to the proposed charter for the county.

The freeholders have authorized me to extend an invitation to you to be present and with the understanding that you will have such time as you need at the meeting to present oral or written suggestions as to any comments on the present structure and any suggestions on any phase of a new charter.

**** While your particular office is exempt from any action by the freeholders should you care to participate in the meeting and offer your suggestions they would be more than welcome.

We hope that you will be able to attend and if you care to do so perhaps you could notify me (258 J. Allen Smith Hall, University of Washington, Seattle 5) as to the approximate time you may wish to utilize.

Respectfully,

KING COUNTY FREEHOLDERS

BY: Donald C. Sampson

DCS:elu

Same letter to: Commissioner - Gibbs ✓
Commissioner - Sears ✓
Commissioner - McLean ✓
Auditor - Morris ✓
Clerk - Riddell ✓
Assessor - Stacy ✓
Treasurer - Tremper ✓
Coroner - Brill ✓

**** This paragraph in the letters to : Prosecuting Attorney Carroll and Supt of Schools Dimmitt only - Sheriff Cullen not.

December 13, 1951

Fellow Members of the Freeholder Commission:

As secretary of the Commission I wish to report that I recently checked the proposed charter as it now is with Mr. Bates of the Municipal League. This check revealed several minor contradictions and confusions in phraseology and grammar, errors in time sequences in the Election Rules article, and the fact that no consideration has as yet been given by the Commission to the office and functions of the recorder and the director of licenses, to provisions for the bonding of elective and appointive officials, to the rights of action, to the provision for termination of incumbency of officials in office if and when such a charter is accepted, and other transitory provisions.

In attempting to produce a final redistrictization map with legal descriptions, with the help of Ed Logan (Dept. of Elections) and Jack Hartinger, cartographer (Auditor's office), I found that it would be highly advisable to forsake school district boundaries at certain points in order to conform to logical divisions with respect to natural geographical barriers. School district boundaries would appear to be illogically autonomous, constantly shifting, and the only district which can legally split precinct boundaries in establishing its limits and areas. Mr. Logan has offered to appear before the Commission to explain the serious handicaps which are introduced by the use of school district boundaries with little or no advantages being offered by such a use in the redistrictization of the county.

As a member of the Commission I sincerely believe that we must deal with the above matters and formulate a complete, even though still tentative, document before we become bogged down in a profitless discussion of which comes first, the document or the legal review thereof. In my opinion such a bogging down could only result in stultifying delays, and would be completely fruitless. We know the Home Rule amendment was passed by the legislature and approved by the electorate. We know we were elected and assigned the task of writing a charter for King County. Because ours will be the first county charter to be drawn in the State of Washington under the Home Rule amendment, there is obviously a complete absence from the body of the law in this state of any precedent regarding the powers granted to such a county freeholder group by the amendment, and regarding the extent of any such revisions on a home rule basis of any governmental structure of any county in the state.

It is my sincere opinion that no legal counsel can guarantee the legal precedents which will be established as a result of any charter we may write. I believe that there will exist objections beforehand to whatever we write; particularly will there be objection to the 'complete change' aspect of such a charter as we have to date proposed to write. As I see it our course is to complete a document, and then to submit that document to severe structural review so that it can be interpreted legally only as we intended that it should be interpreted. If we follow such a course, I think we shall then have discharged our duties as a commission as well as our not inconsiderable abilities and the obvious limitations and omissions of the Home Rule amendment allow.

Since my duties as secretary preclude my taking much part in verbal discussions at the meetings, I beg your leave for the above.

Respectfully submitted,

Margaret E. Baird

FELLOW MEMBERS OF THE FREEHOLDER COMMISSION:

The writer, after conferring with a number of others interested in local government, attempts here to summarize some of the principal objections to the Charter, as now proposed.

There is criticism that the present instrument goes into unnecessary detail. A charter is generally considered an outline of government, rather than a code. We have the fine example of our Federal Constitution, of which the great Gladstone said:

"The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

Franklin Delano Roosevelt, before he became President, said this of it:

"The United States Constitution has proved itself the most marvelously elastic compilation of rules of government ever written."

The men who wrote the Constitution trusted those who were to work under it during the course of time to set up the proper mechanics for operating under it, and to change them to meet conditions as they might arise. A charter should, therefore, be simple, general and elastic.

Typical of the detail that characterizes our instrument is the provision for civil service. The merit system for public employees is still in the course of its development. No arrangement satisfactory to everyone concerned -- the employee, the government, and the taxpayer -- seems yet to have been devised. Different systems have been proposed to our legislature at a number of its sessions, but the members have been unable, after years of study, to find a suitable one. Yet in this charter there is proposed to be frozen upon the people a plan which is in part a result of quick compromise, and certainly is not the handiwork of specialists. At least not more than two of our members would admit any special knowledge of the subject, even now. These two disagree on certain fundamentals. Their viewpoints have apparently been adjusted for the purpose of completing the instrument, rather than with the idea of reaching perfection.

This Charter, being the first one to be proposed in the State of Washington, is presumably to be the permanent plan of our own county government, and should approach the perfect as nearly as possible. It would seem that under such circumstances the Commission could well have followed the general example of brevity, clarity, and elasticity furnished by the Federal Constitution. It would seem also we could have as much faith as those who drafted that document, that the citizens would elect officials who would honestly bring broad theories into specific effect.

We come now to some of the special provisions of the Charter.

BOARD OF COUNTY COMMISSIONERS: Seven commissioners are presently proposed. Four of these will represent the City of Seattle as one district, and three will represent the three county districts. The representation of four to the city is justified on the basis of its having a majority of the population of the county.

The city as such has practically no county problems. One commissioner could well represent it from that viewpoint. To provide an odd number on the Board, perhaps two should be supplied. Certainly, from a service standpoint, that would be sufficient. It may well be questioned whether the people of Seattle wish to pay the salaries of two more merely to have a majority representation on the Board, without any practical advantage to the city.

The matter of remuneration might be reconsidered. The \$3600.00 annual salary was fixed upon the theory that only part-time service would be rendered. It will be assumed that valuable persons would be elected to these positions. Such people very often find extended periods when they can render little or no service. Would it not be better to provide a fee for each meeting attended, with an over-all annual limit of \$3600.00? Then a commissioner would feel justified in occasionally absenting himself from meetings when his own business required his attendance elsewhere.

However, the most objectionable provisions regarding the commissioners are the limitations upon their power. They are to be responsible for the county government, and yet the County Administrator, whom they appoint and whom they theoretically may remove, will have far greater power in certain respects than they, and this brings us to the most important subject of all.

COUNTY ADMINISTRATOR: The County Administrator appoints all department heads, except the County Auditor and the Assessor. The theory is that otherwise he would not have the proper control, and thus be unable to give the county the efficiency it needs. Parenthetically speaking, there is little evidence that the county government is suffering from any lack of efficiency under its present form of government, although it is conceded that the people are fortunate in having an unusually fine group of public officials at the present time, and that under an improved form of government even these officials could do better work.

Among others, the County Administrator would select the Treasurer, the Sheriff and the Coroner. These he would appoint without leave or approval of the Board of County Commissioners, except the Sheriff, who must be approved by the Commissioners but may be removed by the Administrator without the Board's approval.

It seems to be the opinion of everyone concerned that there is presently no qualified person in King County to occupy the position of County Administrator. He would, therefore, come from some other section of the country. Who would such a man appoint? Naturally, he would not appoint anybody that might be critical of him. Would he not, in coming to a position of great difficulty, appoint men to occupy these offices that he knows under any and all circumstances would be friendly to him? It is to be hoped, of course, as it always is hoped of public officials, that whoever gets this particular office will be one hundred per cent efficient, one hundred per cent honest, and one hundred per cent devoted to the services of King County. But he might even be human, and human beings have been known to be selfish, and desirous of extending their power, they have even been known to be dishonest.

Let us assume then the worst for the moment, that a person both selfish and dishonest might gain this position. Would it not be likely that either the Treasurer or the Sheriff would be

among the officials to first gain knowledge of this? Assuming that they did, would it be expected that they would, under such circumstances, become disloyal to their friend, upon whom they depend for their positions? Or would it be only natural that they would protect him as far as possible? In other words, to whom would be their first loyalty, to the County Administrator, or to the county itself? And if this is true in a matter as serious as dishonesty, would it not be even more so in the matter of simple efficiency? And would it not likewise be possible that the Administrator would protect his own employees as far as possible in the event he discovered that they were either dishonest or inefficient?

In this connection even the Coroner is important, because in the case of incapacity of the Sheriff he assumes that position for certain purposes.

But even that is not the most serious objection to giving such great power to the Administrator. This man will have under his control business running into millions of dollars annually. Regardless of civil service, he will be able in the course of time to set up a political machine. He can easily, through granting favors to different commissioners from time to time, get a majority of them indebted to him.

King County comprises an area, excluding navigable waters, of 2151 square miles. Its population already exceeds that of at least three states, Nevada, Delaware and Wyoming. In the course of time it is expected to double. Is it proper to set up a form of government that will permit the control of the government of such an area and such a population to be in the hands of one man?

The School District form of government has been operated in the State of Washington very satisfactorily. The Seattle Public School Board handles big business, yet it appoints directly all the department heads. Naturally, it confers with and usually follows the suggestions of its Superintendent, but the naming and authority of the department heads comes directly from the Board itself. Their loyalty is to the Board and the people who elect the Board, rather than to the Superintendent, and yet there has never been reported any lack of cohesion of the business affairs of the Seattle School District or any other School District in King County.

Generally speaking, the Port of Seattle, whose limits are co-extensive with those of King County, has the same form of government as the School District. The Port Commissioners appoint the manager, and they also appoint the department heads. At least, in the period of over twenty years that they have been following this practice, it is not known that there has been any lack of cooperation between the employees and the manager of the Port of Seattle. The Port of Seattle is engaged in big business.

Government is set up for the necessary control in certain respects of the individual. It requires him to surrender for the good of all in an organized society, certain liberties which would not be necessary if he lived alone. It is important in our concept of government that man's freedom be limited as little as possible, and that the government that he appoints to handle his affairs be as close to him and as responsible to him as possible.

At the present moment we suffer our greatest danger from a foreign power because it is in the hands of a one-man government.

While it could not be stated for a moment that under any circumstances could a County Administrator become a danger to the lives of the people, nevertheless in a republican form of government, anything having a possibility of becoming a one-man government has no place. It is wrong in principle and should be avoided, even if in so doing some efficiency is sacrificed.

There is no necessity of giving this kind of control to the Administrator. The possibilities for abuse under this may all be avoided by providing that the elected County Commissioners appoint all department heads. It may be true that at some period in the future a majority of the County Commissioners may not be the most desirable public officials and that they could abuse the power that is given to them. However, in that case they are the people's own elected public officials and, therefore, in a sense the people themselves would be guilty. It is their duty to elect good public officials.

It has often been stated that after all the people get the kind of government they deserve. They are entitled to no more.

Respectfully submitted,

David J. Williams
Freeholder

TO the arguments advanced by Mrs. Van G. Kirk, 1st Vice-President, for Pro America against non-partisan elections as adopted by the King County Freeholder Commission in its proposed charter for King County, the Committee on Elections replies as follows:

1. The primary concern of the Commission is to establish a governmental structure for the county which will allow for efficient and economical discharge of county business. Our responsibility is to the entire citizenry, and to no faction, group, or party, and to no one aspect of the governmental structure we build. Our task is to complete an organizational framework co-ordinated and protected by a proper set of checks and balances. Non-partisan elections are one of the checks within this framework.

2. Political parties are vitally necessary to the definition and interpretation of state and national policy standards, but the county level of government deals not with policy, but with concrete services rendered in exchange for tax monies collected. County business is concerned with the collection and disbursement of public tax monies. There should be no Republican method or approach to the establishing of property valuations, to the making and collection of tax assessments; no Republican way of running a fire engine, of surfacing a road, of operating a T. B. sanatorium; there should be no Democratic way of bonding a sewer district, of building a bridge, of policing an area.

3. County officials should be elected upon standards of honesty, judgment, and appropriate capabilities. County offices should not be considered as mere stepping stones to larger political careers, or as simple rewards to loyal party workers without regard for the proper functioning of county government. The spoils system, the tool of the party and of the partisan official, is direfully wasteful of public funds. Non-partisan elections, by freeing local candidates from the necessity of attacking opposing party principles to the exclusion of the real issue--a candidate's capabilities for the office concerned--will enable the public to concentrate on the real issue. This will be even more true if local elections are held in the spring of the year when the ballot is not complicated by state and national issues and candidates.

4. Non-partisan elections relieve officials not only from special group pressures within a party frame, but from political pressure itself to a great degree, because an official elected on a non-partisan ballot should have no obligations or commitments which might compromise his judgment and integrity.

5. Non-partisan elections should not deprive parties of their county level responsibility, since a party may endorse a candidate even though the candidate may not be identified with the party on the ballot. Even party officials admit privately that parties can no longer guarantee the integrity of a candidate, which was at one time one of the most important responsibilities of political parties at every level of government.

6. Non-partisan elections on a county level will not destroy the two-party system. Only the parties themselves can do that, by their very inability to guarantee their candidates and by utilizing the spoil system, not for insuring loyalty down the line to those policies approved by a majority of the electorate, but as a reward system for party members without regard for the capabilities of those rewarded or for the proper functioning of county government. Too often, at the county level, political parties are apt to use local offices not toward the end of good government, but for the aggrandizement of the party.

For the above reasons, the Committee on Elections recommended in its report on election procedures the adoption of non-partisan elections. Such recommendation was unanimously approved by the Commission, and was thereafter incorporated into the proposed charter.

Cunningham's Comment:

County Charter Makers Waive Politics for Progress

By ROSS CUNNINGHAM
Associate Editor, The Times

THE King County Charter Advisory Committee waived political pressures last night and began charting a course to achieve an effective reorganization of the county government.

The meeting, held in the county commissioners' auditorium, was the most significant yet held by the unofficial group. It is making plans to modernize the county government under the "home-rule" charter procedure long advocated by the Seattle Municipal League.

Until last night's meeting, the committee had been undecided between political expediency or a bold course to achieve a real streamlined county government.

POLITICAL expediency indicated a course that would allow most of the elective county officials to remain autonomous in their offices. The officials have been building political pressure to protect their baronies—with the threat that they will resist the entire modernization program if their prerogatives are disturbed.

On the other hand there was the desire of some members of the advisory committee to strike out boldly for an effective program.

The latter course was decided on last night, when the commission was called to vote on specific proposals.

THE over-all plan contemplates a central legislative body for the county like Seattle's City Council, to be known as the Board of Commissioners, or Board of Supervisors.

The question then evolved as to whether this central body would have the power to appoint and direct the activities of department heads—as a means of coordination, and to prevent the upheavals that have disrupted county government in past years.

The commission voted unanimously to make the office of county clerk appointive. It voted, 14 to 9, to have an appointive sheriff; 21 to 2, to make the coroner appointive, and, 18 to 5, to make the treasurer appointive.

The vote was 9 to 12 to retain the assessor on an elective basis—the purpose being to keep the fixing of tax valuations separate from the authority of the "spenders."

The constitutional provision enabling counties to adopt "home-rule" charters specifies that the prosecuting attorney and superintendent of schools shall remain elective.

Decision was deferred for two weeks on the question of the au-

ditor in order to study technical questions.

PERHAPS an even bolder step was the vote of 14 to 7 in favor of taking the county government out of party politics by electing officials on a nonpartisan basis.

This recommendation is certain to be opposed by stalwarts of both major political parties. Republicans and Democrats have been girding themselves for this fight for months. They want to retain the political spoils system in county government.

As result of last night's action by the commission, the cards are down in the fight over whether there will be real improvement in county government.

The fight will echo through the fall elections, when attempts will be made to defeat members of the advisory committee when they seek official status. If the opponents fail to block the reorganization plan by that method, they will endeavor to sabotage the proposed new Charter when it is submitted to the voters in a subsequent election.

Southern Rhodesia has a State lottery but gambling is frowned on, legislation banning dog racing is being prepared and football pools are prohibited.

Salta knit from our dresses in exclusive ha and styles... income town-spectating, count Casual Dresses, Four BEST'S AF

National Municipal League

C O P Y

299 Broadway, New York 7, N. Y.

C O P Y

February 6, 1951.

Mr. C. A. Crosser, Executive Secretary
Municipal League of Seattle
316 Marion Building
Seattle 4, Washington

Dear Mr. Crosser:

At long last I have gotten around to reviewing the draft of the King County Charter passed on the Freeholders Charter Commission by the King County Charter Advisory Commission. Willoughby having passed the document along and suggesting that I respond to your invitation that we give you our comments. I hereby do so.

As you say, its heart is definitely in the right place and should provide an excellent starting point for the Board of Freeholders. In fact, it should, I think, help the Board of Freeholders keep its sights and standard up against the pressures that inevitably will be brought to bear on it to make undesirable compromises. Since, as you say, the drafting job was done in a somewhat hasty, informal manner I'll not comment on details of style and wording which I assure will be taken care of meticulously by the Board of Freeholders.

At some points I assume the draft is intended to be a prospectus or suggestion for a draft rather than a model in itself and in one or two places at least it looked to me as if in the rush essential matter had been left out. For example, I see that in your comparative summary, you point out that no provision is made for a referendum by petition of the people. As I read Article IX I concluded that this was an oversight because the wording of Sections 1 and 2 gave me the impression that the draftsman had assumed the right of petition but failed to provide the necessary implementation. Frankly, I don't see a great deal of point to a referendum on the responsibility of the Board alone. In fact as R. C. Atkinson, the principal author of our "Model County Manager Charter", points out it tends to encourage buck passing by the body that ought to be assuming responsibility. It seems to me that the referendum, properly speaking, is what Woodrow Wilson said it was -- a stick behind the door that the people can pick up when they feel the legislative body is out of line.

This raises the question of the initiative. Section 5 of Article IX seems to indicate that the draftsman assumed that the initiative would be available. Is it provided by general law? Even if it is, the charter should be more explicit and at least refer to the law. I personally am not a great lover of initiative but I believe it is useful when properly safeguarded as I think we have done in respect to State legislation in the "Model Stat Constitution". I note that provision is made for the initiation by petition of amendments to the charter itself. I believe this is as it should be because I don't think the amendment of a fundamental act of this sort should be entirely at the mercy of the governing body which may have a vested interest in things as they are.

February 6, 1951

Now, since I think you must provide for the initiation of charter amendments, I do believe it is important to provide, if possible, a slightly easier method for the initiation of resolutions or ordinances. (Incidentally, one of the minor blemishes in the drafting of the charter appears to be some inconsistency in the use of the words "resolution" and "ordinance." If both are to be used, they should be distinguished.) The reason for this is that experience has shown, particularly in California, that where constitutional amendments can be initiated as easily as laws there is a tendency to freeze inappropriate matter into the constitution through direct action. It ought to be more difficult to amend any basic law, whether state constitution or County or City charter, than to adopt an ordinary act of legislation.

I'll now go back to the beginning of the charter and raise questions in order. First, Article II, Section 2:

Are the various provisions of this section consistent with one another? Is it intended that seven members must agree to any redistricting after a decennial census, since presumably redistricting would require changing of district boundaries? If so, how can you command agreement by seven members? If any change in the boundaries of a district must be made within one year after a general election, it strikes me that it may not be possible in some cases for the Board of Commissioners to redistrict within two years after a Federal census. In fact, since elections are in even numbered years, doesn't the first provision in effect mean that redistricting would have to occur within one year of the census which might not be possible since the official figures might not have been certified?

Basing the apportionment on the number of registered voters is an interesting and worthwhile experiment. It should encourage registration. But I wonder how the Board and the Courts would interpret the provision that "consideration may also be given to the relative areas." Do you mean that areas are to be represented as well as people? If so, in what ratios? It seems to me you leave the door wide open there for rather serious abuses. (Of course, I don't mean YOU - It's just easier to say "you" than Charter Committee.)

Article III, Section 2(b): Compare this with Article VIII. In view of the provision that the Board of Commissioners by ordinance or resolution shall, subject to Civil Service provisions of the Charter, provide for and prescribe compensation, tenure, duties, powers, qualifications, etc., of persons to be employed in the County service; "also for fix the salaries of all County officers and employees, "I am not quite clear what the powers and duties of the Merit System Commission with respect to classification, pay schedule and qualifications of employees are intended to be. This should certainly be cleared up. Of course, as you know, we don't recommend a Merit System Commission except possibly for strictly advisory functions. We think it is much better to have responsibility for personnel administration clearly placed in the manager, in which case the Board of Commissioners would have to approve the rules that he would propose concerning classification, pay schedules, etc.

Article IV. Of course, as you know, we don't approve of the election of any County officers except the members of the Board. Consequently, we would recommend (unless the constitution absolutely forbids) appointment of assessor, prosecuting attorney, superintendent of schools, justices of the peace or the equivalent. The auditor should be elected by the Board of Commissioners. The importance of enabling the Board of Commissioners to choose an auditor of its own on occasion is recognized in Article VIII, Section 5, of the draft. We don't approve of requiring consent of the Board of Commissioners to appointments by the County administrator. This tends to blur responsibility and invites political consideration into the appointing process.

As you know also, we believe that you ought to keep the number of boards with any thing but purely advisory responsibility down to the very minimum. It looks to me as if Section 5 of Article IV gives too much leeway to the County Commissioners to limit the area in which the manager can be responsible and consequently limit the value of the manager plan.

Is it intended by Section 3 of Article IV to require consent of the Commissioners for the removal of persons appointed by the manager with their consent?

Article V. The proposed elimination of the coroner and division of his present responsibilities between the prosecuting attorney and the sheriff may very well be the best arrangement you could make under the circumstances. In your comparative outline you indicate that the National Municipal League recommends that the coroner be appointed by the administrator. In view of the fact that we now are standing on our proposed "Model State Medico-Legal Investigative System" This is not strictly accurate. (I am sending you under separate cover a copy of the latest version of this act which is about to be printed.)

Article VI, Section 3(c). I think the right of the administrator to delegate the appointing power should be limited--probably department heads only should be eligible to receive such appointing power.

Article VI, Section 6. I think "Board of County Commissioners" in the first two lines of this section was a misprint. I believe "administrator" was and should be intended.

Section 7.

Article VII. I think it might be well to permit the administrator or the Board of Commissioners to prescribe other than monthly allotment periods. A monthly period may not always be a most useful one.

Article VIII. I have already said almost everything I think I need to on the personnel matter. The "open back door" policy called for on page 27 is sound but should be provided for more tightly.

I have always doubted the necessity for a complete certification each pay period as provided for in Section 6. It has always seemed to me that a continuous audit of the payroll, which would not necessarily involve a checking of each name each month, would be both more economical and more effective.

Mr. C. A. Crosser

-4-

February 6, 1951

Article X, Section 3(d). Do you think provision should be made for return of all or perhaps a fraction of the fee of a candidate who has withdrawn? The issue is debatable but I think there is a good deal to be said for returning part of it. Criticism that we consider rather well taken by Mr. Thomas H. Reed and others has been directed at the provision of our Model which you have, substantially, in Article XI, Section 1, prohibiting any member of the County board or other officer or employee of the County having "a financial interest, direct or indirect or by reason of ownership of stock in any corporations", contracting with or selling service to the County or a contractor supplying the County. Strictly construed, this would disqualify any person who owned a bit of telephone company stock, for example. Of course, I don't suppose anybody would ever attempt to enforce this provision so strictly. We haven't yet figured out what if any change we ought to make in our own Model. Offhand, the best thing I can think of in a hurry is to put the word "substantial" before the words "ownership of stock". That might do it. Actually, very few County officers or employees would have more than token stock ownership in telephone or other utility companies and such ownership would certainly not affect their attitude.

I wonder if the charter ought not to go into more detail on County planning? This would depend upon the adequacy of existing general law, but since I have become more and more convinced that an adequate County planning set-up is one of the essential keys to effective metropolitan government, I hope the Board of Freeholders will be very sure that it is properly provided for.

Hope these rather random observations will be of some help. Please keep us informed of the progress of the Board of Freeholders and let us know whenever we can be of any help.

Sincerely,

John E. Rebout
Assistant Secretary

JEB:cl:bc

C O P Y

C O P Y

1950-52 LEGAL OPINIONS-

COPY
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P
Y

STATE OF WASHINGTON
SMITH TROY
ATTORNEY GENERAL
OLYMPIA

APRIL 13, 1950

Honorable Charles W. Carroll
Prosecuting Attorney
County-City Building
Seattle, Washington

Attention: Mr. E. G. Smiles

Dear Sir:

On April 7, 1950, you submitted to us an opinion of your office previously rendered to your board of county commissioners on April 5, 1950, and asked whether we "confirmed" your conclusions. By the same mail we also received a newspaper clipping from the Seattle Times of April 7, 1950, and letter from Mr. John N. Rupp, President of the Municipal League.

Since the letter of April 5, 1950, made mention of the brief prepared by Mr. Pendleton Miller, we called your office and asked for a copy of such brief, which we have received. Very shortly thereafter Mr. Pendleton Miller called us. Mr. Miller informed us that there was only one point upon which he differed with your opinion of April 5, 1950. We understand such difference, permit us to make a short statement. Assuming that the county commissioners have determined that the freeholders shall be apportioned on a county commissioner district basis, should such freeholders be chosen by the qualified voters of the entire county or should such freeholders be chosen on a commissioner district basis with the voters of each respective commissioner district voting only upon the freeholders to be chosen from such district. Mr. Miller's contention was that the freeholders be chosen on a county commissioner district basis, while your opinion was that they be chosen on a county wide basis.

We will, accordingly, confine this opinion to the single question of whether the freeholders shall be chosen or elected on a county wide basis or on a county commissioner district basis. Hereafter we will refer to the freeholders as being "elected", although the constitutional amendment uses both the words "chosen" and "elected".

In writing this opinion we are not concerned with any question involving the feasibility of adapting the voting machines to such election nor as to the number of freeholders to be elected, nor their method of nomination, nor as to any other possible question other than the sole question of whether such freeholders shall be elected by the voters of the entire county. No doubt the county authorities can work out such details as we have mentioned, or any more which we have not mentioned, satisfactorily to the people of King County.

Section 4, Article XX of the Washington Constitution was adopted November 2, 1948, and may be found at page 1372, Laws of 1947. It provides in part:

"Any county may frame a "Home Rule" charter for its own government subject to the constitution and laws of this state, and for such purpose the legislative authority of such county may cause an election to be had, at which election there shall be chosen by the qualified voters of said county not less than fifteen (15) nor more than twenty-five (25) freeholders whereof, as determined by the legislative authority, who shall have been residents of said county for a

period of at least five (5) years preceding their election and who are themselves qualified electors, whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. * * *

The constitutional provision then provides for the forming and submission of the proposed home rule charter, and then provides:

"Notwithstanding the foregoing provision for the calling of an election by the legislative authority of such county for the election of freeholders to frame a county charter, registered voters equal in number to ten (10) per centum of the voters of any such county voting at the last preceding general election, may at any time propose by petition the calling of an election of freeholders. The petition shall be filed with the county auditor of the county at least three (3) months before any general election and the proposal that a board of freeholders be elected for the purpose of framing a county charter shall be submitted to the vote of the people at said general election, and at the same election a board of freeholders of not less than fifteen (15) or more than twenty-five (25), as fixed in the petition calling for the election, shall be chosen to draft the new charter. The procedure for the nomination of qualified electors as candidates for said board of freeholders shall be prescribed by the legislative authority of the county, and the procedure for the framing of the charter and the submission of the charter as framed shall be the same as in the case of a board of freeholders chosen at an election initiated by the legislative authority of the county.

"In calling for any election of freeholders as provided in this section, the legislative authority of the county shall apportion the number of freeholders to be elected in accordance with either the legislative districts or the county commissioner districts, if any within said county, the number of said freeholders to be elected from each of said districts to be in proportion to the population of said districts as nearly as may be."

Effect must be given to the whole amendment. In State ex rel. Atkinson v. Evans, 46 Wash. 219, 89 Pac. 565, the court quoted from Cooley on Constitutional Limitations (6th ed.), pp. 72, 73, as follows:

"The rule applicable here is, that effect is to be given, if possible, to the whole instrument, and to every section and clause. If different portions seem to conflict, the courts must harmonize them if practicable, and must lean in favor of a construction which will render every word operative, rather than one which may make some words idle and nugatory. This rule is applicable with special force to written constitutions, in which the people will be presumed to have expressed themselves in careful and measured terms, corresponding with the immense importance of the powers delegated, leaving as little as possible to implication. It is scarcely conceivable that a case can arise where a court would be justified in declaring any portion of a written constitution nugatory because of ambiguity. One part may qualify another so as to restrict its operation, or apply it otherwise than the natural construction would require if it stood by itself; but one part is not to be allowed to defeat another, if by any reasonable construction the two can be made to stand to-

gether. In interpreting clauses we must presume that words have been employed in their natural and ordinary meaning. As Marshall, Ch. J., says: "The framers of the constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they said." * * *

It is to be noted that the constitutional amendment provides two methods of initiating the proceeding—the first or county commissioner method, which is being followed herein, and the petition method, set forth later in the amendment. It would seem to us that the only distinction between the two methods is that under the petition or second method the petitioners have the right to fix the number of freeholders to be elected. However, regardless of whether we are correct in our last conclusion, we are here proceeding under the first or county commissioner method. Such method specifically provides that * * * the legislative authority * * * may cause an election to be had, at which election there shall be chosen by the qualified voters of said county * * * freeholders thereof * * *." This would appear to us to be a direct mandate that all voters in the entire county shall be given an opportunity to vote at the election on all candidates subject to election. It would also appear to negative the idea that the voters in each county commissioner district should vote only upon the candidates of such commissioner district.

We believe that the very essence of the American system of elections requires such a construction. The election contemplated herein is in no sense a primary. These freeholders will be finally elected at the contemplated election. They will be elected to perform a most important task. Certainly the drafting of a proposed home rule charter will affect the entire county. It would seem that the amendment should be so construed as to afford all the voters in the entire county an opportunity to express their choice as to all the freeholders.

This case should be distinguished from that involved in the nomination and election of county commissioners. Our law provides for the nomination of county commissioners by the voters of the respective commissioner districts, but when it comes to the actual election of such commissioners the entire electorate of the county are given the right of election. See section 4042 and 4043 Rev. Reg. Stat. It would seem that such law in reality lends further support to our position.

Answering your question directly, we confirm your opinion of April 5, 1950.

Very truly yours,

SMITH TROY
Attorney General

GEORGE DOHER
Assistant Attorney General

DC:mp

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Dile - King Co. Charter

Although R.C.W., Sec. 36.15.02 specifically sets forth the duties of the Prosecuting Attorney, it is submitted that, necessarily, this list cannot be exclusive. The primary duty of the Prosecuting Attorney is to the county. The county is, of course, an arm of the state occupying a position somewhere between the state as an entity and a strict municipality as an entity. Nevertheless, the county, as such, is made up of a form of a sovereign power--the people of the county. Such public officers as the Prosecuting Attorney have some discretion in the performance of their duties. Clearly, the Prosecuting Attorney is aware of the fact that if a charter is adopted which has legal loopholes in the drafting, or, which has provisions in its text which will render the county liable to legal actions of various kinds after its adoption, the county consequently may ultimately incur liabilities of tremendous amount if the prosecutor does not make sure by having his own deputy check the charter before submission to the voters and prevent successful attacks thereafter. One single inconsistency or unconstitutional provision present in a charter could cost many times the expense of the salary of a deputy for four or five months. Thus, the prosecutor, acting on his own initiative, would clearly have power to take the action now being challenged, whether or not the Freeholders had asked him to.

If the public officer feels it is to the best advantage and for the benefit and welfare of the people of the county to perform a certain function in a particular manner, then certainly the courts will not disturb the exercise of that discretion. *State ex rel Taro v. Everett*, 101 Wash. 561, 172 Pac. 752. Here, the Prosecuting Attorney presented his request for funds to employ a deputy. The statutory procedure was followed in securing the allotment of funds not specified in the budget by securing the lawful authorization of the Board of County Commissioners after full hearing.

An even stronger argument is presented by drawing an analogy to those cases in which not only was the money not appropriated, but where the money to be expended also caused a debt which exceeded the constitutional limitation as expressed in that instrument, Article VIII, Section 6. The Washington court has long been committed to the doctrine that obligations of municipalities incurred in the performance of duties made mandatory by the constitution, or such obligations as are necessary to maintain corporate existence, are not debts within the limitations of Art. VIII, Sec. 6 of the constitution. Bauch v. Chaumon, 16 Wash. 563, 43 Pac. 253, 58 Am. St. Rep. 52, 36 L.R.A. 407; Darves v. Friars, 13 Wash. 55, 50 Pac. 583; Farquharson v. Younglin, 24 Wash. 549, 64 Pac. 717; Hull v. Ames, 26 Wash. 272, 66 Pac. 391, 90 Am. St. Rep. 743; Gladwin v. Ames, 30 Wash. 608, 71 Pac. 189; Pilling v. Everett, 67 Wash. 109, 120 Pac. 873; Patterson v. Edmonds, 72 Wash. 88, 129 Pac. 895; State ex rel Taro v. Everett, supra; State ex rel Keck v. Sunnyside, 131 Wash. 511, 113 P. (2d) 621, 93 A.L.R. 741; McCarthy v. Kelso, 129 Wash. 121, 223 Pac. 151; Burns v. Evans, 163 Wash. 527, 13 P. (2d) 26. What are obligations incurred in the performance of mandatory duties and what expenditures may be considered as necessary to corporate existence is not easy to determine. The criterion by which the question may be answered is clear, but the character of the obligation depends upon the circumstances. State ex rel Keck v. Sunnyside, supra.

In the Farquharson case, supra, the legislature created a new county. The court held that power to create the county carried the power to fill county offices; that it was mandatory. The legislative authority must be presumed to know all the facts, but it is not necessary to recite all the facts. There was no budget for salaries but it was compulsory to pay them. Further, they built a new court house, which is not usually a mandatory duty, but, under the circumstances, it was compulsory. Hence, even though the debt limitation had been

reached, it was permissible to exceed the constitutional limitation and create more debt to pay for these items.

In the Pilling case, supra, the city of Everett constructed a bridge. After construction was completed the city attempted to ratify the act by an election. The court held that the favorable election accepted the bridge and, in effect, created the indebtedness, and, although it was in excess of the constitutional limitation, it was permissible.

In the Patterson case, supra, the court set forth some of the things that are not mandatory; i.e., a city dock, repair of streets not dangerous or requiring immediate attention, auditing books, sewer estimates, street lights, typewriter, killing dogs, printing, court fees, and salaries the city chooses to make but not reduced to a bare necessity, all of which relate more to welfare than existence. (Doesn't go to mandatory obligation argument, however.)

In State ex rel Toro v. Everett, supra, an ordinance was passed by the voters under charter procedure to increase the fire department. The city council refused to put it into effect because there was no money, there was no means of raising the money, and the city was already in debt beyond the constitutional limitation. The court held the constitutional limitation inapplicable to such obligations as were made mandatory by that instrument or were necessary to maintain the existence of the corporation. It was here held that the action was necessary for corporate existence. It was contended that the fire department was needed, but not a two-platoon system. The court held that this was discretionary and if it was determined by proper authorities that a two-platoon system was required, then the exercise of that discretion will not be disturbed unless there is gross abuse.

In the case at bar, the Constitutional Amendment reads in part:

"... the legislative authority of such county may cause an election to be had, at which election there shall be chosen by the qualified voters. . . not less than fifteen (15) nor more -

than twenty-five (25) freeholders . . . whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. Such proposed charter shall be submitted to the qualified electors . . ." (Italics supplied.)

Clearly, this is a mandatory obligation imposed by the Constitution. It is submitted that the amendment, in the first instance, is in the form of an offer which may or may not be accepted by the people, the sovereign power of the county. When the legislative authority places this offer on the ballot and the people accept and elect the requisite number of freeholders, then the duties become mandatory, the freeholders must convene and perform their duties and must present it to the people. The freeholders have given of their time, and in some cases, of their own funds. They are not now asking for salaries for themselves. The people of the county are asking for legal advice from a logical source, the prosecuting attorney, in order to present a legally acceptable form of government to the people at the next general election. The legislative authority must be presumed to know that some expenditure of funds would be necessary to perform the mandatory duties required, but need not have recited all of the facts at the time. The freeholders have given freely up to this point but legal opinion is necessary and as was said in Glavin v. Ames, supra, we cannot depend on philanthropy or patriotism to supply without cost, for any great length of time, either services or material necessary to perform mandatory duties. Particularly, is this true here when the freeholders, as they act in their capacity as a public body, are functioning as a lay group insofar as legal knowledge is concerned. It is necessarily implied within the amendment that certain skilled technicians would be necessary. To deny the freeholders this county legal advice is to grant them the power to frame and propose a charter in form only. The greater power includes the lesser and to deny this advice is to have form but not substance. Street v. Vermilya et al, 268 Mich. 1, 255 N. W. 604.

If public officers have discretion to exceed the debt limitation contained within the constitution in order to perform mandatory obligations, then surely an authorization should be allowed to perform a mandatory duty when the legislative authority has properly authorized it after full hearing and there is no question of indebtedness. The public officers must be able to exercise their discretion and determine what is an "unforeseen emergency," and also to determine whether additional assistance is necessary to properly carry out the functions of their office.

In regard to the financial powers in general, it is important that the taxpayers should be fairly apprised in reasonably specific terms of all proposed expenditures, but it is impractical, if not impossible, and unnecessary to state all the subordinate items in such meticulous detail as to deprive the several departments of the government of all elasticity in current management. 15 McQuillin on Municipal Corporations (3d Ed., 1951) 131, Sec. 39.40; Ferguson v. Yeargin, supra. It is true that, without an appropriation no payment of salaries may be made. 15 McQuillin, supra, at page 184, Sec. 39.63; Thiel v. Philadelphia, 245 Pa. St. 406, 91 Atl. 490. However, a failure to provide for a salary in the budget will not bar the paying of the same. 15 McQuillin, supra, at page 131, Sec. 39.40. Further, it has been held that the constitution, a statute or ordinance may constitute an appropriation under the circumstances. Kendall v. Raybould, 13 Utah 226, 44 Pac. 1034. And, as indicated, supra, the absence of a provision in the budget relating to certain salaries does not forbid an appropriation for that purpose as a contingent (or emergency) expense where the law so allows. R.C.W., Sec. 36.24.14; McQuillin, supra, Sec. 39.40; Moore v. Logan (Tex. Civ. App.) 10 S. W. (2d) 423. See, also, R.C.W., Sec. 36.24.13 where expenditures are authorized to meet such an emergency as is required to "meet mandatory expenditures required by law."

In examining R.C.W., Sec. 36.15.02, which sets forth the duties of the prosecuting attorney, we find: "The prosecuting attorney shall:

- "(2) Be legal advisor to all county and precinct officers and school directors in all matters relating to their official business, and when required he shall draw up all instruments of an official nature for the use of said officers;"

The problem then becomes: Who are public officers?

In State ex rel Humblen v. Yelle, 29 Wn. (2d) 63, 76, 185 P. (2d) 723, it was held that five elements were indispensable to classify a position as a public office. These are:

- (1) It must be created by the Constitution, legislature, municipality, or other body through authority conferred by the legislature.
- (2) It must possess a delegation of a portion of the sovereign of government to be exercised for the benefit of the public.
- (3) The powers conferred and the duties to be discharged must be defined, directly or impliedly, by the legislature or through legislative authority.
- (4) The duties must be performed independently and without control of a superior power, other than the law, unless they be those of an inferior or subordinate office, created or authorized by the legislature and by it placed under the general control of a superior officer or body.
- (5) It must have some permanency and continuity and not be only temporary or occasional.

If any of these five are absent, then the position is not a public office. In the instant case, the body of freeholders elected by the people of the county qualify on all counts. It may be argued that element number two is lacking but, since, insofar as a charter commission is concerned, this problem appears to be a case of first impression in this state, resort must be had to other jurisdictions.

Every man is a public officer who performs duties affecting the public and he is nonetheless a public officer because of short tenure or narrow duties since it is the nature and characteristics of his duties rather than the scope of his duties or the length of his service which make him a public

officer. Hirschfield v. Commonwealth, 76 S. W. (2d) 47, 43, 256 Ky. 374; Ex Parte Faulkner, 1 W. Va. 269, 297; State ex rel Bibbs v. Martens, 193 So. 835, 837, 838, 141 Fla. 666; People on Complaint of Chapman v. Pusey, 107 P. (2d) 333, 399, 16 Cal. (2d) 636; Park v. Brigham, 150 S. W. (2d) 925, 942, 286 Ky. 610, 135 A.L.R. 1024. Nevertheless, the term "Officer" is a word of variable import whose connotation changes with the setting in which it is used, and regard must be had to the intention of the statute and the subject matter of the legislation or constitutional provision. Morgenthau v. Barrett, 103 F. (2d) 431, 433; State ex rel Cline v. Payne, 59 Nev. 127, 86 P. (2d) 32; State ex rel French v. Clausen, 107 Wash. 607, 670. The fundamental purpose of construction is to ascertain and give effect to the intent of the framers and the people who adopt the constitutional provision. State ex rel Billington v. Sinclair, 28 Wn. (2d) 575, 183 P. (2d) 813.

In referring to a board of freeholders elected to draft a home-rule charter the court said:

"The office of freeholder is created by the constitution. It is a de jure office. . . . There must be a de jure office to be filled before there can be a de facto officer (or de jure officer." (Italics and parenthetical expression supplied.)

The court further indicated that the office was created by the Constitution and the election of the people merely determined the composition of the officers who would fill the positions. People v. Hecht, 105 Cal. 621, 33 Pac. 941, 27 L.R.A. 203, 45 Am. St. Rep. 96.

In Harvey v. City Commissioners of City of Port Huron, 225 Mich. 368, 196 N. W. 379, the court considered the commissioners elected to frame and propose a home-rule charter as public officers. The court quoted from Sutherland on Statutory Construction and laid out duties of a public officer.

In Street v. Vernilya, *supra*, the question was whether a home-rule charter could provide for the election of officers before it was determined whether offices should be created. The court held that the right to present

the charter to the people and the right to fill the offices created by the charter could be adopted at the same election. The court held that, if the electors had no power to provide for the election of officers then, the power to adopt a charter would be but form without substance. The greater power included the lesser.

In Eikhoff v. Charter Commission, 142 N. W. 746, 176 Mich. 535, the court held that a charter commission is not a legislative body and that powers conferred specifically cannot be extended. The body was not created to legislate but was merely an instrument to draft the charter.

Notice that the Harvey and Eikhoff cases, *supra*, are both from Michigan. A later Michigan case, Marxer, et al v. City of Searanq, 253 N. W. 627, 270 Mich. 256, sums up in concise and well-reasoned fashion the applicability of the term "public officer" to freholder commissions elected to frame and propose a charter for home rule. In the Marxer case the question was directly put: Are members of the charter commission city officers? The court stated that changes in charters and governmental organizations made by the legislature in the past aroused public sentiment; the people became antagonistic toward such interference. Opposition to this legislative interference led to a constitutional amendment which, in part, allowed the city to frame, adopt and amend the city charter. The Legislature enacted a home rule for cities and provided for a charter commission. The court held that a public office is a public station conferred by election or appointment, and it included tenure, duration, emolument (if any) and duties. That it was a parcel of administration or directly created by law. A public officer is one who renders a public service; a special duty or trust for a public purpose conferred by the government; it is the right to exercise a public function and carries the right to receive emoluments (if any.) The court recognized that it involves the exercise of some portion of the sovereign power of the state

either making, administering or executing the laws. The court went on to state that the legislature could have provided for the people themselves to meet and frame and adopt the charter but that this was too inconvenient and unwieldy; hence, they delegated that power to the commissioners. The court then said:

"The Charter Commission's powers are recommendatory (rather) than administrative but that the Charter Commissioners are public officers cannot admit of doubt."

The writer of the opinion continued by pointing out that framing the charter is a public function—the commissioners' act in the stead of the people; they represent the public confidence. If they are public officers, and they are, then they must be city officers because they represent no other part of the public than the city itself.

It is submitted that the "Freeholders" are public officers and as such are entitled to the services of the prosecuting attorney of the county of King. If the prosecutor feels it necessary to employ additional deputies to carry out the duties of his office, that is within his discretion after proper hearing and authorization by the County Commissioners.

It is submitted that although there was no salary in the budget for such a deputy, that specific and meticulous detail need not be set out, and that since an appropriation was made, failure to provide for such salary in the budget will not prevent the paying of the same.

It is submitted that under the statute, the Commissioners of the county had the power and the discretion to provide for emergency expenditures which are either (1) unforeseen, or (2) necessary to meet mandatory expenditures required by law.

It is submitted that if obligations are mandatory and the public officials involved (County commissioners) may create indebtedness beyond the constitutional limitation, then surely they may authorize more payment of

money for a specific purpose to carry out mandatory provisions when there is no question of exceeding a debt limitation.

MEMORANDUM: The Powers of a Home Rule County.

Following is a brief digest of the law by jurisdictions as to the powers of a home-rule county plus your consultants' answers to the questions propounded by the Commission to the State-Attorney-General through the King County Prosecutor's office:

CALIFORNIA:

Constitution: "Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of Sections 4 and 5 of this article ("County Government and Township Organization") shall as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provisions is made therein, . . ."

Conflict Between Charter and Constitution:

- * 1. A chartered county cannot increase the salary of a county officer during his term of office because the prohibition of Art. 11, sec. 9 of the California Constitution. Shay v Roth, 64 Cal. App. 314, 221 P. 967 (1923). NOTE: Washington Const., Art. 2, sec. 25, has an identical provision.
- * 2. A chartered county cannot fix the salary of deputy county officers by charter amendment when the constitution requires that they be fixed by ordinance. McPherson v Richards, 134 Cal. App. 2, 25 P (2d) 534 (1933).
- * 3. A county charter cannot provide that the county attorney shall act as legal counsel for any other county officer and pay fees therefor into the county treasurer. The charter under the Home Rule Amendment "must be governed by providing for such functions as are properly governmental in their nature and which are consistent with our general scheme of government." Whelan v. Bailey, 1 Cal. App (2d) 334, 36 P (2d) 709 (1934).

* Conflict Between Charter and Statute:

- 1. Statute gave assessor \$3600 salary plus 4% of personal property taxes collected by him. Charter fixed salary at \$2000. Held, if the charter provision was adopted pursuant to Constitutional authority, it prevails. Tehama County v Winter, 56 Cal. App. 341 (1922). However, the contrary has been held when the particular county office was created by the Legislature after the adoption of the Home Rule Amendment pursuant to Constitutional authority. Simson v Payne, 79 Cal. App. 780, 251 P. 324 (1926).
- * 2. "A county charter may provide for powers and duties of county officers, although such powers and duties, as fixed by the charter, may differ from and be in conflict with, the powers and duties of such officers as provided by the general laws of the state." (Italics supplied). Reuter v Board of Supervisors of San Mateo County, 220 Cal. App. 314, 30 P(2d) 417 (1934). This case is in direct conflict with (and perhaps overrules) the case of Wilkinson v Lund, 102 Cal. App. 767, 283 P. 385 (1930), in which there is no holding on the point but dictum to the effect that "the power of the Legislature to enact general laws prescribing the duties of such officers is not affected or impaired by the constitutional provisions authorizing counties to frame and adopt charters for their own government." (Italics Supplied)
- * 3. A 1949 case resolves this conflict in California. In Shean v Edmonds, 200 P(2d) 879, the California court stated that "The general rule is that where a conflict appears in

a state law and county charter provision, the local law prevails, but this rule is not applicable if the intent of the general law is to establish a state policy."

It is believed that this statement by the California court is the most significant aspect of California law for the purposes of this Charter Commission.

Severability of Charter Provisions:

- * 1. The unconstitutionality of one item or section in a charter will not invalidate the whole charter. Winter v De Shields, 46 Cal. App. 574, 189 P. 703 (1920); Lesem v Getty, 72 P(2d) 183 (1937).

Omission in Charter:

In such a case, the pre-charter general law applies. (In this case the charter failed to appoint a Constitutional deputy clerk and recorder. Jones v De Shields, 187 Cal. 331, 202 P 137 (1921).

County as Municipal Corporation:

The California court has pointed out that the legal status of a county is not akin to that of a municipal corporation, the latter being an independent entity not connected as a political subdivision of the state, while the former is simply an arm of the state. Otis v City of Los Angeles, 52 Cal. App.(2d) 605, 126 P(2d) 954. (1942).

COLORADO.

The Colorado Constitution gave to the City of Denver and the county in which it was situated the right to consolidate into the City and County of Denver under a species of Home-Rule Charter. In answer to a claim that the charter provision gave the City and County of Denver the right to abolish some officers and create others in the county, the court said:

"Even by constitutional amendment the people cannot set apart any portion of the state in such manner that that portion of the state shall be freed from the Constitution, or delegate the making of Constitutional amendments concerning it to a charter convention, or give to such charter convention the power to prescribe the jurisdiction and duties of public officers with respect to state government as distinguished from city or municipal government. The duties of the . . . justices of the peace and county officers are mainly governmental; and so far as they are governmental they may not be controlled by other than state agencies. . . This distinction between the governmental duties of public officers is fundamental, and therefore not avoided by consolidation." People v Sours, 31 Colo. 359, 74 P 167 (1903); followed in, People ex rel Miller v Johnson, 86 P 233(1905); People ex rel Att'y Gen'l v Antice, 50 Colo. 503, 117 P. 357 (1911); People v McNichols, 13 P(2d) 266 (1932).

According to the Colorado court, the test in determining whether or not a chartered county can abolish or change the powers of a county officers is whether or not said officer is a governmental officer of the state or merely a municipal officer. If the former, the chartered county is without power to alter the office in any way.

MISSOURI.

Statute: Laws of Missouri, 1945, p. 39: "18(b). The charter shall provide for its amendment, for the form of the county government, the number, kinds, manner of selection, terms of office and salaries of the county officers, and for the exercise of all powers and duties of counties and county officers prescribed by the Constitution and the laws of the state."

Even in the face of this sweeping statute the Missouri court has held that the county court (legislative power of the county) does not have unlimited powers of appointment and removal or abolishment of offices of elective county officers, and that the legislature still had the right to prescribe the duties and fix the compensation of elective county officers. Walther v. Johnson, 173 S.W. (2d) 411 (1943).

TEXAS.

The Texas court has in two cases ruled that the powers of counties and other unincorporated utility districts are to be generally more strictly construed than are those of incorporated municipalities. Tri-City v. Mann, 142 SW (2d) 945 (1940); State v. Harney, 164 SW (2d) 55 (1942).

NEW YORK.

The New York court has held the county recording clerk to not be an officer of the state but merely an employee of the county. Miller v. State, 17 NE (2d) 773 (1939). If the test of the Colorado court suggested (*supra*) be used to determine whether or not this county can alter the office of the county clerk, this case provides a good argumentative basis for the position that the King County Clerk is not such a governmental officer that his office cannot be changed by the charter.

In addition, the New York court has held that New York's Home-Rule statute permits the county adoption of the county-manager form of government. Nassau v. Lincer, 4 N.Y.S. (2d) 77, 20 N.E. (2d) 1018 (1938), and that "even after the adoption of a home-rule form of government for a county, the Legislature retains its plenary power to act in relation to counties by general law." (*Italics Supplied*). People v. Westchester, 15 N.Y.S. (2d) 365 (1939).

LOUISIANA.

The Louisiana court has held that under a home-rule charter "ordinarily a (county legislative body) may remove at will the officers appointed by it, but such rule was not applicable to a county treasurer where a statute specifically directed that said treasurer should be chosen for a term of two years." Stoker vs. Police Jury, 190 So. 192 (1939). It is suggested that this case directly militates against a chartered county's power to tamper with any county office the election to which is directed by statute.

WASHINGTON.

Following are judicial definitions of the term "special laws" as declared by the Washington court. The definition is deemed significant because of the use of that term in the second paragraph of Amendment 21 of the Washington Constitution.

1. "The authorities are in substantial accord upon the rule by which a law is to be tested to determine whether it is general or special. A special law is one which relates to particular persons or things, while a general law is one which applies to all persons or things of a class. A law is

general when it operates upon all persons or things constituting a class, even though such class consists of but one person or thing; but the law must be so framed that all persons or things constituting a class come within its provisions." YMCA v. Parish, 89 W. 495; Spokane, etc. v. Trust Co. vs. Hart, 127 W. 541; State ex rel Allen v. Schragg, 159 W. 68.

2. "A statute which makes a classification as of the time of its passage and makes no provision for future changed conditions is a special, not a general law, and the classification found in a statute not based on any reasonable ground makes the law special, Nichols v. Spokane School Dist., 195 W. 310.

Following is a brief digest of the pertinent Washington cases relative to the powers of a chartered city, the same being pertinent because of their argumentative significance by analogy.

1. Under the city charter provision of the Constitution, a chartered city may provide for initiative and referendum. To the extent that this conflicts with the Washington statute vesting legislative powers of cities in a mayor and council, such statute is repealed. Hartig v. City of Seattle, 53 W. 432 (1909)

2. The chartering of cities proviso in the Constitution doesn't empower cities to regulate the prices of electric light in view of the statute authorizing a city to regulate and control the use of lighting (not the price). "... the legislature having passed a general law upon the particular subject, the power to fix such rates must be found therein, if at all." Broad v. Spokane, 59 W. 268 (1910). Appears to be contra to the Hartig case (supra).

3. Section 1, chapter 138, L' 1909 provides that city can levy taxes needed for sufficient revenue. Everett charter provides that 8 mills should be the limit. Held: charter overrides the statute. McGill v. Hedges, 62 W. 274 (1911).

4. A franchise granted by a chartered city to a telegraph company under authority of its charter is subject to control or modification by subsequent acts of legislation. "The phrase 'subject to general laws' has been held to be a reservation of a general legislative power in the state, and under it many laws have been passed and many decisions pronounced holding that it was the policy of the state constitution that freeholders' charters and amendments thereto shall always be subject to the control of the general laws." State ex rel Webster v. Sup. Ct., 67 W. 37 (1912). The right to grant franchises will not accrue to a city by reason of a home rule charter; it must be directly authorized by statute. Dolan v. T & L. & P. Co., 72 W. 343 (1913).

5. A chartered city has the right to provide for a civil service system for its employees in the charter. State ex rel Raines v. Seattle, 134 Wash. 360 (1925).

6. A city may enact local legislation upon subjects already covered by state legislation so long as its enactments do not conflict with the state legislation. The fact that a city charter provision enlarges upon the provisions of a statute by requiring more than the statute requires does not create a conflict unless the statute expressly limits the requirements. State ex rel Ishan v. Spokane, 2 W. (2d) 392 (1940).

7. In the absence of legislative expression to the contrary, cities of the first class may by charter or ordinance establish pension systems for their employees. State law won't be construed as taking away an existing power from a city unless it be done clearly and unambiguously. Ayers v. City of Tacoma, 6 W (2d) 545 (1940).

Below are your consultants' conclusions as to the specific questions propounded by the Commission to the State Attorney-General:

Question 1:

Rem. Rev. Stat. 4201, creating the office of Coroner for all counties, is undoubtedly a "general law", to which the county charter is said by Amendment 21 of the Constitution to be subject. Whether or not the county can override such general statute is subject to a split of judicial authority.

However, Amendment 21 provides that "The first sentence of section 8 of this article (Art. 11) as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof." The first sentence of Art. 11, sec. 8 provides that "coroners may or may not be salaried officers." It is suggested that if this phrase is inapplicable to chartered counties, then the legislative mandate creating or fixing the compensation of Coroners is inapplicable to chartered counties. Therefore, such counties should, at least, have the power to alter the compensation of coroners. If this is true, it is submitted that a chartered county can indirectly abolish the office of Coroner by failing to provide (in express terms) compensation therefor. It is further suggested that the above argument could effectually combat a claim that the statutory provisions for compensation should apply in the absence of a provision in the charter therefor.

In addition, there may be some significance to the fact that the following cases, interpreting local Constitutions and statutes, have affirmed authority to abolish or transfer the office and duties of Coroner: Schultz v. Milwaukee County, 245 Wis. 111, 13 NW (2d) 580 (1944); State v. Moorhead, 100 Neb 298, 159 NW 412 (1916); In Re Senior, 179 App. Div. 746 (NY), 167 NYS 140 (1917).

Question 2:

The question of abolition of the office of Coroner has been discussed above. The last sentence of the 8th paragraph of Amend. 21 provides that "The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers of county employees or employees." If this is true, it is suggested that additional duties can be prescribed for those two officers if the charter so provides; this in spite of the prohibition elsewhere in Amend. 21 prohibiting the powers of the Prosecutor from vesting in the County legislative authority. The argument is invalid, and the question must be answered in the negative if either the Prosecutor or the Sheriff are considered officers of the state and not county employees.

Question 3:

With regard to constables, the discussion under question 1 (supra) is applicable, except that the pertinent statute is Rem. Rev. Stat. 7555.

Question 4:

Amendment 21 provides that "section (s) 5 of this article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof." Art 11, sec. 5 as amended provides that "The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners. . . ." If this section is inapplicable to chartered counties, there is now no legislative authority for the statute prescribing county commissioners insofar as it is considered applicable to chartered counties. In the absence of such legislative authority, it is submitted that chartered counties have the right to establish their own legislative authority.

Of some argumentative significance is the absence of any judicial decision invalidating a charter provision changing the number of county board members from what it was before the adoption of the charter.

Question 5:

While there are no cases holding that a chartered county cannot provide for a civil service or merit system for county employees, there is a case in Washington holding that such systems can be provided in city charters. (supra). There are two California cases in point. In Cornell v. Harris, 15 Cal. App (2d) 144, 59 P. (2d) 570 (1936) it was held that decisions of Courts of Appeals which at least by inference upheld the constitutionality of civil service regulations in certain county charters and contemporaneous construction thereof for over 20 years was sufficient to furnish strong argument for sustaining similar regulations in charter of another county. (Const., Art. 11, sec 7 $\frac{1}{2}$); it further held that a county charter providing complete plan for civil service and its administration was not unconstitutional. In Pullen v. Garrison, 85 Cal. App 706, 259 P 1021 (1927), it was held that ordinances of Alameda County providing for civil service and for number and compensation of deputies was held to supersede the general law provision. Constitutionality of civil service provision was not decided as sec 7 $\frac{1}{2}$ of Art 11 was complied with upon the enactment of an ordinance. These decisions and the analogy to the City Charter (supra) is of enough argumentative weight to constrain your consultants to decide that a chartered county can provide for such systems in its county.

Question 6:

Your consultants can discover no reason why a chartered county cannot provide in its charter that elective officers shall be elected on a non-partisan basis.

Question 7:

There are innumerable cases holding that a non home-rule county is a creature of statute and is subject to the whim of the Legislature, and has no power except that allotted to it by the Legislature. The same is not true of home-rule counties. It can safely be said that the powers of the home-rule counties are greater than those of a non home-rule county, since in the absence of that premise every reason for the adoption of the home-rule amendment is gone. However, the exact powers of such a county remain to be pinpointed by judicial decision. Such a question can be answered only in retrospect.

Question 8:

Art. 11, sec 5 of the Constitution as amended provides that "The Legislature by

general and uniform laws, shall provide for the election in the several counties of. . . county clerks. . . and other county . . . officers. . . " The discussion under Question 4 is here applicable. In the absence of legislative authority to prescribe for the election of county clerks in home rule counties, it is submitted that the county legislative authority can evolve any system for the filling of the offices of County Clerk and Clerk of the Court that it deems advisable.

Question 9:

Amendment 21 provides that "The provisions of section(s) . . . 6 . . . of this article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof." Art. 11, sec 6 of the Constitution provides that "The board of county commissioners in each county shall fill all vacancies. . . " If that section is inapplicable to chartered counties, then Rem. Rev. Stat. 4059, authorizing said boards of commissioners to fill vacancies, is also inapplicable to chartered counties, since it was enacted pursuant to authority contained in Art. 11, sec. 6. Therefore, in the absence of applicable statutory provision therefor, it would seem that the county legislative authority has power to establish its own procedure for the filling of vacancies.

Question 10:

Your consultants are of the opinion that the county charter can lawfully make no provision for the elimination, consolidation or supervision of local water and fire districts. Rem. Rev. Stat. 11579 and 5654 authorizing said districts were enacted pursuant to authority contained in the Constitution, Art. 12, sec. 11. These sections were not excluded in Amendment 21. Since these statutes (supra) provide for a change in districts by petition of resident electors, and both are undeniably general laws, it would seem that the public policy of the state has been expressed and the statutory method of eliminating, consolidating, and supervising such districts is exclusive.

SUBMITTED BY:

William L. Stephens
Arnold B. Robbins

June, 1950

GREAT NORTHERN RAILWAY COMPANY

LAW DEPARTMENT

305 GREAT NORTHERN RAILWAY BUILDING
SEATTLE 1, WASH.

THOMAS BALMER,
WESTERN COUNSEL.
CLARK A. ECKART,
R. PAUL TJOSSEM,
WOODROW L. TAYLOR,
ASSISTANT WESTERN COUNSEL.
ROBERT F. GARING,
ATTORNEY

July 9, 1951

Mr. Charles O. Carroll
Prosecuting Attorney, King County
602 County-City Building
Seattle 4, Washington

My dear Mr. Carroll:

Re: Request by King County Freeholders' Commission for legal assistance in connection with drawing of new King County Charter.

As you know, the Freeholders of King County are engaged in the preparation of a new charter for King County, which we hope to submit to the people for adoption or rejection at the earliest possible time.

In connection therewith, a legal committee composed of five lawyers, who are members of the Freeholders' Commission, have been appointed to the Legal Committee of the Commission. It is our function to raise and attempt to have answered the legal problems confronting the Commission in its work.

Since many of the problems with which we are faced present complicated constitutional questions which need considerable study and research, the Legal Committee is not in a position to render qualified opinions to the Commission itself.

Accordingly, it is felt that it would be fitting to request of your office legal assistance in this matter. I would appreciate knowing whether or not you would be in a position to assign a member of your staff to work with us on these matters in order that we may secure the best possible advice to guide us in our work.

If you are able to do so, we would like to meet with your representative at his earliest convenience, in order to prepare

Mr. Carroll

-2-

July 9, 1951

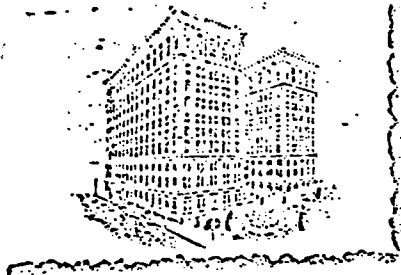
an agenda of the problems involved. Since time is of the essence,
may I hear from you as soon as possible?

Yours truly,

WLTjg

Woodrow L. Taylor,
Chairman, Legal Committee,
King County Freeholders' Commission.

468



Office of the

PROSECUTING ATTORNEY
OF KING COUNTY, WASHINGTON

Charles O. Carroll
PROSECUTING ATTORNEY

COUNTY CITY BUILDING . . . SEATTLE 4, WASHINGTON

TELEPHONE MAIN 5900

Chief Criminal Deputy
FRANK HARRINGTON

Chief Civil Deputy
K. G. SMILES

April 24, 1952

Criminal Deputies
John L. Vogel
F. A. Waltarstirchen
Kathryn McChern
R. M. Van Eaton
Leo F. Richter
John C. Ventres
Dale E. Sharrow
E. Thoma Carras
E. M. Boussett
L. D. Bagel
L. K. McDonnell

Mr. Victor Zednick, Chairman
King County Freeholders Charter Commission
Elks Club
4th at Spring
Seattle 1, Washington

Civil Deputies
V. D. Erickson
S. C. Rutherford
James A. Ellis

Dear Sir:

Domestic Relations
Eugene F. Mosper
Betty Taylor Howard
Mary Marion Wollast

Investigators
Marvin Stenholm
William Forest

You have asked our opinion as to the nature and extent of the home rule powers which King County may assume by charter pursuant to the 21st Amendment to the Washington State Constitution. This opinion, the first in a series relating to the proposed freeholders charter for King County, will outline in broad terms the position and powers of a chartered county. Subsequent opinions will deal with specific problems before the Freeholders Commission.

King County will be the first county to frame and propose a charter under the 21st Amendment. There is, therefore, no direct case precedent in this state on the subject. The decisions of our court construing the city home rule provision of our Constitution (Art. XI, Sec. 10) are not accurately analagous because the city provision differs materially from the county home rule amendment. The home rule provisions of other state constitutions vary from our own and outside case decisions are therefore seldom directly in point. Finally the thinking of judges upon the fundamental problems of home rule is constantly changing and philosophy underscoring a current decision may find little judicial acceptance five years from now.

For the above reasons it is necessary to preface this series of opinions with the statement that the precise limits of power that may be conferred by

439

Mr. Victor Zednick

-2-

April 24, 1952

charter are impossible of definition in abstract. McQuillin Municipal Corporations (3rd Ed.) § 903. Decisions of the Supreme Court of this State will be necessary to settle these limits in specific situations.

Prior to the 21st Amendment the Constitution recognized no right of self government in the counties except such as the legislature might see fit to confer or permit. The Washington Court consistently ruled that counties were merely administrative subdivisions of the state completely subject to legislative control. State ex rel. Taylor v. Superior Court, 2 Wn. (2d) 575. The court reasoned that counties had been formed for convenience in administering state policy, had no inherent powers and, unlike cities and towns, had been created and organized without any particular consent or concurrent action by the people who inhabited them. State ex rel. Board of Commissioners v. Clausen, 95 Wash. 214. These decisions were a judicial recognition of the fact that during the early history of the state, the counties functioned almost solely as agents of the state to carry out general state policies at the county level.

County functions have changed greatly since 1889. Several counties now perform services for large unincorporated metropolitan communities. A wide divergence has developed in the governmental needs of different counties. The "home rule" amendment was adopted to enable counties to form the type of government best suited to their present day individual needs so long as it remained consistent with the Constitution and laws of the state.

The material portions of this amendment read:

"Any county may frame a 'Home Rule' Charter for its own government subject to the constitution and laws of this state, * * * *. Such proposed charter * * * shall become the charter of said county and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter * * *

* * * *

"Any home rule charter * * * may provide for such county officers as may be deemed necessary to

Mr. Victor Zednick

-3-

April 24, 1952

carry out and perform all county functions as provided by charter or by general law, and for their compensation, but shall not affect the election of the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, or the jurisdiction of the courts.

* * * *

"After the adoption of such charter, such county shall continue to have all the rights, powers, privileges and benefits then possessed or thereafter conferred by general law. All the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees.

"The provisions of sections 5, 6, 7, and the first sentence of section 8 of this Article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof."

The "home rule" amendment quite plainly gives some measure of local self government to the counties of the state. With certain exceptions, they may by charter "provide for such county officers as may be deemed necessary to carry out and perform all county functions * * * and for their compensation * *." To be effective such a grant of power must be held to prevail over conflicting general laws. Prior to the adoption of the 21st Amendment there was in existence a complete system of general state laws governing counties. Passage of the Amendment would have been an idle act if it did not give a "home rule" county the power to supersede some general laws.

The language of the amendment further indicates that certain general laws may be superseded when it provides that

Mr. Victor Zednick

-4-

April 24, 1952

the charter shall supersede "any existing form of county government" (emphasis supplied). This quite plainly means that existing general laws pertaining to the form of organization of county governmental machinery may be supplanted by the charter. In addition the amendment specifically makes Sections 5, 6, 7, and the first sentence of Section 8 of Article XI inapplicable to chartered counties. These sections state that the legislature by general laws shall provide for the election, compensation, duties, terms and tenure of county officers and establish the procedure for filling vacancies in county offices. The withdrawal of such power from the legislature by the 21st Amendment means that the county charter will prevail over future general laws dealing with such subjects.

On the other hand the amendment indicates that a county charter may not supersede all inconsistent general laws when it states that the charter shall be "subject to the Constitution and laws of this state". The subsequent provision that all inconsistent "special laws" will be superseded also implies that all inconsistent general laws will not be superseded. That certain general laws will prevail over charter provisions is further indicated by the fact that the amendment does not make Sections 11 and 12 of Article XI inapplicable to chartered counties. These sections provide that local police and sanitary regulations shall not conflict with general laws and that the state shall have power to authorize counties to assess and collect taxes for county purposes. The preservation of these sections indicates an intention to retain state control by general law over police and taxing powers in the counties.

The wording of the 21st Amendment, the history of city home rule in our court, and the general principles developed in other states with home rule provisions in their Constitutions indicate that the following general rules will be applied by our court to test the validity of county charter provisions and the constitutionality of state laws applicable to chartered counties:

1. The state may not pass any special law inconsistent with a home rule county charter or resolutions adopted pursuant thereto.

Wash. Const. Amendment 21

and see: Martin v. Tollefson, 24 Wn. (2d) 211

Mr. Victor Zednick

-5-

April 24, 1952

2. General laws of the state will supersede conflicting home rule charter provisions and resolutions adopted pursuant thereto as to matters of state wide concern and application even though such matters may incidentally affect or concern the county.

Denver v. Tihen, 235 Pac. 777 (Colo.)

Shean v. Edmonds, 200 P. (2d) 879 (Cal.)

3. Except as constitutionally limited, the home rule county charter and resolutions adopted pursuant thereto will supersede general state laws as to matters which pertain to the form of organization of county government or the conduct of "purely local" county affairs.

Wash. Const. Amendment 21

Reuter v. Board of Supervisors, 30 P. (2d) 417 (Cal.)

4. A home rule county charter may within a somewhat broader field of local matters cover subjects which the state has not acted upon or which are already covered by state statutes not inconsistent with the charter, and such charter may generally go further in the same direction of regulation than a state statute by increasing statutory requirements unless the particular statute limits the requirements or standards to be applied.

Ayers v. Tacoma, 6 Wn. (2d) 545

State ex rel. Isham v. Spokane, 2 Wn. (2d) 392 *See also - 1940*

Tucson v. Tucson Sunshine Club, 164 P. (2d) 598 (Ariz.)

5. The state may legislate upon purely local affairs of chartered counties where not inconsistent with the charter and omissions in such home rule charters will be governed by general law.

Jones v. De Shields, 202 Pac. 137 (Cal.)

People v. Newton, 101 P. (2d) 21 (Colo.) (1940)

PROSECUTING ATTORNEY
KING COUNTY

Mr. Victor Zednick

-6-

April 24, 1952

In so far as general rules may be framed for guidance, the above represent the weight of authority and, we believe, of reason. However, a wide area is left within which judicial discretion may be exercised in applying these rules to specific fact situations and the courts of other states have not been uniform in determining whether particular matters are of "local" or "state" concern.

In following opinions we will review and consider the several specific questions posed by your legal committee as to the validity of certain provisions in the proposed charter draft.

Yours very truly,

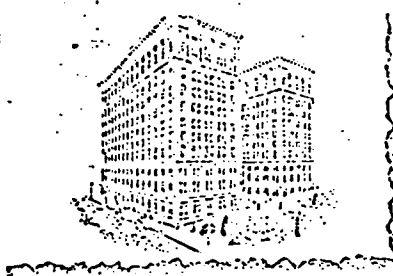
CHARLES O. CARROLL
Prosecuting Attorney

By

JAMES R. ELLIS
Deputy Prosecuting Attorney

JRE:dm

474



Office of the

**PROSECUTING ATTORNEY
OF KING COUNTY, WASHINGTON**

Charles O. Carroll
PROSECUTING ATTORNEY

* * * COUNTY CITY BUILDING . . . SEATTLE * WASHINGTON *

TELEPHONE MAIN 5900

Chief Criminal Deputy
FRANK HARRINGTON

Chief Civil Deputy
K. G. SMILES

Criminal Deputies
John L. Vogel
F. A. Walterskirchen
Kathleen Mechem
R. H. Van Eaton
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John C. Verfracs
S. C. Rutherford

Domestic Relations
Eugene F. Mooser
Betty Taylor Howard
Mary Morton Wollert

Investigators
Marvin Stanholm
William Forant

May 8, 1952

To the Members of
KING COUNTY FREEHOLDER COMMISSION:

Your legal committee has asked several questions relating to the power of the county to provide by charter for the disposition of county officers. You have asked whether the charter may make appointive certain of the presently elective offices; whether the charter may create new offices; whether the charter may prescribe the duties of county officers; whether present offices may be abolished and their functions either eliminated or transferred to other offices; and whether the charter may provide the method of compensation for county officers. You have also asked our opinion as to the validity of the specific disposition of the Assessor, Auditor, Clerk, Constables, Coroner, Sheriff and Treasurer.

In our opinion of April 24, 1952, we concluded that except as constitutionally limited, the county had the power to establish by charter the form of county government. We pointed out that a complete set of general state laws covering county offices in all classes of counties had been in effect at the time the 21st Amendment was adopted, and that the primary purpose of the home rule amendment was to enable counties to determine for themselves the form of their local government and the officers needed to perform county functions.

The amendment expressly indicates this purpose by stating that the charter shall supersede "any existing form of county government" and that "the county government shall be established in accordance

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-2-

May 8, 1952

with the terms of said charter". The amendment specifically makes Sections 5, 6, 7 and the first sentence of Section 8 of Article XI of the Constitution inapplicable to chartered counties. These sections had required the election of the county clerk, treasurer and sheriff (among others) and had directed the state legislature to prescribe the duties and provide for the compensation of all county officers. The amendment also provides that the terms of all elective officers (with certain exceptions) in office at the time of the adoption of the charter "shall terminate as provided in the charter". Finally, there is a broad grant of power to provide by charter "for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law, and for their compensation * * *".

Prior to the passage of the home rule amendment the several counties had been required by general state laws passed pursuant to Section 5 of Article XI of the Constitution to elect a varying number of county officers. By making this section inapplicable to charter counties the amendment evidences a plain intention to let those counties determine which offices should be elective and which should be appointive. By providing that the charter "shall not affect the election of the prosecuting attorney * * * " the amendment expressly preserves the elective status of those named officers, but by the use of such explicit exceptions also implies that the elective status of other county officers is not so preserved. The cases generally have allowed home rule counties to make officers appointive in a manner consistent with the form of government adopted, including the council-manager form. New Rochelle v. Seacord, 30 NYS (2d) 240 (N.Y.)

We are of the opinion that the charter may provide that all county officers presently elective by virtue of constitution or state law may be made appointive with the exception of the legislative authority of the county (in whatever form established) the prosecuting attorney, the judges of the superior court, the superintendent of schools and the justices of the peace.

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-3-

May 8, 1952

By the terms of the home rule amendment the charter may provide for "such county officers as may be deemed necessary" to carry out county functions. This language contemplates that the charter may deem some present officers unnecessary and may find some new officers to be necessary. It is generally held that a home rule charter may name agencies by which particular functions are to be performed even though such agencies be different from those provided in the Constitution or by general law. People v. Curtice, 117 Pac. 357 (Colo.) Home rule grants of power in other state constitutions have been held to authorize the establishment of a mayor-council form of government, a commission form, a manager-council form or any form of local government not subversive of the state. McQuillin, Municipal Corporations (3rd Ed.) §4.97; People v. Prevost, 134 Pac. 129 (Colo.); Bareham v. Rochester, 158 N.E. 51 (N.Y.). It is evident that many forms of government require other and different officers from those required in the semi-commission form as now established for Washington counties. It is equally evident that some officers necessary under the present form may not be necessary under some other form of government. It would not be consistent to grant the county power to set up a new form of government and at the same time either require that no new offices be created or require that all present officers be retained as ornaments whether necessary or not. A construction leading to such an inconsistency will generally be avoided by the courts.

For the above reasons and under the authorities heretofore cited we are of the opinion that the county has the power by charter to create new offices and to abolish existing offices with the exceptions previously noted.

Although the home rule amendment gives the county the right by charter to abolish certain offices, it does not necessarily authorize the county to discontinue performing the functions of such offices. In Browne v. City of New York, 149 N.E. 211 (N.Y.), Judge Cardozo observed that under home rule constitutional provisions the subjects to be governed by charter fall chiefly (though not invariably) under the head of determining the manner in which municipal functions shall be discharged rather than under the head of defining the things which the municipality may do. The state has an overriding interest in seeing that many county functions are performed, whereas it does not generally have

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-4-

May 8, 1952

such an interest in determining who shall perform those functions. Lesem v. Getty, 72 P. (2d) 183 (Cal.); Reed v. Blakely, 176 P. (2d) 681 (Colo). Whether the county has the power to discontinue a particular function or not will depend upon whether such function is a matter of general state concern. Where state law provides for the performance of functions relating to the health, safety and general welfare of the citizens of the state, these functions may not be discontinued by local charter provision or their performance altered so as to defeat the purpose of the state. Kansas City v. Case Threshing Machine Co., 87 S.W. (2d) 195; Browne v. City of New York, supra. Our research indicates that the courts generally have tended to construe close questions in favor of the state.

Although the county is unable to discontinue a particular function previously performed by an officer who has been abolished by the charter, this function may and should be transferred to another officer of the county. It is generally held that a home rule county may transfer functions and duties from one officer or agency of the county to another officer or agency of the county. Reuter v. Board of Supervisors of San Mateo County, 30 P. (2d) 417 (Cal.). Such a transfer is an incident of the normal charter function of classifying and distributing the powers and duties of the various departments, boards and offices of a county or city. McQuillin, Municipal Corporations (3rd Ed.) § 9.03.

✓ Prior to the home rule amendment the duties of county officers were prescribed by general law pursuant to Section 5 of Article XI of the Constitution. By rendering this section inapplicable to charter counties, the 21st Amendment indicates that the duties of certain county officers may be prescribed by charter. This intention is even more clearly expressed by providing that after the adoption of the charter:

"All the powers, authority, and duties granted to and imposed on county officers by general law ** (with exceptions) ** shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The

Members of
KING COUNTY FREEHOLDER
COMMISSION

-5-

May 8, 1952

legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees." (Emphasis supplied)

It is our opinion that the charter may prescribe the duties of county officers with the exception of the prosecuting attorney, the judges of the superior court, the superintendent of schools and the justices of the peace. Subject to the same exceptions the county may by charter transfer functions from one county office to another, but may not discontinue the performance of functions enjoined by state statute unless such functions are of purely local concern.

Home rule counties are expressly empowered by the 21st Amendment to provide for the compensation of all county officers with the exceptions noted immediately above. This power has been sustained as to county officers covered by a home rule amendment, Tehama County v. Winter, 205 Pac. 97 (Cal.) and denied as to those officers excluded from the amendment, Simpson v. Payne, 251 Pac. 324 (Cal.). We are of the opinion that the Washington court will so hold.

On the basis of the principles previously outlined we have reached the following conclusions as to the validity of the charter draft provisions for specific offices:

1. Assessor. The office of assessor may be appointive and the appointment may be made by the county board or by the county administrator.
2. Auditor. The office of auditor may be made appointive by the county board and the functions performed by the present auditor may be allocated between the recorder, the budget director and comptroller and the new auditor as contemplated in the draft.
3. Clerk. The office of county clerk may be made appointive by the county administrator.
4. Sheriff. The office of sheriff may be made appointive by the county administrator either with or without the confirmation of the county board.

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-6-

May 8, 1952

5. Treasurer. The office of treasurer may be made appointive by the county administrator as contemplated in the draft.

6. Coroner. The office of coroner may be made appointive by the county administrator as contemplated in the draft amendment approved April 28, 1952. The office of coroner may be expressly abolished if provision is made for the performance of the functions of the office. The office of coroner may be consolidated with the office of sheriff and the duties of the coroner performed by the sheriff. More v. Board of Supervisors of San Bernardino County, 160 Pac. 702. However, we cannot unqualifiedly state that a portion of the coroner's duties may be assigned to the Prosecuting Attorney as contemplated in the original draft. The Washington Court could hold either way.

The 21st Amendment states that "all the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney * * * shall be vested in the legislative authority of the county unless vested in specific officers by the charter." If only the elective status of the prosecuting attorney was intended to be preserved it would not have been necessary to except the prosecuting attorney from this provision. Plainly, this provision evidences an intention that the excepted officers shall have some greater independence from the charter. It is our opinion that the provision will be held to prevent the charter from diminishing the powers and duties of the prosecuting attorney as now established by general law. By reducing the duties of the prosecutor the charter could destroy the effective independence of the office. To a lesser degree the same result could be accomplished by adding extraneous and burdensome additional duties. A court could hold that the prosecuting attorney, superior court judges, etc., were intended to remain largely outside the scope of the charter and to continue to be controlled by provisions of general law.

On the other hand it can be argued that the additional duties which were to be assigned would not greatly burden or interfere with the independent conduct of the office and the language of the amendment further states that

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-7-

May 8, 1952

"The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer * * *." The prosecuting attorney is not excepted from this sentence and this fact would be an adequate basis for upholding the charter transfer of additional duties to his office if the court were inclined to imply home rule powers. However, our court has traditionally held a tight rein upon the counties and in view of the argument for independent status of the prosecutor, which could be advanced under the amendment, we are of the opinion that such a transfer may with equal probability be held invalid.

7. Constable. The charter draft makes no reference to the office of constable. It is our opinion that this will be held to preserve the elective status of the constable as now provided by general law.

The power of the county to dispose of the office of constable by charter is not as clear as its power to dispose of the other presently elective officials. The constable has been considered to be an adjunct of the justice court to which he is attached rather than a county officer in the ordinary sense of that term. McIlwain v. Abraham, 58 Wash. 26. The office has been treated by the state legislature as an adjunct of the justice court. Presently one constable is elected for each Justice of the Peace. RCW 3.08.010.

It is clear that the functions of process service now performed by constables for the justice courts may not be discontinued by charter. It is our opinion, however, that the county charter may by specific provision make the office of constable appointive or provide that the duties of constables be performed by the sheriff and abolish the constable as a separate elective officer.

The 21st Amendment states that the home rule charter "may provide for such county officers as may be deemed necessary" to carry out all county functions, but shall not affect the election of "the justices of the peace, or the jurisdiction of the courts." By specifically listing the officers to be excepted from this provision the framers

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-8-

May 8, 1952

have evidenced an intention that all other officers not so excluded will be subject to disposition by the charter. If the constable be held not to be a true "county officer" nevertheless by the same token the justices of the peace are not county officers and they are specifically exempted from the term as used in this provision. It is our opinion that the constables will be held to be county officers within the meaning of the term as used in the 21st Amendment, and therefore subject to disposition by the charter within the limits indicated above.

This opinion has dealt only with general rules governing the county's power to provide for county officers by charter and with the specific disposition contemplated for presently elective county officers. The validity of provisions for any particular new and different county officer will be subsequently covered.

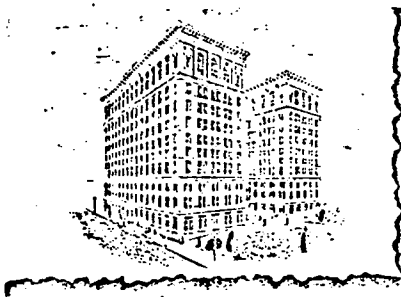
Yours very truly,

CHARLES O. CARROLL
Prosecuting Attorney

By

JAMES R. ELLIS
Deputy Prosecuting Attorney

JRE:dm



Office of the *Kings County*
PROSECUTING ATTORNEY
OF KING COUNTY, WASHINGTON
Charles O. Carroll
PROSECUTING ATTORNEY

* * * COUNTY CITY BUILDING . . . SEATTLE 4, WASHINGTON * *

TELEPHONE MAIN 5900

Chief Criminal Deputy
FRANK HARRINGTON

Chief Civil Deputy
K. G. SMILES

May 19, 1952

Criminal Deputies
John L. Vogel
F. A. Walterskirchen
Kathleen Mechem
R. H. Van Eaton
Leo F. Richter
John C. Ventrone
Dale E. Sherrow
E. Thane Carras
E. M. Bensussen
L. D. Regal
L. K. McDonnell

Civil Deputies
V. D. Bradson
S. C. Rutherford
James R. Ellis

Domestic Relations
Eugene F. Hooper
Betty Taylor Howard
Mary Morton Wallert

Investigators
Marvin Stenholm
William Forant

To the Members of
KING COUNTY FREEHOLDER COMMISSION:

You have asked our opinion as to the power of the county to establish by charter a system of civil service for county employees (a) in the absence of a state statute on the subject and (b) if a state statute were passed establishing a different system than that provided by charter. You have also asked us whether certain employees may be included within the system.

In our opinion of May 8, 1952, we stated that the county has the power by charter to adopt its own form of government, provide for new officers, eliminate existing officers and combine or consolidate offices. We had previously concluded that the charter could provide for matters of "local county concern" (see opinion of April 24, 1952).

Matters pertaining to the hiring and firing of subordinate personnel are generally considered to be local matters which may be governed by charter. City of Wewoka v. Rodman, 46 P. (2d) 334 (Okla.); State v. City of Lincoln, 288 N.W. 499 (Neb.).

As a corollary of this rule the courts have generally held that the establishment of a civil service system for employees of a city is a municipal matter which can be provided by home rule charter. Higgins v. Lynch, 164 P. (2d) 943 (Cal.); Winter v. Shafter, 26 N.W. (2d) 893 (Mich.). The Washington Court has held that a city can establish by charter a civil service system, State ex rel Raines v. Seattle, 134 Wash. 360, and a pension system, Ayers vs. Tacoma, 6 Wash. (2d) 545, for city employees under the home rule grant of Article XI, Section 10 of the State Constitution.

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-2-

May 19, 1952

The California Courts have upheld civil service systems for county employees adopted pursuant to the charters of home rule counties. Pullen v. Garrison, 259 Pac. 1021.

The 21st Amendment contains a broader grant of home rule power for Washington counties than was given to cities by Article XI, Section 10. In view of the position taken by our court in holding civil service for city employees to be within the home rule powers of cities it is reasonable to expect that the court will apply the same doctrine to counties. The 21st Amendment expressly empowers the county to provide for all county officers (with certain exceptions). The power to provide a system for the appointment, promotion and discharge of subordinates and employees is necessarily implied from this express grant and from the power to establish the form of county government.

We conclude that the county may within constitutional limits establish in its charter a system of civil service for county employees.

At the present there is no state statute establishing a uniform civil service system for county employees throughout the state. The cases are divided as to the effect of the passage of such a statute. The weight of authority holds that constitutional home rule city charters will generally prevail over a conflicting state statute as to the powers and composition of the civil service commission and the appointment and removal of employees. Higgins v. Lynch, (supra); State ex rel Kipker v. City of Lima, 32 N.E. (2d) 488 (Ohio); Goodwin v. Oklahoma City, 182 P. (2d) 762 (Okla.).

However, it has been held that at least as to firemen and policemen a state civil service law will control a city charter. State v. City of Toledo, 50 N.E. (2d) 338 (Ohio). One court has decided that where the nature of work of a particular officer or employee is of state wide concern, a general statute relative to his removal will prevail over contrary charter provision. (State ex rel Crabtree v. Eichelberger, 61 N.E. (2d) 818 (Ohio)).

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-3-

May 19, 1952

It has also been held that the state may require that veterans be given certain rights and privileges in city charter civil service systems. Cunningham v. Hart, 183 P. (2d) 75 (Cal.).

The courts generally have recognized as an exception to the general rule that a state statute providing for pension systems for firemen and policemen will prevail over city home rule charters. Axberg v. City of Lincoln, 2 N.W. (2d) 613 (Neb.).

It is evident that the effect which a future state civil service law for counties would have upon the civil service provisions of the charter will depend greatly on the terms of that law. It is our opinion that in case of conflict the charter civil service system will control the method of appointment, promotion and discharge of the bulk of county employees.

The authorities are divided as to whether the charter or state statute would govern appointment, promotion and discharge of police and health employees and employees performing work of "state wide concern."

It is probable that the state statute would prevail over conflicting charter provisions as to insurance and pension programs for those employees whose work is affected with a state interest.

Although presently the county may by charter establish a system of civil service for county employees without impinging upon a state statute on the subject, nevertheless it is limited by the conditions in the grant of power contained in the 21st Amendment. As indicated in our opinion of May 8, 1952 the amendment has excepted the powers of certain officers from those which the county may allocate by charter. Such a power is the power, conferred by statute, to appoint subordinates.

Therefore, it is our opinion that the county will be held to be without power to include under civil service the employees now appointed under provisions of general law by the prosecuting attorney, county superintendent of schools, judges of the superior court and justices of the peace.

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-4-


May 19, 1952

This opinion covers only the question of the county's power to adopt a civil service system in its charter and the extent of employee coverage which such a system may effect. The application of these conclusions will require certain alterations in the charter draft. Specific draft recommendations will be submitted after consultation with the appropriate subcommittee.

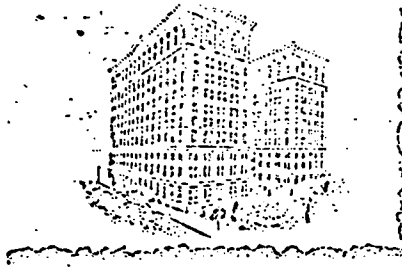
Yours very truly,

CHARLES O. CARROLL
Prosecuting Attorney

By


JAMES R. ELLIS
Deputy Prosecuting Attorney

JRE.1m



Office of the
PROSECUTING ATTORNEY
OF KING COUNTY, WASHINGTON

Charles O. Carroll
PROSECUTING ATTORNEY

* * * COUNTY CITY BUILDING . . . SEATTLE 4 WASHINGTON *

Chief Criminal Deputy
FRANK HARRINGTON

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May 29, 1952

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Leo F. Richter
John C. Vertrees
Daly E. Sherrow
E. Thoma Cairas
E. M. Banustan
L. D. Regal
L. K. McDunell

To the Members of
KING COUNTY FREEHOLDER COMMISSION:

This opinion will cover those questions asked by your legal committee relative to the creation of new county offices, the conduct of county elections and the procedure for amending the charter.

New County Offices

Civil Deputies
V. D. Bradson
S. C. Rutherford
James R. Ellis

Domestic Relations
Eugene F. Hooper
Betsy Taylor Howard
Mary Morton Wollatt

Investigators
Marvin Stenholm
William Forant

In our opinion of May 8, 1952, which dealt primarily with the charter disposition of presently elective officers, we concluded that generally the county has the power to create new offices by charter enactment. You have further asked our opinion as to the power of the county to increase the number of county commissioners and to create certain particular new offices now contemplated in the charter draft.

The home rule amendment grants the county the power "to provide for such county officers as may be deemed necessary." On the basis of this express grant and the reasoning and authorities contained in our opinions of April 24th and May 8th, it is our opinion that the county may fix a number of county commissioners different from that provided by general law.

The same reasoning and authorities support the creation of the office of county administrator. In addition this office performs a key function under the proposed council-administrator form of government and the power to create the office is implicit in the county's power to establish its own form of government. Bareham v. City of Rochester, 158 N.E. 51 (N.Y.). The broad executive and administrative powers customarily granted to the administrator under this form of government have been sustained against the contention that they involve an unconstitutional delegation of power to the administrator. Cort v. Smith, 291 N.Y.S. 54, 6 N.E. (2d) 414 (N.Y.). It is our opinion that the charter may create the office of County Administrator and prescribe the manner of his selection.

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-2-

May 29, 1952

The charter draft proposes to create the office of Budget Director and Comptroller to perform certain duties now performed by other officers and certain new duties. The transferred duties do not affect any of the officers excepted from the constitutional home rule grant of power. Without here determining the substantive validity of the new functions assigned to the office, it is our opinion based on the authorities cited in the above opinions that the county may create the office of Budget Director and Comptroller and prescribe the manner of his selection.

We are further of the opinion that the charter may create the office of Recorder to perform the filing and recording functions now performed by the County Auditor.

The charter draft proposes to create the office of County Counsel to act as legal advisor to the County Board and the County Administrator. R.C.W. 36.07.020 provides that the Prosecuting Attorney "shall be legal adviser of the board of county commissioners. . ." and "legal advisor to all county and precinct officers . . .". R.C.W. 36.32.200 prohibits the County Board from employing any special attorney to perform any duty which the Prosecuting Attorney is authorized or required by law to perform unless the written approval of a majority of the superior court judges of the county is first obtained.

In our opinion of May 8, 1952, we concluded that the charter could not take away existing powers and duties of the officers excepted from charter control by the 21st Amendment, including the Prosecuting Attorney. By a parity of reasoning a new officer cannot be created to perform functions now performed by the Prosecuting Attorney. It is our opinion, therefore, that the charter may not create the office of county counsel with the duty of acting as legal advisor to the county board. The function of advising the county administrator may arguably be distinguished on the ground that the office of administrator was not in existence at the time the statutes were enacted which prescribed the prosecutor's duties and was not contemplated in those statutes. On the other hand, the county administrator has been held to be a county officer and the statute refers to "all county officers." It is our opinion that the validity of the proposed creation of the office of county counsel to act as legal advisor to the county administrator is doubtful.

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-3-

May 29, 1952

County Elections

You have asked our opinion as to the power of the county to provide by charter for the conduct of elections for county officers in a manner different from that provided by state law.

The preliminary charter draft provides that county election^{ers} officers shall be nominated and elected by non partisan ballot in February and March of even numbered years and establishes new districts for both the nomination and election of commissioners. R.C.W. § 29.18 and 29.21 now provide for partisan elections of all county officers except the judiciary and the superintendent of schools. Pursuant to Article VI, § 8, of the Washington Constitution R.C.W. 29.13 provides that such elections shall be in September and November. State statutes now provide for commissioner districts and require nomination by district and election at large, R.C.W. 36.32.040, et seq. The determination of election contests has been placed under the jurisdiction of the Superior Courts by statute. R.C.W. 29.65.010. The qualifications of voters have been fixed by Article VI, § 1 of the Constitution.

Although the 21st Amendment contains a provision that "all elections in this section authorized . . . shall be governed by the law regulating and controlling general or special elections in said county," it is apparent that the "elections in this section authorized" are only the elections for freeholders and for adoption of the charter. More pertinent as to the conduct of county elections held after the charter has been adopted is the provision in the amendment making Section 5 of Article XI inapplicable to charter counties. This section states that "The legislature by general and uniform laws, shall provide for the election in the several counties of boards of commissioners, (etc.) . . ." By making this section inapplicable the amendment further evidences its expressed intention that the county charter may (with certain exceptions) provide for the election of county officers.

The amendment states that the charter may provide for such officers as may be deemed necessary. If more or less than three county commissioners were deemed necessary, a change in the present number and boundaries of commissioner districts would be almost inevitable. The amendment provides that the

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-4-

May 29, 1952

new government shall be established within six months from the adoption of the charter and that the terms of those in office when the charter is adopted shall terminate as provided in the charter. Almost inevitably this will mean that the first election of commissioners must occur at a different time from that now provided for county elections. It need not follow, of course, that future elections be held at a different time from that provided in Article VI, § 8, and there is, therefore, some doubt as to the applicability of Article VI, § 8 to future elections of county commissioners. However, to limit the county in setting the times of elections will somewhat limit its power to establish terms of office. Further, the power to determine the time of county commissioner elections could be held to be incidental to the general power to "provide for" such offices. For these reasons it can be strongly argued that the 21st Amendment impliedly repeals Article VI, § 8, in so far as the time of election of county commissioners is concerned.

In short, the amendment fairly implies that the county may determine the procedure for electing county commissioners, whether such election is partisan or non-partisan in nature, whether county commissioners shall be nominated and elected at large or by a district system, and probably implies that the county may determine the time of such elections.

A majority of courts hold that the method of nominating and electing city officers is a local matter and that provisions of constitutional home rule city charters will prevail over contrary state statutes. Strode v. Sullivan, 236 P. (2d) 48 (Ariz.); Mitchel v. Carter, 122 Pac. 691 (Okla.); State ex rel. Stanley v. Bernon, 187 N.E. 733 (Ohio). As we have indicated previously, the Washington cases dealing with city charters are not analagous on the problem of conflict with state law due to the provision in Article XI, § 10, that city charters shall be "controlled by general laws." The decision of the court in Martin v. Tollefson, 24 Wn. (2d) 211 is interesting, however, for its inference that a city election system established by charter would have prevailed over a general state law as well as a special law if the words "subject to and controlled by general laws" had not been present in Article XI, § 10. The words "controlled by general laws" are not present in the 21st Amendment.

Members of
KING COUNTY FREEHOLDER
COMMISSION

-5-

May 29, 1952

Where constitutional provisions establish qualifications for voters those qualifications are controlling. Veatch v. Cottage Grove, 289 Pac. 494 (Ore). Article VI, § 1 of our constitution establishes the qualifications for voters and the 21st Amendment does not purport to amend Article VI. Our court has indicated that Article VI, § 1, together with reasonable implementary state legislation, will control the question of voter qualifications at any election. Stallcup v. Tacoma, 13 Wash. 141. It has also been held that the prevention of election frauds is a matter of state concern. People v. Mauf, 123 Pac. 101 (Colo.).

✓ Contests over the election of city officers have been held to be a matter of state-wide concern so as to make a state statute prevail over a home-rule city charter provision. McMaster v. Wilkinson, 15 N.W. (2d) 348 (Neb.). Our court has held that jurisdiction over local election contests can only be conferred upon the Superior Court by statute and has indicated that the determination of election contests is a state matter. State ex rel. Fawcett v. Superior Court, 14 Wash. 604. State statute has conferred jurisdiction over county election contests upon the Superior Court and the 21st Amendment has provided that the county charter may not affect the jurisdiction of the courts.

Under the proposed charter draft the only elective county officers will be the seven county commissioners, the prosecuting attorney, the superintendent of schools, the Superior Court judges and the justices of the peace. Under the 21st Amendment the county is without power to "affect the election of the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace" Regardless of the serious question as to the state or county character of these officers their election will continue to be governed by general state law because there has been no grant of power to the counties to affect the election of such officers.

In answer to your questions concerning county elections, it is our opinion that (1) the county may provide for the election of the county commissioners on a non-partisan ballot, may establish different commissioner election districts, and probably may provide different times for the election of county

PROSECUTING ATTORNEY
KING COUNTY

Members of
KING COUNTY FREEHOLDER
COMMISSION

-6-

May 29, 1952

commissioners from those provided by general law; (2) the general election laws will continue to govern the matters of election frauds, the determination of election contests and the qualifications of voters; (3) the officers excepted from the 21st Amendment will, we believe, be required by the courts to be elected at the time and in the manner provided by general law.

Amendment of the Charter

You have asked whether the charter may provide a different method for its amendment from that provided by the 21st Amendment.

The courts generally hold that the method of amendment prescribed by the constitution is exclusive and constitutes the only method by which the charter may be changed. McQuillin Municipal Corporations, 3rd Ed. § 9.25; Blanchard v. Hartwell, 63 Pac. 349 (Cal.); Payne v. State, 166 N.E. 907 (Ohio). In accordance with this general rule most courts have held that home rule charters could not provide a different method of amendment from that provided in the constitution. Garver v. City of Oakland, 274 Pac. 375 (Cal.); State v. Kansas City, 134 S.W. 1007 (Mo.). The Washington court in an early decision has indicated its adherence to this rule. State ex rel Wiesenthal v. Denny, 4 Wash. 135.

It is our opinion that the method of charter amendment set forth in the 21st Amendment is the only permissible method of amending the charter.

Yours very truly,

CHARLES O. CARROLL
Prosecuting Attorney

By

JAMES R. ELLIS
Deputy Prosecuting Attorney

JRE:im

Lacks Co-ordination, Say Charter Backers

(This is the second of four articles about the proposed King county charter. It will be on the 11th November 4.)

By ROSS CUNNINGHAM,
Associate Editor, The Times
A basic fault in the present form of King County government, proponents of the proposed charter contend, is that there is insufficient co-ordination between departments and ineffective central management.

Each elective official operates in his own domain. His annual budget is made up by the Board of Commissioners, but once the plans are given to him he operates pretty much as he chooses, subject of course to state law.

The charter proponents contend that under a system of centralized management, there could be a consolidation of some of the functions which would increase efficiency and tend to slow the rising cost of county government.

Blame Could Be Placed

They contend further that responsibility would be centralized here. The voters could place the blame and could take action through their elective powers over the commissioners, to change the administrator if county government should go bad.

Under the present system, the charter proponents contend, it is impossible for the voters to fix the responsibility for bad county government because so many officials have their hands in the management.

To overcome this basic fault, the proposal is made in the charter that the Board of Commissioners appoint a county administrator in whose hands the major powers of management could rest.

The commissioners would be prohibited by the charter from interfering with the administrator's actions. They could only advise him—and they could fire him by a majority vote.

Authority Defined
The authority of the county administrator would be as follows:

To insure that all state laws and all resolutions of the Board of Commissioners were executed faithfully.

To appoint and remove all department heads, officers and employees except those under civil service and those appointed by the Board of Commissioners.

To supervise the conduct of the departments, offices and agencies placed in his charge by the charter or the commissioners.

To recommend to the Board of Commissioners such actions as he deems proper.

To prepare budgets and recommend them to the commissioners for adoption or such changes as the commissioners may make.

To insure compliance of contractors working for the county.

To examine the accounts and records of all departments and agencies and to prescribe a system of bookkeeping.

The administrator would have control over the auditor, who could be appointed independently of the commissioners to make all audits. The commissioners could be obliged by the charter to appoint a certified public accountant to this post. He would, in effect, be an independent watchdog, responsible directly to the commissioners.

The purpose of concentrating authority in the administrator, charter proponents contend, would be to give one man authority to supervise virtually all

the management now in the hands of the elective officials.

Not subject to the administrator's direction would be the health officer, school superintendent, prosecutor, assessor, post auditor, clerk of the Board of Commissioners, and the boards and commissions.

Opponents of the charter see a danger in this concentration of power in one man's hands.

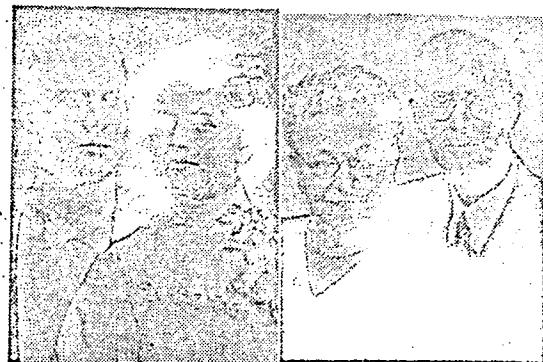
Dictatorship Feared

They say that the administrator, with control over the county employees, purchases and contracting, could become a political dictator over county government.

He could influence the elections of his own superiors, the commissioners, and before too long we would have a dictatorial system of government in King County, according to the charter opponents.

They believe that the danger from this overshadowing the improvements which would be gained from co-ordinated management. They say it would be better to keep on electing the officials under the present system, despite the desirability of a shorter ballot, than to run the risks of a political dictatorship.

Manor Wed 50 Years



MR. and MRS. B. A. SWALL—THEN and NOW

Mr. and Mrs. B. A. Swall of Alderwood Manor will celebrate their golden-wedding anniversary next Wednesday. Friends will visit with them at their farm in Maple Road during the afternoon.

The Swalls were married at Pullman. They operated the Westlake and Oxford Hotels in Seattle from 1909 to 1916. Then they moved to Highwood, Mont., where they operated a wheat and stock farm for 25 years. Swall was born in Castroville, Calif., and his wife, near Pullman, sisters of Swall.

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VG 'AROUND



loney of Campaign

suggests honey instead of syrup on p some Columbia Basin farmer. ahhl, state director of agriculture, explains artment.

Omdahl says, are as busy as ever, but them to pollinate the acreages of seed, east of the Cascades.

beekeepers move their hives each year th es can gather nectar. But if they e colonies, the bee men must be able to

ians for marketing more honey are being rket.

ng asked to display honey more promi- cials." Candy manufacturers are experi- es. Newspapers, radio and television will aers in this area that honey is wholesome ted kindly, is man's best friend.

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w's Latest Adjective?

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drew took his first look through a pair iefly at a glacier on Mount Rainier on t, Andrew whirled, bug-eyed, and said to

ER."

any Requests

kfiring-bus driver, reported by The lay, has had some amusing repercus-

from the Transit System's maintenance or all blown mufflers will be placed at

spectors along the route, mimicking the m Paul is so popular, continually plead: take her backfire for us, too."

s 'Prize' Question

sevelt District housewife, her daugh- old and new at housekeeping, asked ize" questions.

orse does horse-radish come from?"

SECOND SECTION

New Charter Opposed By Judge Long

Judge William G. Long of the King County Juvenile Court today opposed the proposed county charter, charging that it is so ambiguously worded that it might remove direction of the juvenile services from the courts.

Judge Long referred to the Juvenile Court, probation department, detention service, family court and the new Youth Service Center.

"It is my fear that if the charter means what it says, and is adopted, all of these functions will be removed from direction of the Juvenile Court and placed under a virtual dictatorship of a county administrator whom the people neither can elect nor remove from office.

Judges Responsible "Under mandate of law" Judge Long said, "we judges are charged with the responsibility for everything that happens to every child brought before the court, placed in detention or passing through the adoption service."

Meanwhile, the Municipal League of Seattle and King County was launching a campaign for approval of the charter at the polls November 4.

The league held its annual meeting in the Seattle Chamber of Commerce last night. Ben Ehrlichman, league president, chargedw that funds are being solicited among county employees to defeat the charter. He said he understood the employees have been asked to contribute between \$10,000 and \$20,000.

Ehrlichman charged that opponents of the charter are circulating "distorted and exaggerated misinformation about the charter."

Squad Is Formed The league announced the formation of a "Lie Detector Squad" to combat attacks on the charter. Members are Albert A. King of Kirkland and Woodrow Taylor, members of the Board of Freeholders which drew the charter; James Ellis, attorney for the freeholders, and John Rupp, Seattle attorney.

At the league's meeting, King disputed a charge by charter opponents that it would set up a "dictatorship" in the form of the county administrator.

King said that administrators have been set up in more than 1,000 cities and counties and they have been successful without becoming "dictators."

Teachers Oppose Meeting Change

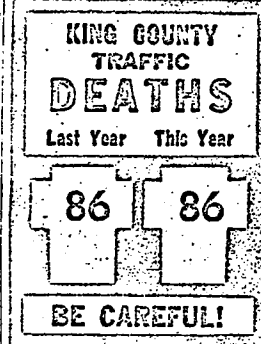
The board of trustees of the Seattle Association of Classroom Teachers announced yesterday it had voted to oppose any change in the Saturday meeting in Olympia of the State Teachers' Retirement Board. A change has been proposed because most state offices are closed Saturday.

The association, in a letter to retirement officials, said that Saturday is the only day teachers can attend conveniently.

Traffic-Mishap Injuries Fatal To H. C. Frank

Howard C. Frank, 70, of 1222 S. W. 160th St., who was injured about 10 o'clock Tuesday forenoon in a traffic accident, died in the Renton Hospital this morning.

The hospital reported Frank suffered chest injuries. Frank



was injured in an automobile collision in the Seattle-Tacoma Highway at South 154th Street.

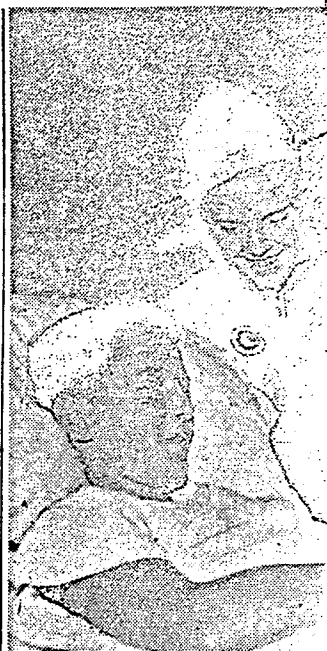
The death raised the 1952 King County traffic toll to 86, of which 38 were in Seattle and 48 outside the city. The 1951 toll at this date also was 86—30 in Seattle and 56 outside.

Farouk's Memoirs Criticized By Egyptian Premier

CAIRO, Oct. 17.—(AP)—Major Gen. Mohamed Naquib, Egypt's premier, today accused former King Farouk of "wooing the Western powers" with charges that Naquib's regime is Communist tinged.

Farouk's copyrighted memoirs have been appearing in a London newspaper, Kemsley's Empire News, and other publications abroad. Naquib issued a communique to answer what he described as charges "dictated by Farouk's imagination."

Said the communique: "The ex-King seems to have forgotten that all statesmen of the world have blessed our movement as a purely independent national drive. He seems to have forgotten that there is an abyss between Islam and Communism, when he asserts that our movement is influenced by the Moslem Brotherhood backed by Communist money."



GOOD TURN: Ted Cox, 15, a Car Scout, grinned as he autographed a p on the foot of Mickey Blakely, one of a Seattle Scouts who visited Ted in Swa pital. The other visitors are Lee Eber and Ed Blakely. Ted, member of a B. C. troop, suffered an appendicitis at his troop was on a trip to climb Moun

Alaska to Fete 85th Year As Territory

Eighty-five years ago tomorrow the Territory of Alaska was turned over to the United States by Russia. Alaskans are planning celebrations tomorrow to commemorate the historic event.

Sitka will hold a day-long celebration, with A. P. Franklin, Sitka businessman, in charge of the festivities. A celebration also will be held at Mount McKinley National Park.

Here in Seattle, J. C. Gaffney, a pioneer of Nome gold-rush days, will display pictures from his collection of early Alaska photographs at 1312 Second Av

Pupils Air Views

COPENHAGEN.—Danish children are getting a chance to increase broadcast what they think about in their schools and teachers. A new program on the state radio consists of a series of discussions between children, parents, teachers, and psychologists. Grievances are freely aired.

THE FINEST

Proposed County Charter Calls for Appointed, Not Elected Assessor

(This is the third article in a filed assessor could be obtained if assessor, they were advised, to defend at budget-making time, pointed. The league reported that the assessor be in Detroit Real Estate Board as a result of qualifications. Des Moines, Iowa, Chairman of Commerce—"No effort has been Assessor's Office reported that the assessor would be free, charter should call for an appointed assessor. (Tomorrow! The proposed assessor and to self service.)

On the one hand, the board was advised that a better qual- The charter should be written for an appointive County Commissioners faced a question where assessors are ap- The theory behind this conten- tion was that when the Board of question in other parts of the na- from City Hall, but it could not be described as undue. I would

On the other hand, the free- holders were told that a danger- tax assignments in the hands of with raising enough money to support county government. Assessor Influenced

The contents against an elec- The assessor came mainly from the owners of large properties. The Seattle Municipal League, sponsor of the charter, conducted considerable research on the Municipal Research, Philadelphia

There has been no undue pressure on the assessor to raise assessments, against business property. "We much prefer an appointed as- sessor."

St. Paul Real Estate Board manager—"I do not believe that an elected assessor would be free, charter should call for an appointed assessor. (Tomorrow! The proposed assessor and to self service.)

With this and other infor- mation to go on, the Board of Assessor's Office reported that the assessor would be free, charter should call for an appointed assessor. (Tomorrow! The proposed assessor and to self service.)

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ALL NEWS

County Charter Would Invoke Civil Service, Nonpartisan Voting

(This is the last of four articles in which the proposed King County charter has been discussed. The charter will be on the ballot November 4.)

By ROSS CUNNINGHAM

Associate Editor, The Times
Housed in the County-City Building are the headquarters of two units of government—Seattle's and King County's. They have characteristics as different as night and day.

Seattle's municipal government has been more stable and, in most departments, much more efficient than King County's. This is because the municipal employees are career men and women. Their jobs are not subject to the vagaries of politics.

City employees qualify for their positions through civil service. Once they have passed the examinations and been appointed, they have tenure that gives them economic security and permits them to arrange their affairs with a minimum regard for political considerations.

City employees don't have to kick in to political kitties, and they don't have to electioneer to hold their jobs. They can devote their full work-time energies to doing the jobs for which the taxpayers pay them.

County Situation Improved

There is a contrast in the county government, although the situation is much better there now than it was a few years ago.

The run-of-the-mill county employee is a political appointee, who holds his job only so long as the elective official who appoints him holds office. Many county employees have earned their jobs—and hold them—by electioneering for their bosses. They devote time and thought to keeping the boss in office. This comes out of the time and effort they should devote to their county jobs.

In past years, there have been sweeping changes in King County employment. Many employees, who have gained experience at their jobs over four- or eight-year periods, have been swept out by the changes of administrations to be replaced by inexperienced persons.

Taxpayer Pays

The taxpayer pays to educate the newcomer—who in turn may be tossed out when the next political cycle turns. This is the spoils system which is so costly and inefficient.

The charter proposed for King County would change this system by installing civil service and non-

(Paid Advertisement)

EASTVOLD

Will Do A Better Job



partisan elections. These are two of the stronger points of the proposed charter.

There are arguments against civil service and nonpartisan elections.

The opponents of civil service contend that security in public employment produces a large number of drones on the taxpayers' payrolls; that once they get the jobs it is almost impossible to get them out; knowing this, they coast.

The opponents of civil service argue further that the public receives less courteous treatment from some employees who do not have to keep their bosses' public relations uppermost in their minds.

Most students of government who have compared the operations of the city and county here over the years, however, hold that the advantages of civil service to the taxpayer and the employees themselves far outweigh the disadvantages.

Partisans Attack Charter

The charter proposal for nonpartisan elections is under attack by leaders of both the Republican and Democratic Parties. Their contention is that to do away with partisan elections in county government, as has been done in city government, would tend to cripple our bipartisan system of government.

Elimination of partisan elections, of course, would deprive the political parties of many electioneers, and dry up contributions sometimes extracted from county employees.

The charter would separate county elections from the partisan elections in September and November, when they are held at present. It would prescribe that county officials be nominated at the polls in February and elected in March in even-numbered years.

These elections would be held simultaneously with the nonpartisan city elections in Seattle. The charter reserves for the

Art Forgeries Worry Dealer

LONDON.—Private art collectors are becoming alarmed at the increase in forged paintings being offered on the British market.

Art dealers say most of the forgeries are in the style of the French impressionists and bear the signatures or identification marks of such masters as Utrillo, Monet, Dufy, Braque and Modigliani. The traffic began soon after the Second World War.

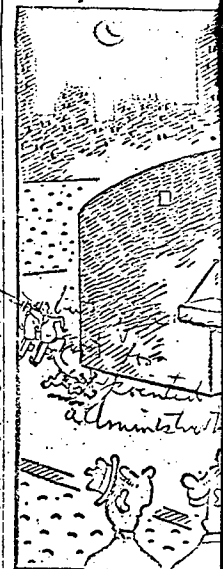
people the rights of recall, initiative and referendum. They would be exercised by the usual manner of petitioning.

It includes a provision requiring all candidates for office to file statements of their campaign contributions and expenditures—with forfeiture of office as the penalty for noncompliance.

The charter, if approved by a majority of the King County voters November 4, would call for an election next spring of the first board of seven commissioners.

The charter in its entirety would become effective May 1, 1953.

Funny Business



"I guess the India-rubber"

CHRISTOPHER COLUMBUS Makes New Discovery

I've sailed across the ocean
Now how to cross the land?



OCT. 15... DENTAL JOURNAL NOW PUBLISHES
THE DRAMATIC STORY!

How Chlorodont
improved the unhealed
158 children from un-

At famous Boys Town—the first scientific group study of its kind on acute gingivitis

WHAT IT REALLY IS—The new King County Charter is as modern as the latest model automobile and embraces all the best ideas in the newest city and county charters in the country. It replaces our present century-old county government which is as obsolete as the ox-cart.

Here it is in simple terms. An elected, seven-man Board of County Commissioners determines the policies and program for county services. This Board appoints (and can as promptly fire) a County Administrator to whom it entrusts the job of carrying out its policies in running county departments and in supplying services. A few departments remain under commissions or boards appointed by the County Commissioners. The Prosecuting Attorney, Superintendent of Schools and Judges will continue to be elected officials.

This plan of county government is similar to that found in School Districts throughout the country as well as the Council-Manager Plan in over 1,000 cities which has generally proved to be so successful.

Also, it is similar to the Board of Directors—General Manager plan in private enterprises.

It is **BUSINESSLIKE AND EFFICIENT**.

IT IS DEMOCRATIC—This Charter is the lineal descendant of many hard-won city and national charters and constitutions in the past two thousand years and embodies their best principles. It will stand the acid tests of democracy as follows:

1. Its governmental frame-work is simple. At its top is an elected board of seven county commissioners who can be held responsible for good or bad government in the county.

2. It gives fair representation on this County Board to the entire county. The City of Seattle and the remainder of the county will have equal representation on the board with three members each plus one more who is elected at large.

3. It is responsive to the popular will because every two years it is possible for the voters to change the majority on the County Board.

WHY THEY OPPOSE IT—These selfish interests oppose the New King County Charter for *only one reason*. They would lose their patronage powers... they could no longer "pack" the public payrolls to maintain their political machines... they would no longer be *dictators* in their own departments... they would have to spend their time *working* for the good of the county instead of devoting themselves to political activities. They fear, and bitterly oppose, any change that would require *performance* instead of a comfortable ride on the "gravy train."

HERE'S WHAT AN IMPARTIAL SOURCE SAYS:

(Reprinted from Seattle Post-Intelligencer, October 18, 1952)

FOR A BETTER COUNTY

Most Seattle citizens are agreed that we have a highly efficient public school system.

This system is headed by a board of five directors, elected on a nonpartisan basis.

The board selects a superintendent, to whom it delegates its administrative powers.

And the superintendent in turn chooses his administrative assistants and teachers, subject to the board's approval.

This procedure, based on the manner in which large private corporations are operated, has stood the test of time.

Is there any reason to believe that the same method would not prove equally effective if adopted to our county government?

That is the best answer to critics of the new charter for King County which will be submitted to the voters for approval on November 4.

The **PRINCIPAL** arguments against the charter seem to be that it would jeopardize our two-party system and that the voters would sacrifice some of their constitutional rights if certain county employees were selected on the basis of their technical qualifications instead of being elected.

Each of these arguments fall flat when we mine our own experiences, not only with the public school system but also with the municipal government of Seattle.

Both school elections and municipal elections are on a nonpartisan basis—because it is recognized that purely local issues do not involve party politics. What difference does it make whether a school director or a mayor or a city councilman is a Democrat or a Republican so long as he is equipped to carry out his purely local duties in a manner satisfactory to

the voters? But these nonpartisan elections have not impaired the strength of party organizations in any way—and there is no reason to believe that the situation would be changed if county elections were taken out of politics. We would still have the same party organizations to function at the state and national levels.

As for the loss of constitutional rights—do we sacrifice anything when teachers are chosen by a superintendent instead of being elected? Would we think of demanding that a chief of police be elected? Why, then, is it desirable to elect a sheriff, or a coroner, a clerk, an auditor, an assessor or a treasurer? All of these officials should be chosen because they have the necessary qualifications—not simply because they have winning smiles.

EVERY VOTER has now had an opportunity to read the new charter. It has been published in full in the newspapers, which have printed interpretive articles on the subject, and copies have also been made available in pamphlet form. So no one has any excuse for saying that he doesn't know what it's all about.

Human nature being what it is, however, it is highly unlikely that a majority of voters—or even a sizable minority—have read the entire document or will do so before election day.

Of course, there isn't any way to compel anyone to read the charter. But those who refuse to read it for themselves should at least resolve not to be swayed by prejudiced arguments from people who have personal interests at stake.

And that is the only kind of objection that is being raised to the charter, as it all stems from organization politicians who would lose the power that patronage brings if the county were reorganized on business-like lines.

DON'T BE DAMBOOZLED

HERE'S WHAT YOU WILL GET

HOME RULE—You will gain the right to choose around the form of county government you desire.

EQUAL REPRESENTATION—There will be three commissioners from within Seattle, three from the rest of the county and one at large.

SHORT BALLOT—By changing the county election the spring, the ballot will contain only county, city, school board candidates. With fewer candidates on ballot you can vote more intelligently.

VOTERS HAVE CONTROL—Every two years you will be able to elect a new majority on the board of county commissioners.

NON-PARTISAN ELECTIONS—Voters will elect candidates because of their **QUALIFICATIONS**—not their party labels.

UNIFIED MANAGEMENT—Responsibility for the management of the county is unified under the elected board of county commissioners. They appoint the county administrator to carry out their policies. He has **ONLY** powers which they, or the charter grant him. They discharge him at will.

CIVIL SERVICE—With few exceptions county employ will be selected on a merit basis from a list of those who pass competitive civil service examinations. Better service is assured from "career personnel." They cannot be compelled to make any party contributions.

HERE'S WHAT YOU'LL GET RID OF

LEGISLATIVE SHACKLES—Now you have no Home Rule. Legislators from all parts of the state dictate details of King County government.

VOTING FOR ELEPHANT OR DONKEY—Now you pick a party label instead of ability.

BEWILDERING BALLOT—Now you face a ballot with scores of candidates for county, state and national offices. Can you choose the best qualified candidate?

BUCK-PASSING—Now nine separate officials can give you the "run-around." Because of divided responsibility, no one can be held accountable for waste or inefficiency.

SPOILS SYSTEM—Now many county employees are kept because of "political pull."

INEFFICIENT MANAGEMENT—Now duplication of unbusinesslike management is causing woeful waste.

BLIND SPOT—Now, few county departments make reports telling you what you got for **YOUR** money **THEY** spend.

IT'S THE BIGGEST BARGAIN IN BETTER GOVERNMENT YOU'VE EVER BEEN OFFERED
VOTE "YES" ON PROPOSITION NO. 2

PUBLISHED BY THE MUNICIPAL LEAGUE OF SEATTLE AND KING COUNTY

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Ohio, Oct. 18.—
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that period.

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Ark.	64	46	...
Cal.	74	50	...
Col.	61	38	...
Conn.	65	45	...
Del.	65	45	...
Fla.	75	55	...
Ga.	65	45	...
Id.	55	30	...
Ill.	60	40	...
Ind.	60	40	...
Iowa	55	35	...
Kan.	60	40	...
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Mary.	60	40	...
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Mich.	60	40	...
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Miss.	65	45	...
Mo.	60	40	...
Mont.	55	35	...
Neb.	55	35	...
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N.J.	60	40	...
N.M.	55	35	...
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Penn.	60	40	...
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S.D.	55	35	...
Tenn.	65	45	...
Texas	70	50	...
Vt.	55	35	...
Wash.	60	40	...
W. Va.	55	35	...
Wis.	55	35	...
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REPORT

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CASUALTY CARED FOR: Near "Triangle Hill," Korea—
Dr. Ralph Klistoff of Memphis, Tenn., left, attended the wounds of
a soldier while Chaplain Art Estes of Seaside, Calif., lighted a
cigaret for the unidentified casualty.—A. P. wirephoto.

State Teamster Seattle Colonel Paper Against Has Close Shave County Charter

King County members of the
Teamsters' Union (A. F. of L.)
were urged yesterday to vote
against the proposed new county
charter at the November 4 elec-
tion.

An editorial in the Washington
Teamster, official newspaper of
Joint Council 28 of the union,
said the charter "is worse than
no improvement over the existing
system."

"The framers of the new char-
ter figured out a way to 'take
control from the majority of vot-
ers and make it possible for the
small minority in the rural areas
of the county to control the part-
time commission," the editorial
said.

"The proposed charter would
take away from the voters the
right to elect their county offi-
cials and vest that power in the
part-time commission, plus a
brand new dictator whom the
commissioners would be empow-
ered to pick."

2 to Die for Killing State Policeman

ALBUQUERQUE, N. M., Oct.
18.—(AP)—Two New Mexico In-
dian brothers yesterday were sen-
tenced to die in the electric chair
January 15 for the ambush slay-
ing of a State Police officer. It
was the first death sentence in
a New Mexico Federal Court in
the memory of veteran court of-
ficials.

District Judge Carl Hatch pro-
nounced sentence on Willie and
Gabriel Felipe, Acoma Indians.
They were convicted of first-
degree murder in the death April
11 of State Police Capt. Nash
Garcia.

Reds Get The Works—including Kitchen Sink

TOKYO, Oct. 18.—(AP)—This
time they hit 'em with every-
thing—including the kitchen
sink.

The Navy said Lieut. (j.g.)
Carl B. Austin of Woodburn,
Ore., a pilot aboard the aircraft
carrier Princeton, recently at-
tached a sink to a 1,000-pound
bomb and dropped it on a ma-
jor North Korean city.

"I wasn't able to see what
damage the sink caused," Aus-
tin said. "But I guess the Reds
can take the hint that we mean
business."

will be held next Friday.
Matthews said he intends to
use part of the building for man-
ufacturing. He is the inventor of
an automobile accessory.
The commission also will hear
applications of:
Kaare Gregor, for conversion
to duplex of two residences in a
first-residence district in the 6000
block in Third Avenue North-
west.
Eifert Brothers, addition to a
public-repair garage at 2601-09 E.
55th St.
William B. Jones, conversion
to duplex of a house at 4131 Me-
ridian Av.
Robert E. Donahue, duplex con-
version of a house at 600 17th
Av. N.

Some power cuts already ha-
been made in the Pacific Nor-
west because of the shortage
water to turn turbines. More
appear possible unless a
drought ends soon.

Weatherman Robert McCor-
said no measurable rain ha-
fallen in the area since Septem-
ber 9. It hasn't been this dry
the Inland Empire since 1917,
said, and that record will fall
no rain comes before Tuesday.

Britain to Delay 2nd Atom Blast

LONDON, Oct. 18.—(AP)—The
Daily Express said yesterday that
Prime Minister Churchill has put
off exploding Britain's second
atom bomb for a few months be-
cause the first blast a fortnight
ago was so successful.

The Express added "that Dr.
William Penney, Britain's chief
atom scientist, had canceled his
reservation for a return plane
trip to Australia early next
month. Penney came here two
days ago from the first explo-
sion in the Monte Bello Islands,
off Northwest Australia.

His return reservation and sim-
ilar bookings for Sir John Cock-
croft, atom expert, and Gen. Sir
Frederick Morgan, atomic-energy
controller, had sparked reports—
not confirmed officially—that
Britain's second big blast would
be going off soon.

...in 35 years
tained in the Inland Empire.

The weatherman said no r-
is in sight for the next five da-
The Washington Water Pow-
Co. listed the total flow of Col-
bia tributaries today as 30,
second feet. It was 53,000 sec-
foot early last month and 73,
a year ago.

Some power cuts already ha-
been made in the Pacific Nor-
west because of the shortage
water to turn turbines. More
appear possible unless a
drought ends soon.

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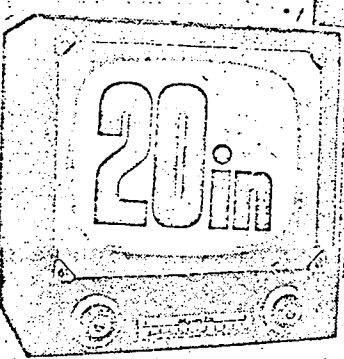
Navy Takes 'Itch' Out of Winter Underwear

NEW YORK, Oct. 18.—(UP)—
The Navy's got the "itch" out
of its winter underwear.

Comdr. H. R. Fahlbusch,
clothing-supply officer, an-
nounced yesterday that cotton-
knit longies will be issued to
Navy personnel for the first
time this winter. Within two
years every man of the Navy
will have peeled off his scratchy
woolens for good.

The cotton is warmer than
wool because of its honeycomb
weave, Fahlbusch said. It costs
about the same but will last
twice as long.

And it doesn't scratch.



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1 YR. PARTS WARRANTY OPTIONAL ON CASH SALES

20" and 21" ...\$30 24" ...\$35

\$219.95

\$249.95

\$279.95

